

**ORDINANCE NO. 10-8-17**

**AN ORDINANCE AMENDING THE  
VILLAGE CODE CONCERNING DEER FENCES**

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**WHEREAS**, the Village of Riverwoods (the "Village") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

**WHEREAS**, certain residents have installed deer fences (as defined below) in their front, side or rear yards; and

**WHEREAS**, the President and Board of Trustees find that further study of deer fences is warranted and desire to enact regulations which, for a period of time, will allow deer fences installed before the effective date of this Ordinance to remain in place; and

**WHEREAS**, the President and Board of Trustees find that it is necessary and desirable to protect the health, safety and welfare of the residents of the village by adopting these regulations concerning deer fences.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RIVERWOODS, as follows:**

**SECTION ONE:** The statements and findings contained in the preamble to this Ordinance are found to be true and correct, and are hereby adopted as part of this ordinance.

**SECTION TWO:** New Section 8-9-2 is hereby added to the Village code, to read as follows:

**8-9-2 PROHIBITION ON NEW DEER FENCES:**

A. For purposes of this chapter, a deer fence is any fence designed or used to prevent entry by deer onto property and erected to a height exceeding 6 feet. Posts or other vertical supports extending up to 3 inches above the fence shall not be counted when measuring height.

B. Any deer fence installed in the front, side or rear yards of any lot before the effective date of this Ordinance shall be permitted to remain in place and not be deemed in violation of the Village Code for a period of one (1) year, provided that such deer fence:

1. is not located within two (2) feet of any public sidewalk, bicycle or multi-use path;
2. does not impede or alter the natural surface water drainage;
3. is not attached to or wrapped around trees; and
4. is not further extended within any front, side or rear yard.

Any deer fence that does not satisfy the above requirements shall be relocated or otherwise brought into compliance within 60 days after the effective date of this Ordinance, failing which such fence shall then be deemed in violation of the Village Code and subject to an enforcement action by the Village for its removal.

C. After the effective date of this Ordinance, it shall be unlawful for any person to install or cause to be installed a deer fence in any front, side or rear yard of any lot.

D. Any person violating the provisions of this section shall be fined not more than seven hundred fifty dollars (\$750.00) and each day's continued violation shall be deemed a separate offense. In addition to any fine permitted or required to be imposed hereunder, the Village may seek injunctive relief to prevent an actual or threatened violation of this section, and may also seek mandatory injunctive relief to require the removal of any fences erected in violation of this section, the corporate authorities finding that the Village will be irreparably harmed by the erection of unlawful fences, and that the imposition of a fine alone is an inadequate remedy for such violations.

E. The provisions of this section 8-9-2 shall be repealed and no longer effective on the date that is one (1) year after the effective date of this Ordinance.

**SECTION THREE:** If any provision of this Ordinance shall be unenforceable or invalid under applicable law, such provision shall be ineffective only to the extent of such unenforceability or invalidity, and the remaining provisions of this ordinance shall continue to be binding and in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION FOUR:** This Ordinance shall be in full force and effect after its passage, approval and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 3<sup>RD</sup> of August, 2010.