
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. ____

**ORDINANCE ADDRESSING RESIDENTIAL FENCES ALONG
GOLF COURSE PROPERTY.**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM MCDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN MCDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City has received inquiries and concerns from residents whose properties are directly contiguous to golf courses regarding the risk of personal injury and property damage caused by errant golf balls; and

WHEREAS, existing Code provisions restrict residential fences to a height of typically of six (6) feet, which may not be sufficient to provide adequate protection from golf-related impacts; and

WHEREAS, residents whose properties adjoin golf courses have requested the ability to install elevated safety netting, fences, or barrier systems to mitigate such risks without the need to seek individual variances; and

WHEREAS, on July 6, 2026, the City’s Planning and Zoning Commission (“PZC”) conducted a public hearing on Petitioner’s request to amend text addressing residential fencing along Subject Property; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

WHEREAS, on July 6, 2026, the PZC voted 6-0 to recommend approval of the text amendment addressing residential fencing along golf course property.

WHEREAS, the City finds amending the Code for establishing uniform standards for such safety barriers will ensure that installations are safe, structurally sound, and compatible with surrounding residential properties without the unnecessary administrative burden on both property owners and the City; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that the addition of this section to the Code allowing residents contiguous to golf courses to construct safety barriers is in the best interest of the City and its residents.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: Chapter 110 (Zoning), Article V (Districts), Division 2 (Residential Districts), Section 110-545 (Residential, security and farm fences) shall hereby be amended in part (additional language marked in **bold and underline** and deletions marked with ~~strike through~~) as reflected and attached hereto as **EXHIBIT "A"**.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS ____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2026.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Hueramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois,
DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____,
“ORDINANCE ADDRESSING RESIDENTIAL FENCES ALONG GOLF COURSE
PROPERTY” which was adopted by the Mayor and City Council of the City of Rochelle on _____
day of _____, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of
the City of Rochelle this _____ day of _____, 2026.

CITY CLERK

EXHIBIT A

Chapter 110 (Zoning), Article V (Districts), Division 2 (Residential Districts), Section 110-545 (Residential, security and farm fences):

Sec. 110-545. Residential, security and farm fences.

Security and farm fences are permitted on the property lines in all zoning districts except residential zoning districts (article V, division 2, residential) but shall not exceed ten feet in height and shall be of an open type similar to woven wire or wrought iron fencing. Fences of any height shall be permitted in connection with any farm use; except that the requirement of traffic visibility at intersections (section 110-58, vision clearance triangle) shall be observed.

Residential fences or walls not over six **(6)** feet in height are permitted, except that:

- (1) On corner lots, no fence or wall will extend beyond the street setback requirements, or building line, whichever is greater.
- (2) On interior lots, fences or walls will be permitted on rear and/or side yards, extending no further than the front building line.
- (3) No fences or walls will be permitted in areas established as utility easements unless provision is made for removal when required for maintenance, installation or replacement of utilities.

(4) Notwithstanding any other provision of this code, residential properties directly contiguous to a golf course may install and maintain safety netting barriers along the rear shared property line only, including ones exceeding six (6) feet in height, provided such barriers are commercially designed, constructed, and marketed with the sole purpose of protecting persons and property from golf-related hazards. Barrier netting installed in accordance with this Section shall not be classified as a standard fence but shall remain subject to all applicable building and safety codes, including the following:

a. Permit. No residential safety netting barrier shall be installed, erected, or modified without first having obtained a permit from the City Building Official.

b. Height. The maximum height of the safety netting barrier shall not exceed twenty (20) feet.

c. Location. Such safety netting barrier shall be located only along the rear property line shared with the golf course and shall not extend into required front or side yards adjoining public rights-of-way.

d. Design and Materials. All structures shall be constructed of durable, weather-resistant materials, including but not limited to mesh netting systems of non-reflective, dark-colored netting material to minimize visual impact, and shall be installed per manufacturer’s instructions.

d. No Public Nuisance. Any safety netting barrier shall be maintained by the property owner and shall not become hazardous to adjacent properties, pedestrians, or vehicular traffic, become unsightly or damaged, or no longer serve its intended protective purpose or it shall be declared a nuisance and is subject to enforcement under this Code.

