

ORDINANCE NO. F-0238

**AN ORDINANCE AMENDING CHAPTER 22, BUILDINGS
AND BUILDING REGULATIONS, ARTICLE X, FENCES AND FLAG POLES
OF THE WHEATON CITY CODE**

WHEREAS, the City of Wheaton, Illinois ("City") has determined it to be in the best interests of the City and its residents to consider amendments to the City's Buildings and Building Regulations chapter; and

WHEREAS, the City finds that additional regulations are necessary for the erection of chain link fences to ensure safe chain link fences by prohibiting the use of chain link fences that are constructed with twisted or barbed ends; and

WHEREAS, to provide the necessary screening and privacy, property owners may desire the maximum height of fences along significantly used pedestrian ways such as the Prairie Path and Lorretto Lane be increased.

NOW, THEREFORE, BE IT ORDAINED by the Wheaton City Council, City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows;

Section 1: That Section 22-336, Classification of Fences, Article X, Fences and Flag Poles, of Chapter 22 of the Wheaton City Code is hereby amended by deleting such section in its entirety and replacing it with the following:

"Section 22-336, Classification of Fences.

Fences shall be classified as either solid or open type. An open type fence is defined as one constructed so that at least forty percent (40%) of the superficial area thereof consists of apertures."

Section 2: That Section 22-337, Fence Construction, Location Standards, Article X, Fences and Flag Poles, Chapter 22 of the Wheaton City Code is hereby amended by adding the following:

"(c) All chain link fences must be constructed so that twists (barbed ends) are to the ground. The tops of all chain link fences shall be a knuckle edge.

(d) Fences shall be located so that access to property owned by the property owner, or adjacent parkways or alleyways are able to be maintained. Access must also be maintained to utilities such as but not limited to "utility boxes" sewer catch basins and water valves."

Section 3: That Section 22-338, Maximum Fence Heights, Article X, Fences and Flag Poles, Chapter 22 of the Wheaton City Code is hereby amended by deleting Subparagraph g of said section in its entirety and replacing it with the following:

"(g) No fence may be erected to a height of more than six (6) feet above grade on any lot having two front lot lines (double frontage lot) on the lot line adjacent to an arterial, collector street, Prairie Path or significant pedestrian way which is located toward the rear of the residential building.

If a topographical difference exists between the level of the street or pedestrian way and the abutting property which results in the level of the street, Prairie path or pedestrian way being higher than the level of the abutting property as measured from the center line of the street, Prairie Path or pedestrian way to the property line of the abutting property, then for each one-half ($\frac{1}{2}$) foot of grade differential between the level of the street, Prairie Path or pedestrian way and the abutting property line, the fence may be increased in height one-half ($\frac{1}{2}$) foot up to a maximum of eight (8) feet."


Section 4: That all ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5: This ordinance shall become effective from and after its passage, approval and publication in the manner provided by law.



Mayor

Attested by:



City Clerk

Ayes:

Roll Call Vote:

Councilman Johnson
Councilwoman Johnson
Councilman Mork
Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: May 4, 1998

Published: May 5, 1998