

ORDINANCE NO. F-1396
AN ORDINANCE AMENDING THE
CODE OF ORDINANCES OF THE CITY OF WHEATON
CHAPTER 22, SECTION 6 OPEN FOUNDATIONS OF BUILDINGS

WHEREAS, the City of Wheaton ("City") is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, the City finds certain construction sites may be dangerous to the public; and

WHEREAS, the Corporate authorities of the City of Wheaton find that it is in the best interest of its residents to require construction sites where significant construction activity is being conducted and not occupied be fenced.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois that the Wheaton City Code 1996 is hereby amended to provide as follows:

Section 1: Chapter 22, Article I, Section 6 "Open foundations of buildings" is hereby amended by deleting Section 6 in its entirety and replacing it with a new Section 6, "Safety fencing" as follows:

"22-6. Safety fencing. All construction sites shall be enclosed by a continuous chain link fence, without barbs, six feet in height which shall be installed around the perimeter of the area under construction herein referred to as "construction site." The fencing shall be installed not more than seven days before the commencement of any work on the construction site. Such fencing shall remain in place until a certificate of occupancy is issued for the structure, or as so authorized by the code official.

"Construction site" means any or all portion of the real property that is identified as the location of any excavation or of the erection, enlargement, alteration, repair, removal, or demolition of any building, structure or structural part thereof within the City. However, for purposes of this section, "construction site" does not include a location where all construction and/or demolition activity, including the staging of construction materials and storing of debris, is conducted within a completely enclosed secured structure, or a construction site that will be occupied during the construction activity.

The safety fencing shall be anchored sufficiently to resist wind loads of 30 pounds per square foot without deflection of more than three inches between top and bottom of the fence. The fence shall not contain any advertisements and "No Trespassing" signs shall be mounted on the fencing in conspicuous location around the site. Access openings in such fencing shall be protected by gates that are normally kept closed during the day and secured by lock when there is no construction activity."

Section 2: Chapter 22, Article XIV, Section 206(f) “Safety fencing” is hereby amended by deleting Section 206(f) in its entirety and replacing it with a new Section 206(f), “Safety fencing” as follows:

“(f) Safety fencing. Fencing shall be installed as required by Section 22-6 of this Chapter. Such fencing shall be removed no later than the completion of restoration as required by subsection (g) of this Section. Required restoration or rough grading, when allowed by the code official, shall be completed no later than forty five (45) days after completion of the demolition.”

Section 3: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 4: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

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

ATTEST:

Mayors

Emily M. Pamplona
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Prendiville
Councilman Suess
Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gresk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: December 1, 2008
Published: December 2, 2008