

ORDINANCE NO. F-1440

AN ORDINANCE AMENDING SECTIONS: 22-156 (f), 22-157 (c) AND 22-163 (a) OF  
CHAPTER 22, ARTICLE XII, OF THE  
CODE OF ORDINANCES OF THE CITY OF WHEATON: FENCES AND FLAG POLES,

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality having those powers provided by State Law; and

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

WHEREAS, the City has completed an evaluation of the construction and appearance of fences within the City; and

WHEREAS, the City has concluded that certain changes be made to types and sizes of fences allowed in certain circumstances due to esthetic and privacy desires by residents.

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

Section 1. That a new sub section 156 (f) shall be added to Section 22, Article XII of the Wheaton City Code which shall provide:

"(f) All fences in front yards shall be decorative. Front yard fences shall be finished on both sides when they share a side or rear yard with an adjoining property but otherwise shall at least be finished on the outside. Chain link fences in front yards are prohibited except as may be approved pursuant to sub section 22-163(c) of this Article."

Section 2. That Section 157 (c) of Chapter 22, Article XII, Fences and Flag Poles of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with new a Section 157 (c), which shall read as follows:

"(c) No fence may be erected to a height of more than three feet above grade within a front yard as defined by this article except when the front yard is adjacent to a rear or side yard of an adjoining property, in which case the front yard fence along the shared lot line may be constructed in conformance with the standards for the rear or side yard fencing of the adjacent lot."

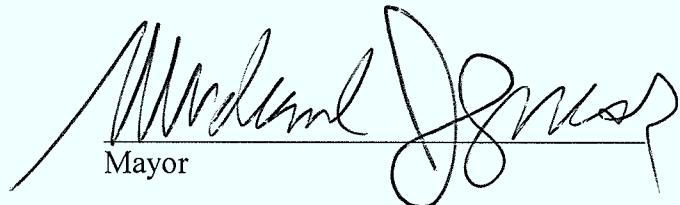
Section 3. That Section 163 (a) of Chapter 22, Article XII, Fences and Flagpoles of the Wheaton City Code is hereby repealed and rescinded in its entirety and replacing it with new Section 163 (a), which shall read as follows:

“(a) No chain link fence shall be permitted in any front yard or side yard adjoining a street or, in the case of double frontage lots, the lot line adjacent to a high volume street. No chain link fence shall be permitted in any rear or side yard which is adjacent to a front yard of an adjoining property for the distance the yards are adjacent.”

Section 4. 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.

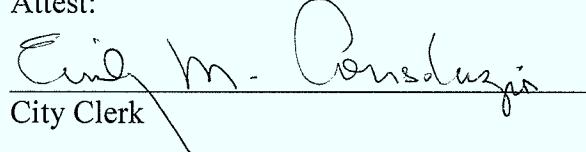
Section 5. That if any part or portion of this ordinance shall be declared invalid by court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 6. This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael Gresk  
Mayor

Attest:



Cindy M. Consalvo  
City Clerk

Roll Call Vote:

Ayes: Councilman Mouhelis  
Mayor Gresk  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry

Nays: None

Absent: Councilman Levine  
Councilman Prendiville

Motion Carried Unanimously

Passed: August 3, 2009

Published: August 4, 2009