

**City of St. Charles, Illinois**

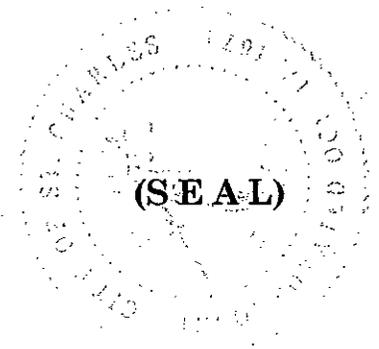
**Ordinance No. 2002-Z-9**

**An Ordinance Amending Title 17 of the St. Charles  
Municipal Code Chapter 17.02 "General Provisions"  
and Chapter 17.04 "Rules and Definitions"  
Regarding Fences**

**Adopted by the  
City Council  
of the  
City of St. Charles  
May 20, 2002**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, May 24, 2002**

  
\_\_\_\_\_  
City Clerk



DATE OF PUBLICATION 5/24/02  
NEWSPAPER Camphlet Form

REFER TO:  
MINUTES 5/20/02  
PAGE \_\_\_\_\_

ORDINANCE NO. 2002-Z-9

PRESENTED AND PASSED BY THE  
CITY COUNCIL ON May 20, 2002

**AN ORDINANCE AMENDING TITLE 17  
OF THE ST. CHARLES MUNICIPAL CODE  
CHAPTER 17.02 "GENERAL PROVISIONS" AND CHAPTER 17.04  
"RULES AND DEFINITIONS" REGARDING FENCES**

WHEREAS, a Petition has been filed to amend Chapter 17.02 "General Provisions" and Chapter 17.04 "Rules and Definitions"; and

WHEREAS, the Plan Commission of the City of St. Charles has held a public hearing on said Petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and has considered the same;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1.** That Section 17.02.160 "Fences" be and is hereby amended by deleting in its entirety each provision thereof and by substituting the following provisions therefor:

**"17.02.160 Fences**

- A. Purpose
- B. Permits Required
- C. General Fence Construction Requirements
- D. Requirements for Special Security Fences
- E. General Fence Maintenance Requirements
- F. General Fence Height Requirements

G. Exceptions to General Fence Height Requirements

H. Where Fences are Prohibited; Limitations in Easements

A. Purpose

The purpose of this section is to provide for the regulation of fences, not including fences within road rights-of-way, within the City of St. Charles.

B. Permits Required

No fence shall be erected or replaced within the City without first obtaining a permit.

C. General Fence Construction Requirements

1. A fence, including all posts, bases and other structural parts, shall be located completely within the boundaries of the lot on which it is located. No fence shall be located closer than twelve inches to a public sidewalk.
2. All fences shall be erected so that the finished side of the fence faces outward or away from the lot on which the fence is erected.
3. All metal fences shall be at least nine (9) gauge wire or a minimum of .148 inches diameter wire.

D. Requirements for Special Security Fences

Barbed wire, razor wire, or fences of similar material shall be permitted only in the B 3, B 4, O-R-1, O-R-2, and M1 districts, and in any zoning district on a lot used for a public or private utility facility or other public uses. Such fences shall not be located in a front yard or side yard adjoining a street. All barbed wire, razor wire, or similar material shall be placed no less than seven (7) feet above finished grade and shall extend inward toward the interior of the lot.

E. General Fence Maintenance Requirements

All fences shall be maintained in good condition at all times by the owner and/or occupant of the property. If a fence is found to be in a deteriorated condition and/or in need of repair, the Building and Zoning Commissioner or his authorized agent may order the fence to be repaired, replaced or removed depending upon the condition of the fence. Such order shall be in writing.

F. General Fence Height Requirements

Maximum Allowable Fence Height				
Fence Location	In All Residential Districts and in the B-1 and B-2-T Business Districts	In B-2, B-3 and B-4 Business Districts <u>and</u> in OR-1 and OR-2 Districts	In B-2-C Business District	In M-1 Manufacturing District
Required Front Yard	Thirty (30) inches	Six (6) feet	Four (4) feet	Three (3) feet
Required Rear Yard	Six (6) feet, four (4) inches	Fifteen (15) feet	Six (6) feet, four (4) inches	Fifteen (15) feet
Required Corner Side Yard	Six (6) feet, four (4) inches	Six (6) feet	Four (4) feet	Three (3) feet
Buildable Area	Six (6) feet, four (4) inches	Fifteen (15) feet	Six (6) feet, four (4) inches	Fifteen (15) feet
Required Interior Side Yard	Six (6) feet, four (4) inches	Fifteen (15) feet	Six (6) feet, four (4) inches	Fifteen (15) feet
Visibility Triangle	<p>Thirty (30) inches above centerline grade</p> <p>On corner lots, fences shall be no higher than thirty (30) inches above the centerline grade of the intersecting streets if located in the portion of a required front yard or side yard situated within a triangle with the two sides paralleling the abutting streets being no more than twenty feet each from the corner of the lot formed by intersection of the two street rights-of way abutting the lot.</p>			

G. Exceptions to General Fence Height Requirements

	Maximum Allowable Fence Heights	Zoning Classification where Exception Applies
Fences within 50 foot setback as required by Section 17.02.130  ("Except where a greater setback or yard is otherwise required, a fifty (50) foot setback shall be maintained from the right of way line of Main Street (Illinois Route 64) east of Thirteenth Avenue, Randall Road and Kirk Road. Such setback shall be landscaped with living plant material and may include a fence.")	Four (4) feet or less (Except where the provisions of the Zoning Ordinance are more restrictive.)	Any lot abutting the streets listed in Section 17.02.130
Fences on lots in residential districts that do not abut a residential use or a vacant property zoned for residential use.	Eight (8) feet - in side and rear yards only	Residential Zoning Districts
Through lots in residential districts	Six (6) feet, four (4) inches - in side and rear yards abutting a street	Residential Zoning Districts
Tennis Courts  Shall be erected not less than five (5) feet from a lot line and the finished side of the fence shall face outward or away from the lot on which the fence is erected.	Twelve (12) feet in all yards; open fences only	All Zoning Districts
Swimming Pools	In accordance with the code requirements set forth in Title 15 of the St. Charles Municipal Code	All Zoning Districts
Public or Private Utility Facility -- for security or screening purposes	Fifteen (15) feet in all yards.  Note: Metal fences installed to enclose electrical supply stations having energized electrical equipment shall be a minimum height of seven (7) feet and shall be effectively grounded. Barbed wire may be installed on top of the fence in accordance with 17.02.160-D.	All Zoning Districts
Public or private school or public park land or other publicly owned land	Fifteen (15) feet in any yard	All Zoning Districts

H. Where Fences are Prohibited; Limitations in Easements

1. Fences in detention/retention areas: Fences shall not be installed in or through a storm water detention basin or retention pond, nor shall a fence be installed less than ten feet (10') from the stormwater inlet or outlet opening or less than such greater distance as may be required by generally accepted engineering practices, as approved by the City Engineer.
2. Fences in utility easements: Fences shall not be permitted in utility easements where such fence would interfere with the operations of a utility. If the utility easement includes drainage rights, the requirements of Section 18.34.056 of the St. Charles Municipal Code entitled "Fences" shall apply in addition to the provisions hereof. Applications for a permit

for a fence to be installed in or across a utility easement shall have an affidavit and release attached, prepared by the property owner, stating that he has read the requirements for fences located in easements and that he agrees to comply with them and that he does for himself, his heirs, successor and assigns indemnify and hold harmless the City from any liability asserted by others in connection with the placement of the fence and that they permit the removal of any fence or any other structure or form of landscaping within the utility easement area by the city if the fence or landscaping obstructs the utility or access thereto. The affidavit may be recorded at the property owner's expense by the City in the County Recorder of Deeds office. In the event the City shall determine it necessary to excavate or have access across the utility easement, the owner shall remove the fence at the City's direction and in the event of failure thereof, the City may remove the same at owner's expense, and the City shall not be required to replace the same."

**SECTION 2.** That Chapter 17.04 "Rules and Definitions" be and is hereby amended by adding section 17.04.206 "Fence Height" as follows:

**"17.04.206 Fence height.**

"Fence height" means the vertical distance from the ground level directly below the fence to the highest point of the fence. Support posts shall not be considered in measuring the height of a fence if the posts do not exceed 125 per cent of the height of the other elements of the fence, do not exceed six (6) inches in diameter, and are spaced at not less than three (3) feet on center."

**SECTION 3.** That Chapter 17.04 "Rules and Definitions" be and is hereby amended by deleting the provisions of Section 17.04.197 "Fence", Section 17.04.200 "Fence, open", Section 17.04.205 "Fence, solid", Section 17.04.295 "Lot line, front", and Section 17.04.315 "Lot, through" and by substituting the following provisions therefor:

**"17.04.197 Fence.**

"Fence" means a structure used as a boundary, a screen, a means of containing persons or animals, a means of protection or for landscaping aesthetics and which is constructed of wood, masonry, metal or plastic."

**17.04.200 Fence, open.**

"Open fence" means a fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent open spaces, as compared to solid materials.

**17.04.205 Fence, solid.**

“Solid fence” means a fence, including any solid gates, which conceals from viewers in or on adjoining properties and streets, materials stored and operations conducted beyond it.

**17.04.295 Lot line, front**

“Front lot line” means the lot line which abuts an existing or dedicated street. In the case of a corner lot or flag lot, the front lot line shall be as established on the plat of subdivision; if a front lot line was not established on the plat of subdivision, the front lot line shall be established by the owner at the time of application for a building permit. The front lot line for a flag lot may be established on a lot line which is not a street frontage, and which is generally either parallel with or perpendicular to the street right-of-way. The front lot line for a through lot shall be the lot line that does not abut a collector or arterial street and where access is provided. If access is provided on both lot lines, the front lot line shall be the established common front lot line on the block. If there is no established common front lot line, the front lot line shall be established by the owner at the time the building permit is issued.

**17.04.315 Lot, Through.**

“Through lot” means a lot which has a pair of opposite lines along two substantially parallel streets and which is not a corner lot.”

**SECTION 4.** That the provision of Paragraph “D” of Section 17.02.130 “Yards – Requirements generally”, shall be deleted in their entirety from Chapter 17.02 “General Provisions”, and Paragraph “E” of Section 17.02.130 shall be renumbered as Paragraph “D”.

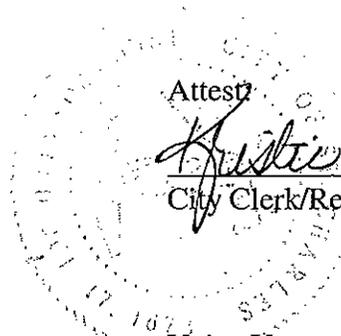
**SECTION 5.** That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

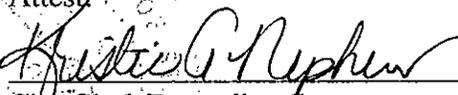
**PRESENTED** to the City Council of the City of St. Charles, Illinois, this  
20 day of May, 2002.

**PASSED** by the City Council of the City of St. Charles, Illinois, this  
20 day of May, 2002.

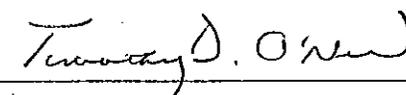
**APPROVED** by the Mayor of the City of St. Charles, Illinois, this  
20 day of May, 2002.

  
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Susan L. Klinkhamer, Mayor



Attest:  
  
\_\_\_\_\_  
City Clerk/Recording Secretary

Voice Vote:  
Ayes: 9  
Nays: 0  
Absent: 1  
Abstain: 0

Approved as to form:  
  
\_\_\_\_\_  
City Attorney

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

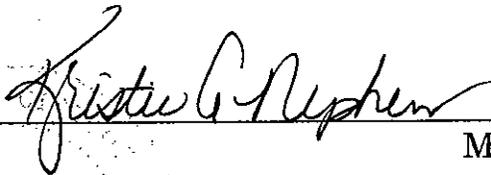
I further certify that on May 20, 2002, the Corporate Authorities of such municipality passed and approved Ordinance No. 2002-Z-9, entitled

"An Ordinance Amending Title 17 of the St. Charles  
Municipal Code Chapter 17.02 "General Provisions"  
and Chapter 17.04 "Rules and Definitions" Regarding  
Fences,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2002-Z-9, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 24, 2002, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 21st day of May, 2002.



Municipal Clerk

