

AMENDMENT TO ORDINANCE NO. 550.5.02

ORDINANCE DEALING WITH FENCES IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has enacted a Zoning Ordinance which regulates the use of fencing within the City of Wheaton.
2. There have been recent issues in interpreting the fencing provisions that have caused confusion about what type of fencing requires a Land Use Permit.
3. The City Council believes that it is in the best interests of the citizens of the City of Wheaton to amend the Zoning Ordinance so as to make it easier to understand its fencing requirements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

That Ordinance No. 550.5.02 of the Code of Ordinance for the City of Wheaton is hereby amended to read as follows:

“A.) Definitions.

- 1.) **Permanent Fence.** A permanent fence is one which is permanently secured or anchored to the ground or other building or structure, by posts or footings. Permanent fences are installed in a fixed or enduring manner.
- 2.) **Temporary Fence.** A temporary fence is one which is not permanently secured or anchored to the ground or other building or structure, by posts or footings. The length of time a fence is in place in a given period of time, such as a seasonal fence, is irrelevant. Portable and seasonal fences are considered to be temporary fencing in this Ordinance.
- 3.) **Portable Fence.** A portable fence is one whose location and orientation can be easily moved and/or manipulated by human or non-mechanical means.
- 4.) **Seasonal Fence.** A seasonal fence is one which is temporary or semi-permanent in nature and installed for a specific period of time, often to address seasonal needs like containing snow during winter months or protecting gardens from wildlife during growing seasons.

B.) **Location and Orientation.** All fences shall be located a minimum of two (2) feet from any property line. Landowners are responsible for identifying their property lines.

C.) **Fence Materials.** Allowable construction materials for fences shall consist of metal, wood, chain link, plastic, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard.

D.) **Finished Side.** The finished side of the fence shall face the adjacent landowner or right-of-way. The finished side is the side opposite the structural elements of the fence (posts, rails, a framing or other supporting elements). Fences where the non-structural

elements (i.e. fence boards or rails on a split rail fence) alternate on both sides of the supporting elements or which are attached to the middle of the posts are considered finished on both sides.

- E.) **Safety Hazards.** Fences shall not be erected where they create a safety hazard. Fences shall not be electrified or contain barbed wire except for electric pet fences which are buried or placed in such a way so as to not pose a hazard, unless otherwise approved by the City Council.
- F.) **Permit Required.** A Land Use Permit is required to be obtained prior to the construction of a fence, regardless of whether the fence is permanent or temporary in nature.
 - 1.) The permit application for a permanent fence shall be accompanied by a sketch drawing showing the proposed location of the fence and the proposed fence type.
 - 2.) A temporary fence that is planned on being taken down for a portion of the year only needs to obtain a Land Use Permit prior to its first use. The applicant shall note on the application that the planned use is temporary in nature, and the approximate dates of usage each year.
 - 3.) A Land Use Permit is not required for:
 - a.) Snow fencing, which may only be erected between November 1 and the following May 1, unless snow occurs outside that time period, thereby allowing snow fencing to be erected earlier or remain later.
 - b.) Temporary fencing which encloses a garden area between April 1 and November 1 of each year.
 - c.) Safety fencing erected on a temporary basis in connection with a construction project on the property, but only after a Land Use Permit has been issued for the construction. The applicant for the Land Use Permit shall note on the application that safety fencing will be utilized as part of the project.”

PASSED AND ADOPTED this 26th day of January, 2026.

WHEATON CITY COUNCIL

Stephen Lundquist, Mayor

ATTEST:

Amy Olson, City Administrator