

City of St. Charles, IL
Ordinance No. 2023-M-_____

An Ordinance Amending Title 18, “Stormwater Management”, Section 18.04.010 “Stormwater Management Ordinance - Adopted – Modifications”, Section C (Fences) of the St. Charles Municipal Code

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

1. That Sections 18.04.010.C of Title 18, “Stormwater Management” be deleted in its entirety and replaced by the following:

See Exhibit A

2. That after the adoption and approval hereof this Ordinance shall be (i) 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, Kane and DuPage Counties, Illinois this 18th day of December 2023.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of December 2023.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 28th day of December 2023.

Lora Vitek, Mayor

Attest:

City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes:

Nays:

Ordinance No. 2021-M-_____

Page 2 of 4

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

Exhibit A

C. Article IV, 9-83.L shall be appended to Article IV, 9-83 and shall read as follows:

“Fences.

1. Fences within drainage routes: Fences shall be restricted or prohibited:
 - a. where they have the potential to impede the flow of storm water, or drainage; or,
 - b. when below the high water elevation of a detention storage facility; and/or
 - c. within regulatory floodplain.
2. Fences within Easements – Affidavit and Release Certificate: Applications for fences installed in or across a drainage or utility easement shall have an affidavit and release attached, prepared by the property owner, stating that they have read the requirements for fences located in easements and agree to comply with them and that they as owner, their heirs, successors 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 or patio structures within the easement area by the City if the fence, landscaping or patio impedes the flow of storm water or drainage. The affidavit shall be recorded at the 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 easement, or require the fence to be modified or removed to provide for necessary flow of stormwater, the owner shall modify or 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 same.
3. Vertical Clearance: A minimum vertical clearance from the ground surface to the bottom of the fence shall be maintained per Table 9-83.L. The vertical clearance shall be maintained for the entire length of that portion of the fence that is subject to the Vertical Clearance requirement.

Table 9-83.L

Minimum Vertical Clearance above ground			
Fence Type	Inside Easement	Outside Easement	In Floodplain
Privacy: Less than 50% open surface area	2"	None	not allowed
Non-Privacy: More than 50% open surface area and able to pass a one (1") inch diameter sphere	2"	None	2"
Chainlink: More than 50% open surface area and able to pass a two (2") inch diameter sphere	None	None	None