

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. 3488

**AN ORDINANCE AMENDING THE
CITY ZONING CODE OF
ORDINANCES OF THE CITY OF
O'FALLON, ILLINOIS TO
REVERSE THE REPEAL IN
ARTICLE XIII:
LANDSCAPING AND RIPARIAN
CORRIDOR REQUIREMENTS OF
SECTION 3.01 "FENCES, WALLS
AND HEDGES"**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

Section 1: The repeal of Section 3.01 "Fences, Walls and Hedges" of Article III: Supplementary Use and Bulk Regulations is hereby reversed. The Section text is as follows:

"ARTICLE III SUPPLEMENTARY USE AND BULK REGULATIONS

Section 3.01 FENCES, WALLS AND HEDGES

Fences, walls or hedges used for any purpose shall in all districts conform to the following:

(a) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than two feet above the adjacent top of the curb elevation shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area" in Figure 1.

(b) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural districts.

(c) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the City Council. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

(d) Fences, walls and hedges in any district may be located on lot lines, provided such fences, walls and hedges exceeding six feet in height shall be subject to the minimum yard requirements of the district in which such fences are located.

(e) Gates or other means of access through fences, walls and hedges shall be provided from utility easement to the rear yards."

Section 2: Except as expressly amended herein, all other provisions of the Zoning Code of Ordinances, Chapter 155 of the City Code of Ordinances (previously Chapter 42 thereof) shall remain in full force and effect.

Section 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof or any portion adopted by reference therein. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council this 20th day of November 2006.

ATTEST:
(seal)

Approved by the Mayor this 20th day
of November 2006.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Bequette	Drolet	Grogan	Schmidt	Medford	SUB TOTALS
Aye		X	X	X	X		X	5
Nay								0
Absent	X					X		2

ROLL CALL:	Boone	Mouser	Reckamp	Henry	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye	X	X	X	X	X	X	X	7	12
Nay								0	0
Absent								0	2