

CHAPTER 515: FENCE REGULATIONS

Editor's Note—Ord. No. 786 §1, enacted April 21, 1994, repealed Ch. 515 concerning chimney, flues and heating appliances which derived from Ord. No. 84 §301—308; Subsequently Ord. No. 1300, adopted May 17, 2007, set out the provisions herein concerning fences.

SECTION 515.010: TITLE

This Chapter shall be known and may be cited as the *City of Waynesville Fence Ordinance*. (Ord. No. 1300 §1-2, 5-17-07)

SECTION 515.020: DEFINITIONS

For purposes of this Chapter, certain words used herein are defined as follows:

CONSTRUCTION SITE BARRIER - A structure erected on a temporary basis to protect a construction site from vandalism and unauthorized entry.

FENCE - A structure erected upon a property line or setback line for the purpose of separating properties or for screening, enclosing and/or protecting the property within its perimeter. A fence shall not include construction site barriers, landscape treatments or privacy screens as defined herein.

LANDSCAPE TREATMENTS - A non-site-obscuring, decorative structure used to enhance, accent or protect the landscaping of the site.

PRIVACY SCREEN - A decorative structure, often site-obscuring, erected adjacent to or around a patio, deck, courtyard or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

SITE-OBSCURING - Opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the site-obscuring object. A fence that partially obscures a site shall not be considered site-obscuring if the distance or open space between boards, slats, rails, stanchions or balusters equals or exceeds three (3) inches. (Ord. No. 1300 §§1-2, 5-17-07)

SECTION 515.030: PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to construct or cause to be constructed any fence or privacy screen upon any property within the limits of the City of Waynesville without first having obtained a permit therefore in the manner hereinafter provided. The owner of the property shall be responsible for obtaining the permit, unless the owner can affirmatively demonstrate that he has hired a contractor to erect the fence or privacy screen. If a contractor has been hired to erect the fence or privacy screen, then such person, firm or corporation shall be responsible for obtaining the permit. Owner and contractor shall comply with all State and Federal regulations, in addition to calling Missouri One Call prior to constructing the fence. (Ord. No. 1300 §§1-2, 5-17-07)

SECTION 515.040: APPLICATION AND FEE

Any person, firm or corporation desiring to erect, build or construct or cause to be erected, built

or constructed a fence or privacy screen upon property in the City of Waynesville shall first apply to the Building Official for a permit and shall pay a fee to be established by resolution by the City Council. A permit shall be issued by the Building Official only after he has reviewed the completed application and has determined that the proposed fence or privacy screen complies with this Chapter. The permit fee shall be twenty-five dollars (\$25.00). (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.050: FENCE AND PRIVACY SCREEN CONSTRUCTION

All fences and privacy screens shall be of the following type: constructed of metal ornamental wire, wrought iron, vinyl or wood fencing. A decorative fence constructed of any of the preceding materials shall be permitted provided the Building Official determines that the proposed fence is of structurally sound construction. All supporting posts, cross members and protruding bolts, screws and/or hardware of site-obscuring fences and privacy screens shall be inside the lot and face toward the interior of the lot of the person, firm or corporation who erects, constructs or causes to have erected or constructed the site-obscuring fence or privacy screen. In addition, masonry pillars used in conjunction with a fence made of approved materials shall be permitted upon the same terms and conditions as the fence itself. In appropriate circumstances, a masonry wall may be permitted upon terms and conditions set by the Board of Adjustment appeals. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.060: LANDSCAPE TREATMENTS

Landscape treatments as defined herein shall be permitted provided they do not exceed three (3) feet in height. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.070: PRIVACY SCREENS

Privacy screens are permitted in the rear yard provided they do not exceed six (6) feet in height. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.080: FENCE LOCATION

- A. *Front and Side Lot Requirements.* It shall be unlawful for any person, firm or corporation to build, construct or maintain privacy screens in the front yard and in the front half of the side yards; a fence may be built in the rear and side yards up to the front sides but not beyond the dwelling.
- B. *Rear Lot Requirements.* A fence may be erected upon any rear or back side yards of any lot or parcel of land provided the fence meets the front and side lot requirements of above **Subsection (A)**.
- C. *Heights of Fences.* Subject to the requirements of above **Subsections (A) and (B)**, fences of not less than three (3) feet nor more than six (6) feet may be erected upon any yard, provided adequate access for firefighting is provided. (**Ord. No. 1300 §§1—2, 5-17-07**)

SECTION 515.090: UTILITY EASEMENTS

Fences on utility easements must be designed and approved by the Building Department. Such fences shall have a minimum of twelve (12) foot gate to allow easy access to utilities. The City will not be responsible for damages to fences on utility easements.

Exception - With the approval of the City Administrator, Building Official or designated representative, a ten (10) foot gate would be allowed if this size gate would provide suitable access for the easement access. (Ord. No. 1300 §§1-2, 5-17-07)

SECTION 515.100: BARB WIRE FENCES

It shall be unlawful for any person, firm or corporation to erect, build or construct or cause to be erected, built or constructed a barb wire fence partially or wholly around any property, street, alley, lane, avenue or public highway or road or in front of any public place or space. Furthermore, fences with sharp or pointed tops, affixed spikes, projecting nails or other poured in instruments of any kind or description are prohibited.

Exception - Barb wire fences shall be allowed in agricultural zoned areas bordering the City limits and areas approved by the City Administrator or his designated representative for security reasons. (Ord. No. 1300 §§1-2, 5-17-07)

SECTION 515.110: ELECTRICAL FENCES

It shall be unlawful for any person, firm or corporation to erect, build, construct or maintain any fence above ground connected with an electrical current in such manner as to transmit such current to persons or things that may come in contact with such charged fence. (Ord. No. 1300 §§1-2, 5-17-07)

SECTION 515.120: BOARD OF APPEALS AND VARIANCES

- A. The Board of Adjustment established pursuant to and in accordance with the provisions of Section 405.760 to the Code of Ordinances of the City of Waynesville, which is the City's zoning ordinance, shall hear and decide appeals from any order, requirement, decision or determination made by any official charged with the enforcement of this Chapter.
- B. The Board of Adjustment shall fix a reasonable time for the hearing of any appeal with such hearings to be held at least monthly throughout the year, provided there are agenda items to be considered. The Board of Adjustment may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the administrative official from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Chapter, the Board of Adjustment shall have power in passing upon appeals to vary or modify any of the provisions so that the spirit of this

Chapter is observed, public safety secured and substantial justice done.

- C. The City Council may set a fee by resolution for applicants to appear before the Board of Adjustment.
- D. All hearings before the Board of Adjustment shall be open to the public and the applicant, his representative, the administrative official and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard.
- E. Any person who deems themselves aggrieved by the action of the Board of Adjustment may, within five (5) days after receipt of the final decision of the Board of Adjustment, appeal that decision to the City Council. The City Council shall have the power in passing upon appeal from the Board of Adjustment to uphold, reverse or modify any of the provisions of the Board; provided however, that the Board shall view and consider such appeal so that the spirit of this Chapter is observed, public safety secured and substantial justice done. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.130: ENCROACHMENT

All fences shall be built by the party desiring the same so as not to have any part of the fence encroaching upon adjoining property. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.140: COMPLIANCE WITH ZONING ORDINANCE

All fences shall comply with the relevant Sections of the zoning ordinance. (**Ord. No. 1300 §§1-2, 5-17-07**)

SECTION 515.150: DENIAL OF RESPONSIBILITY

The City of Waynesville shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences, nor shall the City be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line. (**Ord. No. 1300 §§1-2, 5-17-07**)