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**REQUESTED COUNCIL MEETING DATE:** August 21 & September 4, 2018

**ITEM:BILL#2018-892**      New Fence Code – 405.225

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**ORIGINATING DEPARTMENT:** Development Services 

**ATTACHMENTS:**                      **Bill**

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**ROUTING ORDER:**

CITY MANAGER:

Dana Daniel 

DATE: 8-14-18 ✓

CITY CLERK:

Rachel Holcomb

DATE:

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**PURPOSE:**

To consider the creation of a new fence code, currently the only fence code the City has is regarding barbed wire, graffiti and the posting of bills.

**BACKGROUND:**

Issues with fences being constructed and a review of the code showed that currently there aren't any enforceable codes just building staff guidelines.

City staff reviewed area fencing codes and then proposed a new code.

May 22, 2018 a Planning & Zoning was held after a review of the staff proposed code the planning & zoning made some changes and approved.

**RECOMMENDATION:**

Staff recommends council to approve the proposed fencing code.

**AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, PROVIDING FOR THE AMENDMENT OF CODE CHAPTER 405, ZONING REGULATIONS, OF THE CITY CODE OF ORDINANCES, CITY OF NEOSHO, MISSOURI.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Chapter 405 of the Code of Ordinances, City of Neosho, Missouri is hereby amended as follows:

**405.225: FENCE REQUIREMENTS**

**A. General fence provisions shall apply to all Zoning Districts:**

- 1- A building permit shall be required for the construction of any fence within the City of Neosho.
- 2- No fence or wall shall be constructed or altered to exceed six (6) feet in height.
- 3- It shall be unlawful for any person to paste, stick or put upon any fence or wall within the City any indecent, obscene, immoral or grossly written words or material.
- 4- No person shall erect any fence that is made of razor, barbs or strand wire except within an AG, M (Industrial) or Towers Zoning District.
- 5- No person shall erect any fence or enclosure of which any part is charged with or designed to be charged with an electrical current except within an AG Zoning.
- 6- In the case of fences constructed over dedicated utility easements, the City shall not be responsible for the replacement of said fence due to its removal. It is required that the property owner contact the public works department or developer for location of above-mentioned easements.
- 7- In no case shall a fence be erected so as to enclose or block a storm water catch basin, culvert, or other storm water structure in any development.
- 8- All fencing must be maintained in good condition at all times.

**B. Fence Regulations for "R" (Residential) Districts.**

- 1-The owners of residential properties shall be responsible for maintaining said fences and to remove any fence which becomes unsightly or a menace to public safety, health or welfare.
- 2- In no case shall any front yard be enclosed by a privacy fence making the front yard not visible to the street.
- 3- Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks shall not be considered a fence.
- 4- Private swimming pools, hot tubs and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height

**C. Fence Regulations for All "C" (Commercial) Districts.**

- 1-All trash, grease or recyclable containers must be completely screened and said screening shall be a minimum of six (6) feet in height.
- 2-Fences higher than six (6) feet may be permitted for security and/or screening purposes.
- 3-Fencing is required when commercial districts abut a residential property.
- 4-All fencing abutting residential districts must be solid in nature constructed of masonry, vinyl or wood.

**D.Fence Regulations for All "M" (Industrial) Districts.**

- 1-Fences higher than six (6) feet may be permitted for security and/or screening purposes.
- 2-Fencing is required when commercial districts abut a residential property.
- 3-All fencing abutting residential districts must be solid in nature constructed of masonry, vinyl or wood.

**E.Fence Regulations for "T-1" Towers District.**

- 1-Fences higher than six (6) feet may be permitted for security and/or screening purposes.

**SECTION 2:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** This ordinance shall be in full force and effect upon final passage and approval.

**APPROVED** after final passage this 4<sup>th</sup> day of September 2018.

**ATTEST:**

**CITY OF NEOSHO, CITY COUNCIL**

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

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Mayor

**APPROVED:**

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City Attorney