

SECTION 515.010: DEFINITIONS

For the purposes of this Chapter, certain terms and words are hereby 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.

FENCE HEIGHT: The vertical distance measured from the side of the fence that is exterior to the property and/or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used providing that when installed the material is directly adjacent to the ground level.

LANDSCAPED TREATMENTS: A non-site-obscuring, decorative wooden or metal structure used to enhance, accent or protect the landscaping of a site.

PRIVACY SCREEN: A decorative structure, often sight 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.

SHARP POINTED FENCE: A barbed fence, a fence with spikes or other sharp points or a razor blade fence.

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 which 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.

WIRE FENCE: A fence, the principal material of which is wire. This includes, but is not limited to, chain link fences. (R.O. 2004 §515.010; Ord. No. 920 §1, 12-16-99)

SECTION 515.020: GENERAL PROVISIONS

- A. All fences erected or altered in the City shall require a permit. A thirty dollar (\$30.00) fee is required for a permit. Routine maintenance or replacement of fence sections does not require a permit. However, change or modification of design or placement will require application and permitting.
- B. The Code Enforcement Officer shall review all requests for fences. All applicants shall supply said officer with a locator map and other documentation as the officer deems necessary. Applications for fence permits may be obtained at City Hall.
- C. Fences in side and rear yards shall not exceed six (6) feet in height, except that security fences in commercial and industrial districts may be constructed up to eight (8) feet in height to include any barbed wire used to top the fence.
- D. Unless otherwise restricted by the provisions of [Chapter 405](#), fences may be constructed on the property lines except, however, fences or a landscaped screen on corner lots cannot be constructed within thirty (30) feet of the right-of-way of the intersection of two (2) streets.
- E. On an interior lot a fence shall not extend beyond the front building line. On a corner lot a fence shall not extend beyond the front building line on the side designated by the address to be the front of the property. In any event, a fence shall not enclose a front yard.

- F. Fences shall be erected around swimming pools according to the adopted Building Codes of the City.
- G. It shall be the responsibility of the property owner to insure that a fence does not block or obstruct the flow of stormwater.
- H. All fences erected prior to enactment of this Chapter shall be considered non-conforming and, as such, shall be allowed to remain in place and be repaired as necessary. (R.O. 2004 §515.020; Ord. No. 920 §1, 12-16-99; Ord. No. 1156 §3, 11-19-07)

SECTION 515.030: EXCEPTIONS

- A. Fences surrounding private tennis courts or athletic fields shall not exceed twelve (12) feet in height with exit gates at required intervals. The minimum setback from any property line for such fencing shall be six (6) feet. At least the top four (4) feet of a twelve (12) foot fence shall be open or woven wire construction.
- B. Fences enclosing an institution, public playground, schools or a commercial or industrial site shall not exceed eight (8) feet in height with exit gates at required intervals.
- C. Nothing shall restrict the erection of necessary backstops and the like for softball or baseball diamonds or other athletic grounds requiring backstops, provided such backstops are constructed of wire mesh, chain link or similar material on metal tubular framing. (R.O. 2004 §515.030; Ord. No. 920 §1, 12-16-99)

SECTION 515.040: DESIGN AND MAINTENANCE

- A. All fences shall be maintained in their original upright condition, meaning that no person shall permit, cause, keep, maintain or allow a fence within the corporate limits of the City of Pevely in a dilapidated or dangerous condition.
- B. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- C. Missing boards, pickets, posts or other sections of fencing material shall be replaced in a timely manner with material of the same type and quality.
- D. Fences shall have adequate footings, foundations or post depth and size as required by the International Building Code.
- E. The maximum board width for wood privacy fences is twelve (12) inches for solid, staggered or "basket weave" fences. Solid panels such as plywood, O.S.B. sheathing, etc., will not be allowed, except for temporary construction site barriers erected for public safety. Such temporary fencing shall be removed upon completion of the construction project.
- F. Materials allowed for construction of a decorative fence may be wood, woven wire, wrought iron or square or round tubing, etc.
- G. All framework of a wooden fence, privacy or decorative, must be on the inside portion of the fence, and all posts of a wire/chain link fence must be inside of the fabric.
- H. Ornamental dividers, plastic chains, posts or like materials erected along driveways or sidewalks on the interior of a lot shall not be considered a fence. (R.O. 2004 §515.040; Ord. No. 920 §1, 12-16-99)

SECTION 515.050: PROHIBITED FENCES

- A. Any sharp pointed fence. Also, no fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
- B. No fence shall be constructed in whole or in part of barbed wire, except for agricultural uses in an agricultural district. The top wire or wires on security fences at least eight (8) feet in height may be of barbed wire, provided the brackets supporting the barbed wire are securely fastened to the fence posts and are angled toward the property and, provided further, that no strand of barbed wire may be closer than seven (7) feet to the ground.
- C. No person shall erect or maintain any division fence or screen, in whole or in part, of cloth, canvas, metal sheeting, plywood, O.S.B. sheathing or other similar material, unless otherwise allowed herein.
- D. No person shall permit any fence erected or maintained on premises owned, occupied or leased by him/her to be used for advertising purposes.
- E. No person shall connect any type of electrical current to any existing or newly constructed fence. (R.O. 2004 §515.050; Ord. No. 920 §1, 12-16-99)

SECTION 515.060: SCREENING/BUFFER AREA

At such time as a lot which is zoned commercial or industrial is developed adjacent to a lot which is zoned residential, a permanent screening consisting of a masonry wall, wood fence, seeded berm, landscaping material or combination thereof at least six (6) feet in height shall be installed by the developer of the commercial or industrial zoned lot. The screen shall be installed between the commercial or industrial lot and the residential lot. The required screening shall have opacity of at least eighty percent (80%) year round and, if landscaping is used, the eighty percent (80%) opacity shall be achieved within four (4) growing seasons. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or neglect, and the opacity requirements shall be maintained. If wood fencing is used, it shall be durable in nature or treated to prevent rapid deterioration. Failure to maintain the required screening shall be considered a violation. (R.O. 2004 §515.060; Ord. No. 920 §1, 12-16-99)

SECTION 515.070: 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. (R.O. 2004 §515.070; Ord. No. 920 §1, 12-16-99)

SECTION 515.080: OWNERSHIP/MAINTENANCE RESPONSIBILITY

- A. Any person who erects, builds or constructs any fence or privacy screen upon property which such person owns or leases or rents shall be responsible for the repair, upkeep and maintenance of the fence or privacy screen and any area adjacent thereto.
- B. Any person who contracts with another or causes another to erect, build or construct a fence or privacy screen shall be responsible for the repair, upkeep and maintenance of that fence or privacy screen and any area adjacent thereto.
- C. Any person who owns property upon which a previous owner has constructed a fence or privacy screen shall be responsible for the care, upkeep and maintenance of the fence or privacy screen. If a previously

constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its upkeep and maintenance. If ownership of a fence located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of that side of the fence facing their property. For the purposes of this paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquire property from a person who originally erected or caused a fence to be erected thereon.

D. All fences that exist as of the effective date of this Section shall be kept and maintained in good repair. (R.O. 2004 §515.080; Ord. No. 920 §1, 12-16-99)

SECTION 515.090: INSPECTION/NOTIFICATION

The Building Inspector or the Mayor's designee may inspect any fence to determine whether it conforms to the provisions of this Section. Any person who erects, constructs, builds or causes to erect, construct or build a fence or has property on which a fence is located shall allow the Building Inspector access to inspect said fence to determine whether it complies with the provisions of this Section. When the Building Inspector finds upon inspection or receipt of a complaint that a fence has not been constructed, maintained or repaired as required by this Section, the Building Inspector shall give written notice at least five (5) days in advance of the date of an intended inspection to the parties in interest advising them of the time and place that the fence will be inspected. The Building Inspector shall then inspect said fence at the arranged time and place and determine in writing if the fence is required to be repaired or rebuilt. Written notification of the results of said inspection shall be sent to the owner or person responsible for the maintenance of the fence. If any person so notified neglects or refuses to comply with the requirements of such determination for a period of fifteen (15) days, then the Building Inspector shall have the authority to cause a complaint to be filed in Municipal Court against the responsible party or parties. (R.O. 2004 §515.090; Ord. No. 920 §1, 12-16-99)

SECTION 515.100: DENIAL OF RESPONSIBILITY

The City of Pevely shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences. In addition, the City shall not be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line. (R.O. 2004 §515.100; Ord. No. 920 §1, 12-16-99)

SECTION 515.110: DECLARED NUISANCE/PENALTY

All fences or other like structures erected or maintained in violation of this Section are hereby deemed and declared to be a nuisance, and any owner or occupant of a lot or tract upon which such nuisance exists shall be deemed guilty of a misdemeanor. Upon conviction thereof, the owner or occupant shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days, or both such fine and imprisonment. (R.O. 2004 §515.110; Ord. No. 920 §1, 12-16-99)

SITE OR PLOT PLAN
(FOR APPLICANT USE)

VALIDATION

Building Permit Number _____

Occupancy Fee: \$ _____

Water Tap Fee: \$ _____

Sewer Tap Fee: \$ _____

Building Permit Fee: \$ _____

Deposit Fee: \$ _____

Total Permit Fee: \$ _____

Use Group: _____

Fire Grading: _____

Live Loading: _____

Occupancy Load: _____

Approved By: _____

Date: _____