

AN ORDINANCE REMOVING SECTION 500.430 FENCE REQUIREMENTS AND ADDING CHAPTER 540 FENCE REGULATIONS TO THE MUNICIPAL CODE OF THE CITY OF MARSHFIELD.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MARSHFIELD, MISSOURI, AS FOLLOWS:

Section 1: That Section 500.430 Fence Requirements be removed in its entirety and Chapter 540 Fence Regulations be added as a new chapter to the Marshfield Municipal Code, including Sections 540.010 through 540.090 and to read as follows:

Chapter 540. Fence Regulations

Section 540.010. Definitions.

The following words shall have the meanings set out herein when used for this Chapter:

FENCE

A continuous structure, constructed of any material, 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.

FENCE HEIGHT

The vertical distance measured, from the top of the fence to ground level adjacent to the exterior of the fence.

OPEN FENCE

A fence (including any gates in said fence) which permits direct vision through at least ninety percent (90%) of any one square foot segment of vertical fence surface area, e.g., chain link or woven wire fence without slats.

ORNAMENTAL FENCE

A fence composed of wooden or metal parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.

SIGHTPROOF FENCE

Any fence which substantially reduces the sight distance for adjacent properties or the traveling public. These fence types include, but are not limited to wood stockade fence, masonry fence, shadow-box fence or thick vegetation (hedges).

WALL

A masonry or wooden structure used as an enclosure, boundary marker or as a means of retention for either water or sliding earth.

WIRE FENCE

A fence whose principal material is wire. This includes, but is not limited to, chain link fences.

Section 540.020. Purpose And Scope.

The provisions of this Chapter shall apply to the construction, installation, reinstallation, alteration, replacement, repair, relocation and maintenance of fences and walls. The purpose of this Chapter is to provide minimum requirements to safeguard life, health, property and public welfare, by regulating and controlling the construction and location of fences and walls to provide a pleasing urban environment for the City of Marshfield.

Section 540.030. Fence Permit Required.

- A. No fence or wall, either free-standing or attached to any building or structure, shall be erected, placed or constructed upon any lot unless the owner, contractor or duly authorized agent shall have first applied for, and received, a permit from the Building Regulations Department. Hedges shall not require a fence permit.
- B. Applications for a fence permit shall be accompanied by the permit fee of \$25.00, and shall be accompanied by the following:
 - 1. Completed permit application.
 - 2. Legal description and street address of the property for which the permit is requested.
 - 3. An overall plot plan or site plan, including the shape and dimensions of the lot, together with the location, material and height of all proposed and existing fences.
 - 4. A statement from the legal owner of the property authorizing the placement and installation of the fence as shown on the plan.

Section 540.040. Denial of Permit - Appeal.

An appeal may be made to the Board of Adjustment from the Building Regulations Department's denial of a fence permit.

Section 540.050. Regulations and Standards.

- A. It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:
 - 1. No fence, wall, shrub or hedge shall be constructed or altered to be taller than three (3) feet within a sight triangle or constitute a traffic hazard.

2. No fence shall be constructed across the front yard of a property in any zoning district unless approved by staff.
3. In the case of fences constructed over dedicated utility easements, the property owner shall provide a ten (10) foot gate for access to the utility easement. The City shall not be responsible for the replacement of said fence due to its removal for easement access.
4. In no case shall a fence be erected to enclose or block a stormwater catch basin, culvert, manhole or other natural or manmade drainage way.
5. When a fence is facing a public street, the improved side of the fence shall be oriented to the street. All structural post and support beams should be on the inside or shall be designed as an integral part of the finished surface.
6. Fences shall be erected around swimming pools in accordance with the Building Codes of the City of Marshfield.
7. The maximum permitted height in all zone districts, except "I-1" Light Industrial District, and "I-2" Heavy Industrial District, is six (6) feet along sides and rear yard and three (3) feet between the front setback line of the building and the front property line along the sides of the property.
8. The maximum permitted fence or wall height in all "B" Business zone districts is six (6) feet, plus three (3) strands of barbed wire for security purposes (not to exceed seven (7) feet overall) for the side and rear yard setback areas and three (3) feet between the front setback line of the building and five (5) feet from the front property line along the sides of the property.
9. All fences and walls shall be measured from the natural grade of the subject property.
10. Along any property line or in any building setback where visible from a public street, permitted materials include wood, masonry, metal, decorative wrought iron, decorative metal, chain link, or PVC vinyl constructed and intended for use as a fence shall be used. Prohibited materials for fencing and decorative posts include, but are not limited to, t-post, wood pallets, wire mesh, chicken wire or similar materials. Unless otherwise indicated in this Section, any other material requires approval by the Planning and Zoning Commission.
11. Any permit for fence construction issued pursuant to this Chapter shall be valid for a period of ninety (90) days, unless extended for good cause.
12. Any permit for fence construction issued pursuant to this Chapter shall include a requirement that any existing fencing be removed as a condition of the permit.

Section 540.060. Maintenance and Repair.

All fences and walls shall be constructed of new or good used material and in accordance with the methods of construction which conform to the requirements of the appropriate Building Code listed in Title V of the Code of Ordinances of the City of Marshfield. Additionally, they shall be maintained in a state of good repair, free and clear of all debris, trash and weeds in accordance with the requirements of the International Property Maintenance Code listed in Title V of the Code of Ordinances of the City of Marshfield. Any dilapidated, dangerous or unsightly fences or walls shall be repaired or removed. When a fence has deteriorated more than fifty percent (50%), it

can no longer be repaired, it must be reconstructed or removed. Routine maintenance of a fence does not require a permit. When a fence is located on an adjoining lot line, the owner responsible for constructing said fence or wall shall be responsible for the maintenance and repair of that fence or wall. All fences shall be maintained in their original upright condition.

Section 540.070. Dangerous Fences.

- A. Electrically charged fencing approved by the Underwriter's Laboratory shall be permitted for agricultural uses provided all portions of such fencing are located a minimum of two (2) feet behind other approved fences. If adjacent to any "R" Residential zone district shall bear an identifying and warning sign placed every one hundred (100) linear feet or fraction thereof.
- B. Barbed wire fences or any fence constructed in whole or part with sharp and/or pointed metal material, are prohibited except as provided in Subsection (C).
- C. Barbed wire or other sharp and/or pointed metal material may be used as follows:
 - 1. Along the top of a "wire fence" located in "B" Business and "I" Industrial zone districts, where such barbed wire or other sharp and/or pointed metal material is six (6) feet or greater in height from the base of the fence.
 - 2. Barbed wire or other sharp and/or pointed metal material fences which are constructed for agricultural use and not adjacent to a public sidewalk.

Section 540.080. Enforcement.

- A. Inspections. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Chapter. At any reasonable time, the Code Enforcement Officer may inspect any fence regulated by this Chapter.
- B. Notice. Whenever the Code Enforcement Officer determines that a fence is in violation of any provisions of this Chapter, they shall give written notice of such alleged violation to the owner which shall state:
 - 1. The violation found.
 - 2. The specific standards which must be met.
 - 3. The fence must be brought into compliance within thirty (30) days, except for good cause.
 - 4. Failure to comply with the terms of such notice shall constitute grounds for the Code Enforcement Officer to order removal of the fence at the expense of the owner as provided by this Chapter.
 - 5. Any owner aggrieved by this notice has a right to an appeal pursuant to Section **540.090**

Section 540.090. Appeals and Variances.

- A. Review Of Code Enforcement Officer's Orders. The Board of Adjustment is empowered to review or modify the Code Enforcement Officer's determination with respect to fences covered by this Chapter and to that end shall, during appeal, have all the Code Enforcement Officer's power. In addition, only the Board of Aldermen may grant variances from the provisions of this Chapter.

Section 2: This Ordinance shall take effect and be in full force, and retrospect with no grandfather clause from and after its passage by the Board of Aldermen and approval of the Mayor of the City of Marshfield, Missouri.

Section 3: All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby expressly repealed.

Read twice by title after proper posting in accordance with the provisions of Section 79.130, RSMo. (1988) and passed by the Board of Aldermen of the City of Marshfield, Missouri, this 12th day of September 2024.



Stacy Lee

Stacy Lee, Mayor Pro-tem

ATTEST:

Karen M. Rost

Karen M. Rost, City Clerk

APPROVED by the Mayor of the City of Marshfield, Missouri, this 12th day of September 2024.



Stacy Lee

Stacy Lee, Mayor Pro-tem

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