

## AN ORDINANCE AMENDING THE TWIN OAKS CHAPTER 510 OF THE TWIN OAKS MUNICIPAL CODE PERTAINING TO FENCES

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1:** Section 510.010, entitled “Definitions,” is hereby amended by repealing the definitions of *Brick Fence* and *Chain Link* and replacing them with revised definitions, to read as follows:

**BRICK FENCE**

A fence constructed of manufactured brick or stone.

**CHAIN LINK**

Wire of eleven-gauge (or thicker) woven into mesh no less than two (2) inches, attached to metal posts spaced at regular intervals.

**Section 2:** Section 510.030, entitled “Allowable Fences,” is hereby amended by repealing that subsections A and B in their entirety and replacing them with a new subsection A and B, to read as follows:

- A. District "A" Residential: powder-coated anodized aluminum or powder-coated galvanized-steel in black or earth tones; wood (including composite wood with wood-grain finish in natural wood colors, but not plywood or knotty pine); decorative wrought iron in black or earth tones; decorative stacked fence; stone or brick fence so long as the brick fence has at least thirty percent (30%) of the fence containing open areas consistently throughout the length of the fence. Chain link fences are not permitted in the “A” District (except as set forth in Section 510.070, Nonconforming Fences).
- B. District "B" Residential: wood as listed for District "A"; powder-coated/vinyl-clad chain-link fencing (permitted only for tennis courts or baseball field backstops) in black or green color only. Division fences consisting of chain link are not permitted in the “B” District shall be chain link (except as set forth in Section 510.070, Nonconforming Fences).

**Section 3:** Section 510.060, entitled “Height Restrictions – Installation Requirements,” is hereby amended by repealing subsection A in its entirety and replacing it with a new subsection. A, to read as follows:

- A. No person shall construct, cause to be constructed, or maintain on a residential lot any division fence or any other fence, wall, or exterior partition, which exceeds six (6) feet in height except where rear yard of a residentially used property abuts a non-residential use and sits at an elevation below the abutting non-residential use in which case the fence shall not exceed eight (8) feet in height.

**Section 4:** Section 510.070, entitled “Nonconforming Fences,” is hereby amended by numbering the existing paragraph as subsection A and then adding new subsections B and C, to read as follows:

- A. Division fences, walls or exterior partitions which do not conform to the provisions of this Chapter but which are in place prior to its adoption (November 20, 2013) may continue in existence; provided, however, that in the event any such non-conforming fence, wall or partition shall be damaged or destroyed or shall decay to the extent that the cost of restoration shall exceed fifty percent (50%) of the cost of a new fence or wall, including labor and materials, then said fence, wall or partition shall be altered and reconstructed in conformity with the provisions of this Chapter, including those Sections hereof requiring the issuance of a permit.
- B. Notwithstanding anything herein to the contrary, a chain link fence legally erected prior to the date of adoption of this Code and not in compliance with the provisions of this Chapter prohibiting chain link but otherwise compliant, may be replaced with a vinyl, color-coated (black or earth tone) chain link fence in the identical location as the fence to be replaced provided that the replacement fence does not exceed forty-two inches (42”) in height, is not placed in the front yard, is not thinner than 11 gauge, and does not otherwise create or expand any other non-conformities within this Section.
- C. *Abandonment or Discontinuance.* In the event that a non-conforming fence is removed for a period of thirty (30) days or more, such removal shall be deemed an intent to abandon such non-conforming fence and the non-conforming status of the fence shall be deemed abandoned and cannot be replaced as set forth above.

**Section 5:** This ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 1<sup>st</sup> DAY OF MAY 2024.

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Russ Fortune, Mayor

Attest:



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Paula Dries, Assistant City Clerk