

BILL NO. 01-2004

ORDINANCE NO. 559

AN ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCE NO. 519, THE ZONING ORDINANCE OF THE CITY OF NORBORNE, MISSOURI, AND ADOPTING NEW PROVISIONS REGARDING THE STRUCTURE AND MAINTENANCE OF FENCES.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, has determined that it is in the best interests of said city to amend certain sections and provisions of Ordinance No. 519 of the City in order to further provide for the construction and maintenance of fences.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NORBORNE, MISSOURI, AS FOLLOWS:

SECTION I--Amendment of ARTICLE XVIII, Section 18-106, Additional Special Requirements, new provision:

ARTICLE XVIII, Section 18-106 of Ordinance No. 519 of the City of Norborne, Missouri, is hereby amended to add the following provision:

ARTICLE XVIII, Section 18-106

(5): Fences:

- a. Permit required. It shall be unlawful to erect any fence in the City without first having filed with the City Clerk an application for a fence permit, specifying the type of fencing, design, materials to be used and location of such fence, and having obtained a permit for the erection of said fence.
- b. Fences located within a front yard shall be ornamental in nature and function and shall not exceed forty-eight (48) inches in height. At least fifty percent (50%) of the viewable surface of the fence shall be open in order to see within the confines of the fenced area.
- c. Fences located within rear yards and side yards shall not exceed eighty-four (84) inches in height and shall have a minimum set back of fifteen (15) feet from the front property line. Types of fences permitted in rear yards and side yards are open mesh (commonly known as "chain link") ornamental wire, ornamental wood, metal, rigid plastic, basket weave, or louvered (vertical or horizontal). Any such fence located in either rear or side yards shall have a minimum of thirty percent (30%) of the viewable surface of the fence open in order to see within the confines of the fenced area.
- d. All fences must be constructed in a workmanlike manner and all vertical support posts installed in the ground must be located on the inside of the fenced area.
- e. No person shall connect any type of electrical current to an existing or newly constructed fence.

f. No fence shall be constructed in whole or in part of barbed wire or razor wire, except that barbed wire shall be permitted for agricultural uses in appropriately zoned districts and for the top wire or wires (not to exceed three (3) in number) on a security fence located in a commercially zoned district, the lowest strand of barbed wire to be at least six and one-half (6 1/2) feet above the ground surface.

g. In order to protect the property rights and values, public health, safety, morals and general welfare of the residents, fences must be kept in their original upright condition, maintained in good repair, and, as applicable, properly painted or preserved.

h. Property owners will be given a reasonable time to comply with these new provisions, normally not to exceed forty-five (45) days, except that a longer period may be given in the discretion of the City Clerk if such compliance is found to create an undue hardship on the respective property owner(s).

i. The City Clerk is hereby empowered to issue notice to property owner(s) and/or agent(s) to comply with these new provisions.

j. Any person violating any provisions of this subsection, upon conviction, shall be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), with each day such violation shall continue to constitute a separate offense.

SECTION II--Effective date.

This ordinance shall be in full force and effect from and after its final passage and approval.

Read three (3) times and duly ADOPTED and PASSED by the Board of Aldermen of the City of Norborne, Missouri, this 5th day of April, 2004.

Roger Sealy
Mayor

[SEAL]

ATTEST:

Dorothy L. Drew
City Clerk

APPROVED by the Mayor this 5th day of April, 2004.

Roger Sealy
Mayor

[SEAL]

ATTEST:

Dorothy L. Drew
City Clerk