

AN ORDINANCE ESTABLISHING THE PERMISSABLE HEIGHT OF PERIMETER FENCES ON PROPERTY LOCATING IN THE CITY OF ARCADIA.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, as follows:

SECTION 1. DEFINITIONS. For the purposes of this ordinance, the following terms shall have the meaning given therewith:

a. "Construction site barrier" shall mean a structure erected on a temporary basis to protect a construction site from vandalism and unauthorized entry.

b. "Fence" shall mean 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.

c. "Landscape treatments" shall mean a non-site-obscuring, decorative wooden or metal structure used to enhance, accent or protect the landscaping of the site.

d. "Privacy Screen" shall mean a decorative structure, often site-obscuring, erected adjacent to or around a swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

e. "Site-obscuring" shall mean 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.

SECTION 2. REQUIREMENT FOR PERIMETER FENCES. It shall be unlawful for any person, firm or corporation to erect, build or construct or cause to be erected, built, or constructed a site-obscuring perimeter fence of a height that exceeds four (4) feet.

SECTION 3. REQUIREMENT FOR FENCES THAT ARE NOT SITE-OBSCURING. It shall be unlawful for any person, firm or corporation to erect, build or construct or cause to be erected, built or constructed any fence of a height that exceeds four (4) feet, even if the fence is not site-obscuring.

SECTION 4. PRIVACY SCREENS. Privacy screens are permitted provided that they are located no further than twenty (20) feet from the outer edge of the swimming pool.

SECTION 5. MATERIALS NOT TO BE USED AS FENCES. It shall be unlawful for any person, firm or corporation to erect, build or construct or cause to be erected, built or constructed a barb wire fence partially or wholly around any property, street, alley, lane, avenue or public highway or road or in front of any public place or space. Furthermore, fences with sharp or pointed tops, affixed spikes, projecting nails, or other poured in instruments of any kind or description are prohibited.

It shall be unlawful for any person, firm or corporation to erect, build, construct or maintain any fence charged or connected with an electrical current in such a manner as to transmit such current to persons, animals or things which may come in contact with such charged fence.

SECTION 6. EXCLUSIONS. All fences that exist as of the effective date of this Ordinance shall not be deemed to have violated the provisions of this Ordinance.

SECTION 6. 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.

SECTION 7. PERMIT REQUIRED. No person, firm or corporation shall erect, build or construct or cause to be erected, built, or constructed any fence, construction site barriers, landscape treatments or privacy screens without first obtaining a separate building permit for each fence, construction site barrier, landscape treatment or privacy screen from the City Clerk. There shall be no fee for such permit.

SECTION 8. VIOLATIONS. After notification that an erected fence is unlawful, a separate offense shall be charged for each day prior to the fence being dismantled.

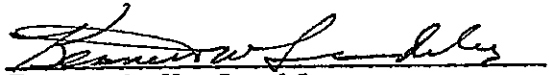
SECTION 9. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the City Jail, not exceeding ninety (90) days, or by both such fine and imprisonment.

SECTION 10. SEVERANCE CLAUSE. That if any section, sentence, phrase or clause of this ordinance shall be held to be invalid for any reason by a court of competent jurisdiction, the invalidity of such section, sentence, phrase or clause shall not impair the validity of the remaining sections, sentences, phrases or clauses of this

ordinance; the Board of Aldermen hereby declares that it would have passed the remaining portions of this Ordinance had it known that such section, sentence, phrase or clause would be held invalid.

SECTION 11. REPEALING CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith, shall be, and the same are hereby repealed; and this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri on this 8TH day of May, 1988.


Kenneth W. Lumbley
Mayor of the City of Arcadia

ATTEST:


Joyce Callisto, City Clerk

