

Ordinance 2000-10

AN ORDINANCE AMENDING THE  
CITY OF BOONVILLE ZONING ORDINANCE

BE IT ORDAINED:

WHEREAS, no person shall erect or substantially alter a fence or wall in the City of Boonville without having first obtained a permit issued by the Zoning Administrator. In the case of fences and walls, which are erected on the property of another by a commercial organization or business, it shall be the obligation of that organization or business to obtain the permit. No permit shall be issued by the City until the Zoning Administrator has determined that the proposed fence or wall complies with applicable regulations herein under and with all other applicable laws and ordinances of the City.

**NOW, THEREFORE, BE IT ORDAINED:**

**SECTION 1:** The Boonville Zoning Ordinance, Chapter IV, Section 4.50, Fences and Screening, is amended by Sections 2,3,4 & 5 of this Ordinance

**SECTION 2: General Restrictions and Prohibitions-**

- A. No private fence, wall or hedges shall be erected or planted within the right-of-way of any public street, highway, and parkway. No private fence, wall or hedges shall be erected or planted within two (2) feet of the right-of-way of an alley or easement. However, in R-1, R-2, or R-3 residential districts, fences and hedges or other plantings may be constructed or planted up to the edge of the resident's side of any sidewalks. Where no sidewalk exists, plantings may be placed not closer than four (4) feet from the curb or edge of the traveled portion of the roadway, without approval of the BZA, but no such planting shall interfere with, obstruct the view of, or create a safety hazard for any motor vehicle being driven, whether on private property or on a public street. All improvements made by residents shall be maintained by the resident and the City shall have the right to require the removal of any fence or hedge on a public right-of-way at no cost to the City.
- B. No fence or wall shall be maintained or erected if it is constructed with any material, which is likely to inflict bodily harm should a person or animal come in contact with the fence or wall. Materials covered by this prohibition

include, sharp or ragged metal spikes or spears. Barbed wire may be used only as expressly authorized below.

- C. No wall, which interrupts, impedes or otherwise alters the natural flow of water, shall be erected in any district.
- D. No barbed wire or barbed wire fences shall be erected in any residential district.
- E. All fences shall be erected so that they're finished side faces out, and the unfinished side faces the property of the person who has caused said fence to be erected.
- F. All fences, walls and hedges shall be maintained in good, structurally sound repair, and in neat, clean and attractive condition.
- G. All hedges shall be planted and maintained so that the hedge will not overhang or interfere with the use of a public way such as a sidewalk, alley or street.
- H. No person shall plant, construct or maintain upon any land or premises within the City any hedge, wall, fence or other structure or object which will interfere with, obstruct the view of or create a safety hazard for any motor vehicle being driven, whether on private property or an a public street.

**SECTION 3: Height Restrictions For Fences and Walls--**

- A. Front Yards: No fence or wall which exceeds forty-two (42) inches in height above ground level shall be erected in the front or corner side yards of any residential, commercial or industrial district.
- B. Side and Rear Yards: No fence or wall which exceeds seventy-two (72) inches in height above ground level shall be erected in side yards or in rear yards of any residential structure in the R-1, R-2 & R-3 residential district. Fences, which are located in side and rear yards which abut business districts may not exceed ninety-six (96) inches above ground level.
- C. Commercial & Industrial Districts: No fence, which exceeds ninety-six (96) inches in height above ground level, shall be erected on side and rear yards in commercial and industrial districts. The use of barbed wire is prohibited except that the top twelve (12) inches of any fence in I-1 and I-2 District may be constructed of barbed wire.
- D. Pool Fences: All pools must be contained within a fenced enclosure of not less than sixty (60) inches in height, and such fence shall be designed to prohibit unrestricted access to the pool.

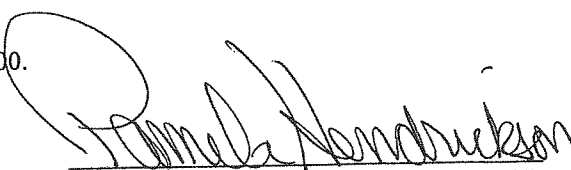
**SECTION 4: Exemptions -**

- A. Fences, walls and hedges legally in existence at the time of adoption of this Ordinance which are not in violation of current ordinances, and which do not present a safety hazard to pedestrian or vehicular traffic, and which do not prevent accessibility by emergency vehicles, but which violate other provisions of this Section may continue to be maintained and to exist, but may not be replaced if fifty percent (50%) or more of the fence, wall or hedge is either destroyed or removed.

**SECTION 5: Nonconforming Fences, Walls and Hedges -**

- A. Nonconforming fences, walls and hedges not exempted, above, shall be subject to repair or removal. If, following inspection by the Zoning Administrator, any fence, wall or hedge in said Administrator's determination does not meet the requirements herein, the Zoning Administrator shall order the owner or occupier of the premises to make the necessary repairs, improvements or to remove the fence, wall or hedge. A reasonable period of time shall be provided to make the repairs, based upon the nature, extent and cost of such repairs, improvements or removals. Should the aforesaid owner or occupant fail to make the requested repairs, improvements or removal within the time provided, said owner or occupier shall be in violation of these regulations, and the City shall be authorized to undertake the necessary repairs, improvements or removal at the expense of said owner or occupier.

ADOPTED this 15<sup>th</sup> day of June, 2000.

  
PAMELA HENDRICKSON, MAYOR  
PRESIDING OFFICER, CITY COUNCIL

ATTEST:



Dixie Sulawske  
Clerk - Treasurer