

# CITY OF HERCULANEUM

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## FENCE INSTALLATION PERMIT

Date: \_\_\_\_\_

Permit # \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
\_\_\_\_\_

Location of Service: \_\_\_\_\_  
\_\_\_\_\_

Remarks:

Must meet all Herculaneum 2015 Building Codes

Materials & specs information must be submitted for approval by the Building & Code Official before commencing any project. Must be installed within the boundaries of owners applicants property. Residents responsibility to remove fence if problems arise from installation over any utilities.

NO FENCE is permitted in the FRONT BUILDING LINE

**ALL CONTRACTORS AND SUB-CONTRACTORS MUST BE LICENSED THROUGH THE CITY OF HERCULANEUM**

Estimated Cost: \_\_\_\_\_

Permit Fee: \_\_\_\_\_

### INSPECTION APPROVALS:

1. Pier Inspection

2. Final Inspection

**A 24 HOUR NOTICE MUST BE GIVEN TO SCHEDULE FOR INSPECTIONS**

Applicant Signature: \_\_\_\_\_

Signature

(Print Name)

Building & Code Official: \_\_\_\_\_

Dodie Graves Patrick Friedmeyer

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AN ORDINANCE RELATING TO THE REGULATION OF FENCES WITHIN THE  
CITY OF HERCULANEUM

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WHEREAS, The Board of Aldermen of the City of Herculanum has been advised by the Planning and Zoning Commission that the current language, in the City's Code, addressing the erection and maintenance of fences within the City of Herculanum is insufficient; and

WHEREAS, The Board of Aldermen of the City of Herculanum desires to amend the Municipal Code of the City of Herculanum to provide additional regulations with regard to the erection and maintenance of fences.

NOW THEREFORE be it ordained by the Board of Aldermen of the City of Herculanum, Missouri, as follows:

**Section 1: The Municipal Code of the City of Herculanum shall be amended by the addition of a new Chapter, which shall be known as Chapter 450 "Fences".**

CHAPTER 450 FENCES

This section contains the minimum regulations for the erection or alteration of fences in the City of Herculanum.

SECTION 450.010 DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

**Construction Site Barrier** - a structure erected on a temporary basis to protect a construction site from vandalism and unauthorized entry.

**Decorative fence** - a fence used to enhance or accent which may be wood, vinyl, wrought iron, or square or round tubing, or a similar material.

**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.

**Fence Height** - The vertical distance measured from the side of the fence that is exterior to the property from the lowest adjacent ground level to the top of the fence material.



**Landscaped Treatments** – a non-site-obscuring, decorative wooden or metal structure used to enhance, accent or protect the landscaping of a site.

**Privacy Screen** – a decorative structure, often sight obscuring, erected adjacent to or around a patio, deck, courtyard, or swimming pool designed to screen the area behind it or within its confines from observation by persons outside its perimeter.

**Sharp Pointed Fence** – A barbed fence, a fence with spikes other sharp points or a razor blade fence.

**Site Obscuring** – 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.

**Wire Fence** – A fence, the principal material of which is wire. This includes, but is not limited to chain link fences.

#### SECTION 450.020 GENERAL PROVISIONS

1. Before a fence may be erected or altered in the City, the person or entity erecting or altering the fence shall obtain a permit to do so. The fee for said permit shall be ten dollars (\$10.00). No permit shall be required for the routine maintenance of a fence or for the replacement of a fence section. However, before a change, modification of design, or change in placement of a fence may be undertaken, the person or entity who will be changing or modifying the design or placement shall obtain a permit to do so.
2. All applications for permits, pursuant to this Section, shall be submitted to the City Building Official. All applications shall include a site plan showing the location of the proposed fence and shall include other documentation, which the Building Official deems necessary. Applications for fence permits shall be made available at the Herculaneum City Hall.
3. In the event that the City Building Official denies the application, said denial shall be provided to the applicant in writing. The applicant shall have thirty (30) days from the date of the denial to appeal the decision of the City Building Official to the Board of Adjustment, which shall hold hearing on the matter as soon thereafter as is practicable. Said appeal shall comply with the requirements of Section 435.020.
4. Fences in rear and side yards shall not exceed six (6) feet in height, except that security fences in commercial and industrial districts may be constructed up to eight (8) feet in height to include any barbed wire used to top the fence. A fence



in a front yard shall not be greater than 48" inches if it meets an exception in Section 450.030.

5. Fences may be constructed on the property line, except however, fences or a landscaped screen on corner lots shall not be constructed within thirty feet of the right-of-way of the intersection of two (2) streets.
6. On an interior lot, a fence shall not extend beyond the front building line unless it meets an exception in Section 450.030. On a corner lot a fence shall not extend beyond the front building line on the side designated by the address to be the front of the property.
7. It shall be the responsibility of the property owner to insure that a fence does not block or obstruct the flow of storm water.
8. All fences erected prior to enactment of this ordinance shall be considered non-conforming and as such shall be allowed to remain in place.

#### SECTION 450.030 EXCEPTIONS

1. Fences surrounding private tennis courts or athletic fields shall not exceed 12 feet in height with exit gates at required intervals. The minimum setback from any property line for such fencing shall be six (6) feet. At least the top four (4) feet of a twelve (12) foot fence shall be open or woven wire construction.
2. Fences enclosing an institution, public playground, schools, or a commercial or industrial site, shall not exceed eight (8) feet in height with exit gates at required intervals.
3. Nothing shall restrict the erection of necessary backstops and the like for softball or baseball diamonds or other athletic grounds requiring backstops, provided such backstops are constructed of wire mesh, chain link or similar material on metal tubular framing.
4. A fence may be permitted within a front yard if it is a decorative fence and is approved by the Planning and Zoning Board.

#### SECTION 450.040 DESIGN AND MAINTENANCE

1. All fences shall be in an upright condition. No person shall permit, cause, keep, maintain, or allow a fence within the corporate limits of the City of Herculaneum in a dilapidated or dangerous condition.
2. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed.



3. Missing boards, pickets, posts or other sections of fencing material shall be replaced in a timely manner with material of the same type and quality.
4. Fences shall have adequate footings, foundations, or post depth and size as required by the International Building Code.
5. The maximum board width for wood privacy fences is twelve (12) inches for solid, staggered, or "basket weave" fences. Framing members for wood privacy fences may be made of metal. Solid panels such as plywood, wafer board, etc., shall not be allowed, except for temporary construction site barriers, which shall be removed upon completion of the construction project.
6. All framework of a wooden fence, privacy or decorative, shall be on the inside portion of the fence, and all posts of a wire/chain link fence shall be inside of the fabric.
7. An ornamental divider, plastic chains, posts or like materials erected along driveway or sidewalks on the interior of a lot shall not be considered a fence.

#### SECTION 450.050 PROHIBITED FENCES

1. Any sharp pointed fence. Also, no fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
2. No fence shall be constructed in whole or in part of barbed wire, except for fences constructed in an agricultural district for agricultural uses and security fences constructed in heavy industrial districts or light industrial districts, pursuant to the provisions set forth in the following sentence. The top wire or wires on security fences at least eight (8) feet in height may be made of barbed wire, provided the brackets supporting the barbed wire are securely fastened to the fence posts and are angled toward the property and, provided further, that no strand of barbed wire shall be closer than seven (7) feet to the ground.
3. No person shall erect or maintain any division fence or screen, in whole or in part, of cloth, canvas, metal sheeting, plywood, wafer board or other similar material, unless otherwise herein.
4. No person shall permit any fence erected or maintained on premises owned, occupied or leased by him to be used for advertising purposes.
5. No person shall connect any type of electrical current to any existing or newly constructed fence.



## SECTION 450.060 SCREENING / BUFFER AREA

At such time as a lot which is zoned commercial or industrial is developed adjacent to a lot which is zoned residential, a permanent screening consisting of a masonry wall, wood fence, seeded berm, landscaping material or combination thereof, at least six (6) feet in height shall be installed by the developer of the commercial or industrial zoned lot. The screen shall be installed between the commercial or industrial lot and the residential lot. The required screening shall have opacity of at least eighty (80) percent year round and, if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) growing seasons. The required screening shall be maintained in good order and not allowed to exist in a state of disrepair or neglect and the opacity requirement shall be maintained. If wood fencing is used, it shall be durable in nature, and a color that accents the development. Failure to maintain the required screening shall be considered a violation.

## SECTION 450.070 ENCROACHMENT

All fences shall be built by the party desiring and shall not have any part of the fence encroaching upon adjoining property.

## SECTION 450.080 OWNERSHIP/MAINTENANCE RESPONSIBILITY

1. Any person, who erects, builds or constructs any fence or privacy screen upon property, which such person owns, leases, or rents shall be responsible for the repair, upkeep and maintenance of the fence, or privacy screen and any area adjacent thereto.
2. Any person who contracts with another or causes another to erect, build or construct a fence or privacy screen shall be responsible for the repair, upkeep and maintenance of that fence or privacy screen and any area adjacent thereto.
3. Any person who owns property upon which a previous owner has constructed a fence or privacy screen shall be responsible for the care, upkeep and maintenance of the fence or privacy screen. If a previously constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its upkeep and maintenance. If ownership of a fence located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of that side of the fence facing their property. For the purposes of this paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquired property from a person who originally erected or caused a fence to be erected thereon.
4. All fences that exist as of the effective date of this Section shall be kept and maintained in good repair.



#### SECTION 450.090 INSPECTION / NOTIFICATION

The Building Official or the Mayor's designee may inspect any fence to determine whether it conforms to the provisions of this Chapter. Any person who erects, constructs, builds or causes to erect, construct or build a fence or has property on which a fence is located, shall allow the Building Official access to inspect said fence to determine whether it complies with the provisions of this section. When the building inspector finds upon inspection or receipt of a complaint, that a fence has not been constructed, maintained or repaired as required by this section, the Building Official shall give written notice at least five (5) days in advance of the date of an intended inspection, to the parties in interest, advising them of the time and place that the fence will be inspected. The Building Official shall then inspect said fence at the arranged time and place and determine if the fence is required to be repaired or rebuilt. Written notification of the results of said inspection shall be sent to the owner or person responsible for the maintenance of the fence. If any person so notified neglects or refuses to comply with the requirements of such determination for a period of fifteen (15) days, then the Building Official shall have the authority to cause a complaint to be filed in Municipal Court against the responsible party or parties.

#### SECTION 450.100 DENIAL OF RESPONSIBILITY

The City of Herculanum shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences. In addition, the City shall not be responsible for the determination of the location of any fence to be erected, built or constructed on a lot line.

#### SECTION 450.110 DECLARED NUISANCE / PENALTY

All fences or other like structures erected or maintained in violation of this Chapter are hereby deemed and declared to be a nuisance, and any owner or person responsible for maintaining the fence shall be guilty of the misdemeanor. Each day that such nuisance exists shall be deemed a separate offense, with each offense punishable in accordance with the provisions of this Section. Upon conviction thereof the owner or occupant shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days or both such fine and imprisonment.

**Section 2: All Sections of the International Building Code and the International Property Maintenance Code, 2003 Editions, which have been adopted by the City of Herculanum, which are inconsistent with the provisions of this Ordinance, are hereby repealed. Additionally, Subsection K of Section 410.160 of the Herculanum City Code is hereby repealed and the revisor is directed to re-letter the Subsections accordingly.**