

AN ORDINANCE OF THE BOARD OF THE TRUSTEES OF THE VILLAGE OF INDIAN POINT, MISSOURI, AMENDING ARTICLE V – USE REGULATIONS BY ZONING DISTRICT OF THE CODE OF THE VILLAGE OF INDIAN POINT, MISSOURI, TO ADD SECTION 415.155 PERTAINING TO THE REGULATION OF RESIDENTIAL FENCES.

WHEREAS, the Board of Trustees of the Village of Indian Point, Missouri (“Village”) has deemed it necessary to update the current municipal planning and zoning code regarding fences to allow more flexibility for residents and their property within the Village;

WHEREAS, this ordinance will replace current zoning restrictions laid out in Section 415.150 and 415.180 as they pertain to regulating fences;

WHEREAS, that Article V – Use Regulations by Zoning District of the Code of the Village of Indian Point, Missouri, be amended to add a new Section, **Section 415.155. Residential Fence Regulations**.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INDIAN POINT, MISSOURI, AS FOLLOWS:

SECTION 415.155 RESIDENTIAL FENCE REGULATIONS

A. DEFINITIONS: For the purpose of this ordinance, the following definition shall apply:

1. **Fence:** a physical barrier or boundary, typically composed of wood or metal, used to enclose, demarcate, or protect a specific area of land.
2. **Stone Panel:** structures composed of individual stone panels or sections that are assembled to form a fence or enclosure around an area of land.

B. ALLOWANCE OF FENCE ERECTION IN RESIDENTIAL ZONING: Fences in residential zones must comply with the following regulations.

1. Fences shall be constructed with the finished side facing outward from the property.
2. Fences shall not obstruct visibility at street intersections or driveways of any properties and must comply with the Village code regarding Sight Triangles.
3. Fences shall be constructed within the property lines and not encroach onto public rights-of-way or neighboring properties.
4. For the purpose of this Ordinance, fences shall be considered as permitted encroachments and not structures and shall require a fencing permit to construct.
5. The onus for compliance with these regulations shall be the responsibility of the individual property owner.

6. Front Yards: A fence of stone panels, wrought iron, chain link, or wood may be constructed in the front yard of an improved lot if said fence is not more than four feet (4) in height and at least thirty (30) percent open. Said fence does not obstruct the view of vehicular traffic to or from any street or driveway adjacent to said lot alongside street or any street adjacent to said lot. Gates of like approved material are allowed but must not be more than five (5) feet in height.
7. Side Yards: A fence of stone panels, chain link, wood, or wrought iron, may be constructed to enclose the side yards of an improved lot if and said fence shall not be more than eight (8) feet in height.
8. Rear Yards: A fence of stone panels, chain link, wood, or wrought iron may be constructed to enclose the side yards of an improved lot if and said fence shall not be more than eight (8) feet in height.
9. Height will be measured from the ground to the highest point of the fence.
10. When determining height, the elevation of the adjoining property within ten feet may be used as the ground measurement to determine height of fence for side and rear yards.
11. When special property conditions exist that make it unfeasible to meet these requirements, applicants may present alternative recommendations to the planning and zoning commission for consideration.

C. HEDGES, SHRUBS, AND OTHER LANDSCAPING: Hedges, shrubs, and other vegetation that are placed near lot lines to be used as screening (Replaced fencing with “screening”) shall be considered landscaping and shall not require a fencing permit.

D. PERMIT COST: The cost of a fencing permit shall be decided by the Board of Trustees but will be no more than the minimum cost of a zoning compliance permit.

E. PROHIBITED FENCES

1. T-post, barbed wire, electrified, or similar fences are prohibited within residential zoning.
2. Fences constructed with materials such as old tires, sheet metal, chicken wire, pallets, Styrofoam, or other non-traditional materials are prohibited.

F. NON-COMPLIANCE: Any person who builds a fence without first obtaining a permit or is non-compliant with this Section shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

G. PUBLIC OR UTILITY EASEMENT: All damage to a fence placed within a public or utility easement incurred as the result of any permitted activity by a public agency or utility company shall be the sole responsibility of the property owner.

H. SEVERABILITY: If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

I. EFFECTIVE DATE: This Ordinance shall take effect immediately upon passage and approval by the Board of Trustees of the Village of Indian Point, Missouri.

PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INDIAN POINT THIS 13th DAY OF March 2024 ON FIRST AND SECOND READING.

FIRST READING	YEA	NAY
Denise Petersen	<u>X</u>	___
Barbara Manisco	ABSENT	
Zach Hamilton	<u>X</u>	___
Ron Coomes	<u>X</u>	___
Chris Houghton	<u>X</u>	___

SECOND READING	YEA	NAY
Denise Petersen	<u>X</u>	___
Barbara Manisco	ABSENT	
Zach Hamilton	<u>X</u>	___
Ron Coomes	<u>X</u>	___
Chris Houghton	<u>X</u>	___

Attest: _____
Village Clerk
Beth Frazier

Denise Petersen
Chair, Board of Trustees