

AN ORDINANCE AMENDING ARTICLE VI OF  
CHAPTER 25 OF THE CODE OF ORDINANCES OF  
THE CITY OF CAPE GIRARDEAU, MISSOURI,  
REGARDING FENCES

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU,  
MISSOURI, AS FOLLOWS:

**ARTICLE 1.** Article VI of Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, relating to "Fences", reading as follows:

ARTICLE VI. Fences

Sec. 25-601. Applicability.

The requirements of this section shall apply to the construction, installation, extension and replacement of all fences more than thirty-six (36) inches in height.

Sec. 25-602. Permitting Process.

A fence permit shall be obtained prior to beginning construction, extension or replacement of all applicable fences. If more than thirty (30) percent of an existing fence is being replaced, a permit must be obtained. To obtain a permit for a fence, a completed application form and site plan must be submitted to the City Manager. The following regulations apply to the installation of any fence requiring a permit.

Sec. 25-603. General Standards

- (a) Fences may be constructed up to, but not on, the property line and must be entirely on the property of the property owner constructing the fence. The property owner is responsible for locating property lines.
- (b) Fences cannot be constructed within thirty (30) feet of the intersection of two (2) streets, as measured from the right-of-way/property line.
- (c) Fences shall not be constructed within any utility easement, except as authorized by the city manager after the property owner signs a waiver accepting the responsibility for building a fence within a utility easement.

- (d) All fences must be constructed in a workmanlike manner and maintained in their original upright condition.
- (e) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- (f) Fences shall have adequate footings, foundations, or post depth and size.

Sec. 25-604. Location, type and height.

Residential uses		
• Rear and side yards	Maximum of six (6) feet	
• Front yards	Maximum of three (3) feet	50% of the surface must be open
Commercial uses		
• Rear and side yards	Maximum of eight (8) feet	May include barbed wire on top
• Front yards	Maximum of three (3) feet	
Swimming pools	Minimum of four (4) feet	In accordance with Section 13-37 of the City Code
Tennis Courts/Athletic Fields	Maximum of twelve (12) feet	Must be open wire mesh fences
Playgrounds/schools	Maximum of eight (8) feet	

Sec. 25-605. Prohibited fences.

- (a) No fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
- (b) No fence shall be constructed in whole or in part of barbed wire, except for agricultural uses, and except for top wire or wires on a security fence at least six (6) feet in height.
- (c) No fence shall be constructed in whole or in part of cloth, canvas or other like material.
- (d) No fence shall be used for advertising purposes.
- (e) No fence shall have connected to it any type of electrical current, except in the AG or AG-1 Districts

~~is hereby repealed~~ in its entirety, and a new Article VI of Chapter 25 of the Code of Ordinances of the City of Cape

Girardeau, Missouri, relating to "Fences", is hereby enacted in lieu, in words and figures, to read as follows:

#### ARTICLE VI. Fences

##### Sec. 25-601. Applicability.

The requirements of this section shall apply to the construction, installation, extension and replacement of all fences more than thirty-six (36) inches in height.

##### Sec. 25-602. Permitting Process.

A fence permit shall be obtained prior to beginning construction, extension or replacement of all applicable fences. If more than thirty (30) percent of an existing fence is being replaced, a permit must be obtained. To obtain a permit for a fence, a completed application form and site plan must be submitted to the City Manager. The following regulations apply to the installation of any fence requiring a permit.

##### Sec. 25-603. General Standards

- (a) No fence shall be constructed on, or across, a property line, except where a fence is constructed on adjacent properties collectively owned by the fence owner. No fence shall be constructed on property not owned by the fence owner without the written permission of the property owner. The fence owner is responsible for locating property lines.
- (b) Fences cannot be constructed within thirty (30) feet of the intersection of two (2) streets, as measured from the right-of-way/property line.
- (c) Fences shall not be constructed within any utility easement, except as authorized by the city manager after the property owner signs a waiver accepting the responsibility for building a fence within a utility easement.
- (d) All fences must be constructed in a workmanlike manner and maintained in their original upright condition.
- (e) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- (f) Fences shall have adequate footings, foundations, or post depth and size.
- (g) For fences having a front and a back, such as a privacy fence, the front or finished side shall

face outward from the property on which the fence is installed.

Sec. 25-604. Location, type and height.

Agricultural uses		
• Front, rear and side yards	Maximum of four (4) feet	May include barbed wire, except where adjacent to a residential use or district
Residential uses		
• Rear and side yards	Maximum of six (6) feet	
• Front yards	Maximum of three (3) feet	50% of the surface must be open
Commercial uses		
• Rear and side yards	Maximum of eight (8) feet	May include barbed wire on top, except where adjacent to a residential use or district
• Front yards	Maximum of three (3) feet	
Manufacturing uses		
• Front, rear and side yards	Maximum of eight (8) feet	May include barbed wire on top, except where adjacent to a residential use or district
Swimming pools - all yards	Minimum of four (4) feet	In accordance with Section 13-37 of the City Code
Tennis Courts/Athletic Fields - all yards	Maximum of twelve (12) feet	Must be open wire mesh fences
Playgrounds/schools - all yards	Maximum of eight (8) feet	

Sec. 25-605. Prohibited fences.

- (a) No fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
- (b) No fence shall be constructed in whole or in part of barbed wire, except as allowed in Section 25-604.

- (c) No fence shall be constructed in whole or in part of cloth, canvas or other like material.
- (d) No fence shall be used for advertising purposes.
- (e) No fence shall have connected to it any type of electrical current, except in the AG or AG-1 Districts.

**ARTICLE 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

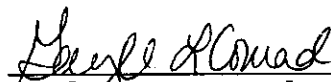
**ARTICLE 3.** It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

**ARTICLE 4.** This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 9th DAY OF January, 2012.

  
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Harry E. Rediger, Mayor

ATTEST:

  
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Gayle L. Conrad  
City Clerk

