

AN ORDINANCE AMENDING SECTION 400.805 OF THE CODE OF ORDINANCES OF THE CITY OF GLENDALE, MISSOURI, PERTAINING TO FENCE REGULATIONS IN THE CITY OF GLENDALE

**WHEREAS**, Chapter 400 of the Code of Ordinances of the City of Glendale, Missouri, imposes certain rules and regulations to the permitted uses of buildings and premises in the various zoning districts within the City of Glendale, Missouri (the “City”); and

**WHEREAS**, City staff has proposed that Section 400.805 of the Glendale City Code be amended with regard to the permitted materials used for fences, and to designate certain non-standard fencing materials as impermissible; and

**WHEREAS**, the City Plan Commission reviewed the proposed amendment at its meeting on November 12, 2025, and has recommended that the Board of Alderman approve such amendment; and

**WHEREAS**, a public hearing was held before the Board of Aldermen on the 5<sup>th</sup> day of January, 2026 regarding the proposed amendment, with notice published in a newspaper of general circulation within the City at least fifteen (15) days prior to such public hearing, as required by Section 89.060, RSMo and Section 400.100 of the Glendale City Code;

**WHEREAS**, the Board of Aldermen of the City of Glendale, Missouri, has determined that the amendments to Section 400.805 are appropriate and in the best interest of the City.

**NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF GLENDALE, MISSOURI, AS FOLLOWS:

**SECTION ONE:**

Section 400.805 of the Glendale Municipal Code shall be amended to read as follows (with new text in bold and deletions struck through):

**Section 400.805      Fences.**

A.      Definitions. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**FENCE**

Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure encircling either wholly or any portion of any area.

**FRONT YARD**

Includes the ground between the front building line of a lot and the property line if the lot is not built on, or if built on between the front line of the constructed primary structure extended to both side property lines of such lot, and the front property line of the lot. If such lot is a corner lot then, in addition to the front yard described above, the front yard, if such corner lot is not built on, shall also include the ground between the front building line and the side property line on the side of such lot, or

if built on, between the side line of the constructed primary structure and the side property line extended to both the front and rear yard lot lines. Provided, however, that if there is a constructed primary structure to the rear of such corner lot in an adjacent lot that is closer to said side street than the constructed primary structure on the corner lot, then the front line of such adjacent building may be used to determine the front yard of the corner lot. In either event, however, the fence cannot extend beyond the rear line of the constructed primary structure on the corner lot. So that corner lots shall have a double front yard as defined herein. A “double frontage lot,” having frontage on two (2) streets that do not intersect at such lot, shall be deemed as having two (2) front yards, one (1) on each street. This definition of a “double frontage lot” shall not apply, however, to any frontages zoned residential which abut a State-maintained road.

#### **MASONRY WALL**

Any solid wall of brick, stone, ~~concrete~~ or ceramic construction above the grade level of such property.

#### **SOLID FENCE**

Any fence whose total area shall be fifty percent (50%) or more of solid material, whether of wood, metal, plastic, stone, brick, concrete or other material, and fifty percent (50%) or less of whose area shall be open space.

- B. Application To Building Commissioner Required. No person shall erect or cause to be erected a fence of any kind whatsoever without first filing an application for a fence permit with the Building Commissioner (or his/her designee) of the City. Such application shall contain information concerning the proposed dimensions and location of such fence, and the materials from which it is to be constructed. If the proposed fence appears to conform to the provisions of this Section, the Building Commissioner shall issue a permit. Each application for a fence permit shall be accompanied with payment of a permit fee of twenty-five dollars (\$25.00). Upon completion of the fence, the property owner shall be required to schedule an inspection of the fence by the Building Commissioner. Payment of a separate fence inspection fee of twenty-five dollars (\$25.00) shall be paid to the City in advance of the inspection.
- C. Restrictions And Prohibitions.
1. It shall be unlawful to erect any fence in violation of the following provisions:
    - a. No masonry wall, solid fence, chain link fence, snow fence or fence over forty-two (42) inches in height shall be constructed in any front yard of any residentially zoned property in the City.
    - b. No fence, regardless of material or location, shall exceed six (6) feet in height.
    - c. No fence composed in whole or in part of barbed wire or electrified in any manner may be erected or maintained in the City along or adjacent to any public street, avenue, alley, park, lane or other public grounds or along or adjacent to any front, side or rear yard of any abutting residential or commercial property in the City; provided, that the Plan Commission may consider an appeal to grant a special permit to do so in the event such barbed wire is a minimum of six (6) feet above grade level.
    - d. Every fence constructed in the City shall have its decorative side facing outward from the lot and the area to be enclosed, and shall have its posts,

- framing and other structural support within or facing toward the interior of the lot and the area to be enclosed.
- e. No fence of any kind shall be used for advertising purposes.
  - f. All fences shall be kept in good repair and, if of a type other than chain link or similar non-rusting material, shall be properly painted or preserved.
  - g. Fences shall not be located within fifteen (15) feet of the intersection of the right-of-way lines of two (2) intersecting streets.
  - h. No fence shall be located on public right-of-way.
  - i. **All fences shall be comprised of one or more of the following materials:**
    - (i) **Wood;**
    - (ii) **Unit masonry;**
    - (iii) **Wrought iron;**
    - (iv) **Decorative aluminum or steel; or**
    - (v) **Vinyl**
  - j. **Any fence that would be comprised of any material other than those listed in subdivision (i) of this Subsection shall not be erected unless an exception has been granted in accordance with Subsection (D) of this Section.**
  - k. **Any structure or flowerbox that is affixed to a fence shall not project across any property line, and any such structure or flowerbox which, due to its size, positioning, or weight, requires additional footings to remain in place, shall be securely affixed to the ground.**
2. It shall be the duty of the Building Commissioner to enforce the provisions of this Section. Whenever the Building Commissioner determines that a person is violating the provisions of this Section, he/she shall give notice of such alleged violation which shall:
- a. Be in writing;
  - b. Be served upon the person, his/her agent, or a member of his/her immediate family personally, or delivered by registered or certified mail to his/her last known address;
  - c. Contain a statement of the reason why it is being issued;
  - d. Contain a statement concerning what action should be taken to effect compliance with this Section; and
  - e. Allow a reasonable time for the performance of any act necessary to effect compliance.
3. Any person who violates the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each separate day that a fence remains in violation of the provisions of this Section after proper notice of such violation and failure of the property owner to effect compliance shall constitute a separate violation.
- D. Exceptions.
- 1. There shall be no appeal from a decision of the Building Commissioner pertaining to fences under this Section under the provisions of Section 400.930 or Section 500.050 of the Municipal Code.

2. When a person subject to the provisions of this Section can show that the strict application of the terms hereof will substantially impair the reasonable use and enjoyment of property, such person may apply for an exception to the provisions of this Section by filing a written application with the Plan Commission. The Plan Commission, or a standing committee thereof if one (1) is established for that purpose by the commission, shall conduct a hearing on said application after written notice is sent to the owners of all property abutting the property upon which the fence is sought to be erected and the owner of property directly across the street from the property upon which the fence is sought to be erected by First Class Mail.
3. The Plan Commission, or the designated committee thereof, may consider and allow exceptions from the strict application of this Section if such exceptions are in harmony with the purpose and intent of this Section, and if they will not be injurious to the surrounding property or otherwise detrimental to the public welfare, taking into account the location of the property, the permitted uses of the property and nearby properties, the prevailing traffic conditions on adjoining roadways and in the vicinity, and the configuration of the property and improvements thereon.
4. In granting an exception, the commission or the designated committee may attach such conditions as they deem necessary relating to location, design and landscaping to mitigate the impact of the fence variance on the adjoining property or general neighborhood.
5. All petitions for exceptions to the provisions of this Section of the Municipal Code relating to fences shall be accompanied by a payment of a fee of fifty dollars (\$50.00) payable at the time such appeal is submitted.
6. If a person has sought an exception to the provisions of this Section by filing a written application with the Plan Commission and the Plan Commission denies such application for an exception, such person may appeal the Plan Commission's

### **SECTION TWO:**

The remaining provisions of Chapter 400 not amended by this Ordinance shall remain in full force and effect.

### **SECTION THREE:**

This Ordinance shall be in full force and effect from and after its passage and approval.

This Ordinance, after being read two times, is passed and approved this \_\_\_ day of \_\_\_\_\_, 2025.

---

Michael A. Wilcox  
Mayor

B\_\_-25

Ordinance Number \_\_-25

ATTEST:

---

Frank Johnson  
City Clerk