

VILLAGE OF LEAWOOD

P.O. Box 2032, Joplin MO 64801

Residential Fence

ORDINANCE No. 2022-1

Passed on March 17, 2022

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AN ORDINANCE ADOPTING A RESIDENTIAL FENCE CODE FOR THE VILLAGE OF LEAWOOD, MISSOURI.

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

SECTION 1: PURPOSE AND SCOPE

It is the purpose of this Chapter to protect the public from the dangers of unsafe fences, safeguard and enhance private and public investment in property, and encourage effective fencing practice. This Chapter will apply to all residential fences, as herein defined, that now are in existence or that may hereafter exist in the Village of Leawood, Missouri.

SECTION 2: DEFINITIONS

1. "Fence" for purposes of this Chapter means an outdoor barrier that encloses an area constructed of approved materials as detailed below.
2. "Corner lot" for purposes of this Chapter means a lot situated at the intersection of and abutted to two (2) streets, or upon two (2) parts of the same street.
3. "Front yard" for purposes of this Chapter means the land between the street and the front line of the home.
4. "Side yard" for purposes of this Chapter means the land adjacent to the home on either side of the home.
5. "Back yard" for purposes of this Chapter means the land from the back line of the home to the back property line.

SECTION 3: PERMITS

A. Permit Process

Before a fence is erected, a fence permit application shall be submitted to the Village Clerk showing the height, material, construction and location of the proposed fence. This application shall also include measurements referencing distance to property lines, roadways, and house(s) on the same lot as the proposed fence, when applicable.

B. Permit Required

A permit shall be required in the following circumstances:

1. A new fence is being constructed
2. An existing fence will be completely replaced with a new fence of a different size, at a different location, or of a different design.
3. More than 50% of the linear length of an existing fence is being replaced or altered substantially.

C. Permit Not Required

A permit shall not be required if less than 50% of the length of an existing fence is being repaired or replaced and no changes are made to the fence. "No changes" means no such repair or alteration shall create any additional nonconformity or increase the degree of existing nonconformity of such fence.

SECTION 4: CONTRACTOR LICENSE

Contractors must obtain a Village of Leawood Business license or reciprocal city license as defined in Village of Leawood Ordinance #2021-1 before beginning work on construction of a fence.

SECTION 5: PERMITTED FENCES – CONSTRUCTION STANDARDS

It shall be unlawful for any person to construct or maintain any fence or other like structure except as follows:

1. Privacy fences may be constructed around side and back yards. Privacy fences may be constructed to the property lines on the back property line and may be constructed on the side property lines, with the exception of corner lots. On corner lots, a privacy fence shall be located from the back corner of the house to the back property line. Privacy fences shall be no more than six (6) feet high as measured from the ground to the top of the fence. Posts for the fence may be six (6) inches higher than the top of the fence. Privacy fences may be constructed of wood, PVC, and vinyl. Posts may be made of metal. No board shall exceed twelve (12) inches in width on solid, staggered or basket weave fences.
2. Decorative fences may be constructed in front yards and shall be no more than four (4) feet as measured from the ground to the top of the fence. Posts for the fence may be six (6) inches higher than the top of the fence. Decorative fences may be constructed of wood, PVC, vinyl, wrought iron, chain link, square tubing, or metal pipe. A decorative fence must be of open construction.
3. Tennis court fences may be constructed and shall not exceed twelve (12) feet high measured from the ground to the top of the fence. Tennis court fences shall be constructed of open mesh fencing.
4. Swimming pools shall be enclosed with a fence at least four (4) feet high and no more than eight (8) feet high measured from the ground to the top of the fence. Swimming pool fences

shall have self-latching and self-closing gates. Swimming pool fences shall be located no closer than three (3) feet to the pool structure.

SECTION 6: CONSTRUCTION GENERALLY

1. Finished surfaces of fences shall face the neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design which enhances the aesthetic appearance of the fence.
2. Fences shall not be located closer than ten (10) feet from the edge of the road.
3. It is the responsibility of the property owner or installer to locate all property lines, utilities, and right-of-ways to ensure compliance.
4. Fences installed in or through a utility easement shall be installed at the property owner's risk. The property owner shall be responsible for the cost of repair to the fence removed by a utility. It is recommended that a gate be installed for access to the easement by the utility.
5. Placement of property lines cannot be assumed from existing fences, plantings, etc. Property lines can be determined from the plat plans of your property, or by locating survey pins on your property, or having a survey done.
6. Utilities may be located by calling 1-800-DIG- RITE.
7. It is suggested that fences be set back 2" to 8" from property lines to avoid conflicts with neighbors sharing the property line or future property owners.

*Note: The Board of Trustees of the Village of Leawood strongly encourage the practice of neighborly fencing etiquette which suggests having a conversation with your neighbors about your plans to build a fence, as it may change how their property looks as well.

SECTION 7: PROHIBITED MATERIALS

Prohibited materials for fences include but are not limited to paper, cloth, canvas, bamboo, chicken coop wire or other flimsy wire, fiberglass, iron sheeting, snow fence, barbed, concertina or razor wire, or electrically charged wire unless granted a variance by the Board of Trustees.

No panels such as plywood, wafer board, etc., shall be allowed except around construction sites for public safety. Such fences must be removed when the construction project is complete.

SECTION 8: MAINTENANCE

Fences built prior to and since the adoption of this ordinance, must be kept in good repair. The property owner shall repair, paint, remove or otherwise attend to any fence if it becomes damaged, unsightly or a menace to public safety.

In the event a fence, whether built before or after adoption of this ordinance, is damaged or destroyed to the extent that the cost of restoration exceeds fifty (50) percent of the cost of a new fence, no repairs or reconstructions shall be made unless such restoration or construction shall thereafter conform to the regulations in these ordinances. A building permit is required before the work is begun.

All repairs and restorations shall be completed within ninety (90) days from the date of damage or destruction.

SECTION 9: APPEAL FOR VARIANCE

Lot owners may request a one-time exception to the ordinances if they are considering building a fence that does not comply with the Leawood Village ordinances.

Requests for a variance prior to application for a permit or after permit denial by the Village Clerk may be brought before the Board of Trustees.

SECTION 10: FENCES IN PLACE PRIOR TO ADOPTION OF FENCE ORDINANCES

Fences in place prior to the adoption of these ordinances that do not conform to the provisions of these ordinances, shall be considered legal nonconforming structures.

SECTION 11: VIOLATIONS

All fences constructed or maintained in violation of these ordinances are hereby deemed and declared to be a nuisance. Any owner of a lot or tract of land upon which such nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

FIRST READING March 17th, 2022 @ 7:00

SECOND READING March 17th, 2022 @ 7:10

Passed and approved by the Board of Trustees of the Village of Leawood, Missouri, this 17th day of March, 2022.

ATTEST:

Dale Owen
Village Clerk

Dianna Diamond
Chairman, Board of Trustees



3-17-22

Cory Ann Lee

Village of Leawood

BUILDING PERMIT APPLICATION - RESIDENTIAL

Date of Application: _____
Type of action requested: Erect ___ Enlarge ___ Alter ___ Repair ___ Move ___ Demolition ___
FEE: \$ _____

Building Address: _____
Owner: _____
Representative/Agent: _____
Address: _____
City: _____ Tel: _____

Contractor: _____ Architect/P.E.: _____
Address: _____ Address: _____
City: _____ City: _____
Tel: _____ Tel: _____

Property Legal Description: _____
Subdivision: _____
Zoning: _____ Lot Size: _____ Building Usage: _____
Distance from nearest fire Hydrant: _____

Building Specifications

Type of Construction: _____
Building size and number of stories: _____
Living Area: _____ Garage Area: _____
Number of Rooms: _____

Building Inspector Review: _____ Z&P Review Required: Yes ___ No ___
Z&P Review Date: _____ Action Taken: _____ Board Action: _____
Final Building Inspector Action: _____

Before signing please read the following: The Approval of this Application and the Issuance of a Permit does not Legalize or Authorize any work that is not in conformance with the codes of the Village of Leawood or the State Of Missouri regulating same.

SIGNATURE OF APPLICANT: _____ Approved By: _____

Recorded in Newton County, Missouri



Recording Date/Time: 03/22/2022 at 02:31:25 PM

Book: 371 Page: 2275

Instr #: 202202300

Type: ORDIN

Pages: 6

Fee: \$39.00 S 20220001927



Jennifer A. Childers
Recorder of Deeds

3900

CHK# 2605

Above 3" margin for recorder's use only.

Do not write in the above space.

RETURN DOCUMENT TO: Denis Desmar, Village of hegwel
PO Box 2632
Joplin, MO 64803

DATE OF DOCUMENT: March 17, 2022

TITLE OF DOCUMENT: Residential Fence Ordinance No 2022-1

GRANTOR(S) NAMES: Village of Public

GRANTEE(S) NAMES: Public

GRANTEE(S) ADDRESS:

RE-RECORDING DOCUMENT:
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LEGAL DESCRIPTION:
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