

City of Smithville, Missouri
Fence, Outbuilding and Pool Regulations

The following information includes excerpts from the Smithville Code of Ordinances.

Fences

All fences require a permit. The fee for a fence permit is \$25.00.

SECTION 400.350. FENCES

A. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

1. As used in this Chapter, the following terms shall have the meanings indicated:

- a.** Fence, decorative or ornamental A fence constructed of wood, metal, vinyl, vinyl coated chain link or a combination of such materials that is not more than four (4) feet in height and is at least fifty percent (50%) open OR is a stone or brick wall that does not exceed three (3) feet in height. Non-coated chain-link, or wire, wire mesh, snow fences or fences constructed in any part with such materials shall not be considered decorative or ornamental.
- b.** Front Yard Fence A decorative or ornamental fence located in a front yard that contains or abuts an adjacent lot that contains, the primary entrance to the building or a driveway access to the lot, or both.

2. All fences erected in the City of Smithville must have a permit, except those in the agricultural districts. Applications for a fence permit shall be accompanied by a general layout of the property indicating the location of the fence to be erected on the lot.

3. All fences shall conform to the requirements of the sight triangle as defined by these regulations. For purposes of these fence regulations, an alley shall also be subject to the sight triangle regulations at an intersection with a public street.

4. No fence shall be constructed which will constitute a traffic hazard nor shall be constructed within one (1) foot of any street right of way.

5. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous. This would include barbed wire, electrically charged or otherwise detrimental to persons, except as stated herein. Barbed wire fences may be constructed in the agricultural districts; and barbed wire may be used in the industrial districts and the B-3 district, but only as a component of security or anti-climb fences with such component not less than eight (8) feet above the outside adjacent grade. The use of barbed wire arms is limited to those not

larger than 18", and upon attachment of the arm, the extended portion of the arm and wire shall not extend beyond any property lines.

6. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than eight (8) feet in the industrial districts, not including barbed wire arm attachments on security fences, which may extend an additional two feet. In the business and residential districts, fences shall not exceed eight (8) feet in height, except for hedges and shrubs, which do not have a height restriction, except as noted otherwise in this Chapter. In the B-3 district, any security or anti-climb fence that includes barbed wire tops may be constructed up to eight (8) feet tall and the barbed wire security component may extend an additional two (2) feet above the standard height.
7. All fences shall be constructed to face the neighboring property with its structural elements on the building side of the fence. A shadow-box style fence shall be considered compliant with this provision.
8. On lots with more than one Front Yard (e.g., Corner lots or double frontage lots) as defined in this Chapter shall construct a front yard fence as defined herein where required and rear and side and rear yards may have other fences that meet the standards of this section.
9. These fence regulations are independent of any rules or regulations imposed by homeowners' associations or other agencies not affiliated with the City of Smithville.
10. Any provision of §400.575.C. to the contrary notwithstanding, the repair or replacement of fifteen percent (15%) or more of any portion of an existing fence shall trigger the requirement that the entire fence be brought into compliance with this section.

International Property Maintenance Code Provisions:

302.7 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

304.2 Protective treatment.

All exterior surfaces, including, but not limited to . . . fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Outbuildings

SECTION 400.310: YARD REGULATIONS

B. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required minimum side yard setback of the district except that if the building has a vehicular alley entrance, the sum of the width of the alley and the setback of the structure shall not be less than twenty-five (25) feet. Accessory buildings in excess of two (2) per property are prohibited in "R-S", "R-1", "R-2", "R-3", "R-4", "B-1", "B-2", "B-3" and "B-4" Districts. For the purposes of calculating the number of accessory buildings on a property, detached garages shall be exempt.

For purposes of clarification, an accessory building that is not fastened to the earth in any manner other than gravity (i.e., storage sheds built upon or delivered with two or more skids) may be placed closer than the rear yard setback requirements above. If the building is in any way fastened to the earth, or has utilities supplied to the building by any form of conduit (electrical or cable wires, or plumbing facilities) the accessory building regulations in 400.310 shall apply.

All outbuildings larger than 120 ft.² require a permit to be constructed or placed upon the yard. The fee for an outbuilding permit is \$45.00.

Pools

The City of Smithville has two classes of swimming pools: Above-ground and In-ground. A pool permit for an above-ground pool costs \$25.00, and an in-ground pool permit is \$45.00. A \$30.00 electrical fee will be added for all pools that require bonding. All pools must meet the setback requirements in Section 400.310, above. All pools in excess of 24" in depth must also be protected by a fence or guard 48" in height. All gates in the fence must be constructed with self-closing and self-latching mechanisms. Every door from the residence that enters the pool's protected area must have installed an audible alarm that notifies the property owner that the door has been opened. These safety requirements are in place to prevent young children from entering the pool area without the knowledge of the property owner.