

**CITY OF MOORE  
ORDINANCE 1027.23**

**AN ORDINANCE AMENDING PART 12, CHAPTER 3, SECTION 12-396(B) OF THE MOORE CITY CODE BY AMENDING THE MAXIMUM HEIGHT AND LOCATION REQUIREMENTS FOR FRONT, REAR AND SIDE- YARD FENCING; ESTABLISHING ZONING DISTRICTS AND RESTRICTIONS FOR BARBED-WIRE OR SINGLE-STRAND FENCING; ESTABLISHING SIGHT-DISTANCE REQUIREMENTS FOR STREET AND DRIVEWAY INTERSECTIONS; ESTABLISHING METHOD OF MEASURING HEIGHT OF FENCING.**

NOW THEREFORE, be it ordained by the Council of the City of Moore, in the State of Oklahoma, as follows:

**SECTION 1:**        **AMENDMENT** “Sec 12-396 Architectural Design Of Accessory Buildings And Fences” of the Moore Land Development Code is hereby *amended* as follows:

**AMENDMENT**

Sec 12-396 Architectural Design Of Accessory Buildings And Fences

- A. The architectural design and materials used for the construction of accessory buildings and fences shall harmonize with the main building to which the building or fence is accessory.
  - 1. The following restrictions shall apply to accessory buildings in residentially zoned or residentially used lots under three-quarter-acre in size:
    - a. The maximum square footage of all accessory buildings, either permanent or temporary, on a residential lot under three-quarter-acre in size shall not exceed 600 square feet;
    - b. The maximum number of accessory buildings, either permanent or temporary, on any lot shall not exceed a total of three;
    - c. No accessory building, either permanent or temporary, shall exceed ten feet in wall height as measured from ground level to the top of the side wall fascia, and shall not exceed an overall height of 15 feet when measured from ground level to the roof ridge;
    - d. If a permanent accessory building is constructed on the front or side building line that is visible from the street, at least 50 percent of the facade facing the street shall be covered with brick or rock veneer, or other material approved by the community development director satisfying the intent of this section, to match or complement the existing architectural design of the main structure, excluding doors

and windows.

2. Steel shipping containers shall not be used as a permanent or temporary accessory building within any residential zoning district. Steel shipping containers consist primarily of a steel exterior and are manufactured to transport goods.
3. Any officer or employee of this city who discovers or receives a report of a noncomplying building, shall report such conditions to the community development director or designee.
4. The community development director or designee may cause noncomplying buildings within the city limits to be torn down or removed, in accordance with the following procedure:
  - a. At least ten days' notice shall be given to the owner of the property before the city takes action or holds a hearing as provided herein. A copy of the notice shall be posted on the property to be affected. In addition, a copy of the notice shall be sent by mail to the property owner at the address shown by the current year's tax rolls in the office of the county treasurer. Written notice shall also be mailed to any mortgage holder as shown by the records in the office of the county clerk to the last-known address of the mortgagee. At the time of mailing of notice to any property owner or mortgage holder, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailer. However, if neither the property owner nor mortgage holder can be located, notice may be given by posting a copy of the notice on the property, or by publication, as defined by 11 O.S. § 1-102. Such notice may be published once not less than ten days prior to any hearing or action to be taken pursuant to this section;
  - b. A hearing shall be held by the community development director or designee to determine whether the building is in compliance with the regulations of this section;
  - c. If the community development director or designee finds that the building is not in compliance, the community development director or designee may cause the building to be torn down and removed, and shall fix reasonable dates for the commencement and completion of the work. The city clerk shall immediately file a notice of lien with the county clerk describing the property, the findings of the community development director or designee at the hearing, and stating that the city claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of the notice;
  - d. The property owner shall have a right of appeal to the city council from an order of the community development director or designee, and as provided by law. The appeal shall be filed in writing with the

city clerk within ten days after the administrative order is rendered.

5. If the work is not performed by the property owner within the dates fixed by the community development director or designee, the community development director or designee shall direct the tearing down and removal be done by one of the following methods:
    - a. By the city;
    - b. On a private contract basis, in which case it shall be awarded to the lowest and best bidder.
  6. After the building has been torn down and removed, the community development director or designee shall determine the actual cost of the dismantling and removal of buildings and any other expenses as may be necessary in conjunction therewith, including the cost of notice and mailing. The city clerk shall forward a statement of such actual cost attributable to the dismantling and removal and a demand for payment by mail to the property owner at the address specified in this section. In addition, a copy of the statement shall be mailed of the statement costs to any property owner or mortgage holder; the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and address of the mailee.
  7. If payment is not made within six months from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which property is located. The city shall have a lien on the property for such costs, together with interest thereon, and the lien shall continue until the cost shall be fully paid as provided by law.
  8. When payment is made to the city for costs incurred, the city shall file a release of lien or part thereof.
  9. The provisions of this section shall not apply to any property zoned and used for agricultural purposes.
- B. Fences shall be permitted subject to the requirements of the Moore City Code.
1. Front Yard Fence. A front yard fence shall be defined as a fence located within the required front yard setback area for all structures or in front of the front wall of the main building on the site. It shall be considered a structure and shall be subject to the regulation of structures in this chapter and Chapter 8 of the Moore City Code, Buildings and Building Regulations. It shall be permitted subject to the following conditions and requirements:
    - a. The front yard fence shall be a decorative-type open fence that does not exceed four feet in height. Only chain-link, decorative wrought-iron metal, picket and split rail fencing shall be permitted.
  2. Side and Rear Yard Fence. A side and rear yard fence shall be defined as a fence located within the side and rear yard as defined in Section 12-473 of the Moore Land Development Code.

- a. No such fence shall exceed eight feet in height; and
  - b. All fencing measuring eight feet in height shall be placed a minimum of five feet from any structure.
  - c. Fence height may step down to four feet in height over a maximum distance of four feet in front of the front wall of the main building on the site with approval from the Community Development Director or their designee. All other requirements of a fence located in the front yard shall apply.
3. The term "sight-proof or screening fence" is intended to denote a fence of a permanent nature which begins at the level of the ground and extends to such height that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot which the fence surrounds, provided that the fence shall not be required to be in excess of seven feet in height, except salvage yards which shall be eight feet in height. All such fences shall be kept painted and in good repair and appearance at all times. The following types of construction shall qualify as sight-proof or screening fences:
- a. *Masonry construction.* Masonry fences shall require a concrete footing being 18-inches deep and extending 2-inches beyond the brick face.. There shall be no openings in a masonry fence, including decorative blocks, of more than three eighths inches in width;
  - b. *Metal fences.* All posts for metal fences will be metal and set in concrete. There shall be no openings of more than three-eighths inches in width. Colors shall be in keeping with the surroundings;
  - c. *Wood fences.* All posts for wooden fences shall be metal or wooden and set in concrete. There shall be no openings of more than three-eighths inches in width, and the material shall be of conventional fence type material, such as redwood, stockade, etc.;
  - d. *Gates and entrances.* All gates and entrances shall correspond to the fence and shall be sight-proof; and
  - e. *Shrubbery.* Shrubbery may supplement, but not take the place of, sight-proof fencing.
4. All fencing shall adhere to the following requirements:
- a. Barbed, hog, or chicken wire, or single-strand fencing may be used in agricultural or industrial zoning districts, except such fencing shall not be used along the property line abutting R-1 through R-3 zoning districts.
  - b. Fences shall be kept in an attractive state, in good repair, and in a safe and sanitary condition at all times by the property owner.
  - c. No fence shall pose a safety or visibility hazard. No fence shall be erected within twenty-five feet of the intersection of the right-of-way lines of any public or private street. No fence shall be erected within twelve feet of the intersection of any private driveway and the

- pavement edge.
- d. No fence shall be placed within a public street right-of-way or public roadway easement.
  - e. Fence height shall be measured vertically from the inside natural elevation of the yard where it is erected.
  - f. Regardless of the fence regulations contained herein, the property owner is advised that there may be more restrictive privately enforced regulations in the form of plat restrictions, declaration of covenants and restrictions relating to architectural controls, deed restrictions or platted setback lines that may further limit the construction of a fence on a parcel.
- C. Private swimming pools may be constructed as an accessory use, but shall be completely enclosed by a permanent wall or fence not less than four feet in height, and shall meet the requirements set out in the building code.
- D. Every salvage yard or junkyard or salvage storage yard within the city shall be enclosed by a sight-proof fence which shall be kept painted and in good repair and appearance at all times. Salvage yards or junkyards now existing as nonconforming uses and all other salvage yards and junkyards within the city shall comply with the terms of these regulations within six months from the effective date of the ordinance from which this section is derived.

(Prior Code, app. B, § 16-93; LDC 1991, § 12-386; Ord. No. 296(00), 11-20-2000; Ord. No. 428(03), 10-20-2003; Ord. No. 743(13), 3-18-2013)

**SECTION 2:            REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

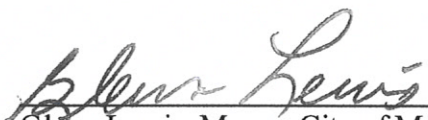
**SECTION 3:            SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE CITY OF MOORE COUNCIL


5-1-23

	AYE	NAY	ABSENT	ABSTAIN
Glen Lewis, Mayor	_____	_____	_____	_____
Danielle McKenzie, Ward 1	_____	_____	_____	_____
Adam Webb, Ward 1	_____	_____	_____	_____
Melissa Hunt, Ward 2	_____	_____	_____	_____
Mark Hamm, Ward 2	_____	_____	_____	_____
Louie Williams, Ward 3	_____	_____	_____	_____
Jason Blair, Ward 3	_____	_____	_____	_____


Presiding Officer

  
\_\_\_\_\_  
Glenn Lewis, Mayor, City of Moore

Attest

  
\_\_\_\_\_  
Vanessa Kemp, City Clerk, City of  
Moore



  
\_\_\_\_\_  
Brian K. Miller, City Attorney,  
Approved as to Form, City of Moore