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Dear Mayor and Board of Aldermen,

I attended the Fence Workshop held by Zoom on Friday, January 19, 2024. Once again, First, I want to thank you for presenting the workshop. I was disappointed as this meeting quickly lost quorum and the discussion, not yielding any results. I am still left wondering what the purpose was. The Ordinance was created by Alderwomen Peg Warnusz, Theresa Hester, Code Enforcer, Felecia Bishop, City Engineer, Clayton Klein and Legal Counsel, Dorothy White-Coleman. In addition, The Ordinance is in line with Missouri State Statutes. The staff and City Attorney have done their due diligence. I would like to know when you will stop second guessing them?

It is frustrating to the residents that our time is continually wasted. Alderwoman Smith has continually stated the Ordinance is not within the guidelines of the Missouri State Statutes. However, she refuses to state what in the Ordinance is unlawful. She went a step further and stated she was not going to do anyone else's job and provide a copy of the Missouri State Statute to the City Clerk. I agreed with Alderwoman Dailes (I believe it was her who stated "I thought we were working as a team"). This grandstanding has to stop. The residents should not have to plead with the Board to actually make a true effort to legislate. We deserve more than what you are giving us as our Aldermen. Please stop wasting our time. The Fence Workshop lasted thirty-two minutes as a couple Aldermen needed to leave early. It was at that time that quorum was lost and the meeting ended. I am sure you all realized this was a complete waste of time. As a result, I have provided a copy of the Missouri State Statute to the City Clerk.

Alderwoman Smith made a comment that a resident implied she is never prepared for the meetings and she took offense to the comment. I would like to clarify the statement I made. It is a huge disservice to the residents when you wait until open session to ask these questions. There is nothing wrong with asking questions. I want know why you don't utilize time effectively and ask questions in advance? When you ask questions in advance, you have ample opportunity to get your questions answered in sufficient time to review the answers and come to the meeting prepared to conduct business and decrease delays. You could easily state, based on the answers I received to my questions, I can now make an informed decision. It is abundantly clear that you are aware of these questions in advance. Why wait until you have an audience? What is your real goal? Let's put personal feelings aside and try to work cohesively. The current dysfunction is time consuming and is a huge disservice to our Beautiful City. Let's try to do better.

Respectfully,



Carla L. Hudson, Notary

[View entire chapter](#)

Title XVII AGRICULTURE AND ANIMALS

Chapter 272 Fences and Enclosures [^] !

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- 272.020** Fencing requirements. (8/28/2001)
- 272.030** Owners of stock liable for damages, when. (10/14/2016)
- 272.040** Judge may appoint viewers to view fence — compensation of appointees. (8/28/2001)
- 272.050** Persons injuring animals liable for damages, when. (8/28/2001)
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- 272.360** Provisions of law effective after election. (8/28/1963)
- 272.370** Petition for election — notice — order of adoption. (8/28/1963)

- Cross References

High voltage electrified security fence systems, department of corrections, 217.141

Revisor of Missouri

Words 1st search term or section number And 2nd search term

272.010. Field to be enclosed by fence. — All fields and enclosures where animals are kept shall be enclosed by a lawful fence as defined in section [272.020](#).

(RSMo 1939 § 14569, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12906; 1919 § 5511; 1909 § 6454

CROSS REFERENCE:

Railroad companies to maintain lawful fence; gates and cattle guards, where, 389.650

----- **272.010 8/28/2001** -----

272.020. Fencing requirements. — 1. Any fence consisting of posts and wire or boards at least four feet high which is mutually agreed upon by adjoining landowners or decided upon by the associate circuit court of the county is a lawful fence.

2. All posts shall be set firmly in the ground not more than twelve feet apart with wire or boards securely fastened to such posts and placed at proper distances apart to resist horses, cattle and other similar livestock.

(RSMo 1939 § 14570, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12907; 1919 § 5512; 1909 § 6455

----- **272.020 8/28/2001** -----

***272.030. Owners of stock liable for damages, when.** — If any horses, cattle or other stock shall break over or through any lawful fence, as defined in section [272.020](#), and by so doing obtain access to, or do trespass upon, the premises of another, the owner of such animal shall be liable for any damages sustained if the owner of the trespassing horses, cattle, or other stock was negligent.

(RSMo 1939 § 14571, A.L. 1945 p. 917, A.L. 1978 H.B. 1634, A.L. 2016 S.B. 844)

Prior revisions: 1929 § 12908; 1919 § 5513; 1909 § 6456

*Effective 10-14-16, see § 21.250. S.B. 844 was vetoed June 28, 2016. The veto was overridden on September 14, 2016.

----- **272.030 10/14/2016** -----



272.040. Judge may appoint viewers to view fence — compensation of appointees. — Upon complaint of either party claiming to be injured because of the trespass or taking up of livestock as described in section [272.030](#), the associate circuit judge shall, without delay, issue an order to three disinterested householders of the neighborhood, not of kin to

either party, reciting the complaint, and requiring them to view the fence where the trespass is complained of, and take memoranda of the same, and appear before the court on the day set for trial; and their evidence shall determine the lawfulness of such fence. The persons appointed by the associate circuit judge shall be paid twenty-five dollars each per day for the time actually employed which shall be taxed as costs in the case equally against the parties and collected accordingly.

(RSMo 1939 § 14572, A.L. 1945 p. 917, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12909; 1919 § 5514; 1909 § 6457

----- **272.040 8/28/2001** -----

272.050. Persons injuring animals liable for damages, when. — If any person who does not maintain a sufficient fence shall hurt, wound, lame, kill or destroy, or cause the same to be done by shooting, worrying with dogs, or otherwise, any of the animals in this chapter mentioned, such person shall satisfy the owner in double damages with costs.

(RSMo 1939 § 14573, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12910; 1919 § 5515; 1909 § 6458

----- **272.050 8/28/2001** -----

272.060. Division fences — rights of parties in, how determined. — 1. Whenever the owner of real estate desires to construct or repair a lawful fence, as defined by section 272.020, which divides his or her land from that of another, such owner shall give written notice of such intention to the adjoining landowner. The landowners shall meet and each shall construct or repair that portion of the division fence which is on the right of each owner as the owners face the fence line while standing at the center of their common property line on their own property. If the owners cannot agree as to the part each shall construct or keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township or county to appear on the premises, giving three days' notice to each of the parties of the time and place where such viewers shall meet, and such viewers shall, under oath, designate the portion to be constructed or kept in repair by each of the parties interested and notify them in writing of the same. Such viewers shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as court costs.

2. Existing agreements not consistent with the procedure prescribed by subsection 1 of this section shall be in writing, signed by the agreeing parties, and shall be recorded in the office of the recorder of deeds in the county or counties where the fence line is located. The agreement shall describe the land and the portion of partition fences

between their lands which shall be erected and maintained by each party. The agreement shall bind the makers, their heirs and assigns.

(RSMo 1939 § 14574, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12911; 1919 § 5516; 1909 § 6459

----- **272.060 8/28/2001** -----



272.070. Duty of judge if owners disagree — apportionment of costs. — If either party fails to construct or repair his or her portion of the fence in accordance with the provisions of section [272.060](#) within a reasonable time, the other may petition the associate circuit court of the county to authorize the petitioner to build or repair the fence in a manner to be directed by the court. If the court authorizes such action, the petitioner shall be given a judgment for that portion of the total cost of the fence which is chargeable as the other party's portion of the fence, court costs and reasonable attorney's fees. Any such judgment shall be a lien on the real estate of the party against whom the judgment may be given.

(RSMo 1939 § 14575, A.L. 1945 p. 917, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12912; 1919 § 5517; 1909 § 6460

----- **272.070 8/28/2001** -----

272.080. Value of fence may be recovered, when. — If the person thus assessed or charged with the value of one-half of any fence, under the provisions of this chapter, shall neglect or refuse to pay over to the owner of such fence the amount so awarded, the same may be recovered before an associate circuit judge, or other court of competent jurisdiction.

(RSMo 1939 § 14576)

Prior revisions: 1929 § 12913; 1919 § 5518; 1909 § 6461

----- **272.080 8/28/1939** -----

272.090. Fence to be divided for purpose of repair. — If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and said viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.

(RSMo 1939 § 14577, A.L. 1945 p. 917)

Prior revisions: 1929 § 12914; 1919 § 5519; 1909 § 6462

(1958) On appeal from judgment in injunction suit to prevent adjoining landowner from repairing certain portion of division fence, denying injunctive relief and attempting to designate portion of fence each party was to maintain, court held that as oral agreement of plaintiff with defendant's predecessor as to maintenance of division fence was not binding on defendant, the only method of determining rights was under this section and disapproved lower court's attempt to designate portions to be maintained by the parties. *McNaughton v. Schaffer (A.)*, 314 S.W.2d 245.

----- 272.090 8/28/1945 -----



272.100. Duties of persons appointed — their fees. — The persons appointed by the associate circuit judge pursuant to section 272.040 to discharge the duties therein specified shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as costs in the case against the parties and collected accordingly.

(RSMo 1939 § 14578, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12915; 1919 § 5520; 1909 § 6463

----- 272.100 8/28/2001 -----

272.110. Division fences to be kept in repair. — Every person owning a part of a division fence shall keep his or her portion of the same in good repair according to the requirements of this chapter, and may enter upon any land lying adjacent thereto for such purpose.

(RSMo 1939 § 14579, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12916; 1919 § 5521; 1909 § 6464

----- 272.110 8/28/2001 -----

272.120. Division fences not to be removed without consent of owners. — No division fence shall be removed without the consent of all the owners thereof, unless for the purpose of opening a public road or highway.

(RSMo 1939 § 14580)

Prior revisions: 1929 § 12917; 1919 § 5522; 1909 § 6465

CROSS REFERENCE:

Double damage for removal of partition fence without giving notice, 537.350

----- 272.120 8/28/1939 -----



272.130. Judgment of associate circuit judge reviewed in same manner as other civil actions. — Any person aggrieved by any order or judgment of the associate circuit judge made or entered pursuant to the provisions of section [272.040](#) or [272.070](#) may have the same reviewed in the same manner as other civil actions.

(RSMo 1939 § 14581, A.L. 1978 H.B. 1634, A.L. 2001 H.B. 219 merged with S.B. 462)

Prior revisions: 1929 § 12918; 1919 § 5523; 1909 § 6466

----- **272.130 8/28/2001** -----

272.132. Total cost of fence attributable to one landowner, when. — If either of two adjoining landowners does not need a fence, the landowner that needs a fence may build the entire fence and report the total cost to the associate circuit judge who shall authorize the cost to be recorded on each deed. Should the landowner that claimed no need for a fence subsequently place livestock against the fence, the landowner that built the fence shall be reimbursed for one-half the construction costs share to be determined as provided in section [272.060](#).

(L. 2001 H.B. 219 merged with S.B. 462)

----- **272.132 8/28/2001** -----

272.134. Agreement for no fence permitted. — Nothing in this chapter shall prevent adjoining landowners from agreeing that no fence is needed between their property.

(L. 2001 H.B. 219 merged with S.B. 462)

----- **272.134 8/28/2001** -----



272.136. Landowner may exceed lawful fence requirements. — Nothing in this chapter shall prevent either of adjoining landowners from building the landowner or the landowner's neighbor's portion of a fence in excess of the lawful fence requirements prescribed by this chapter.

(L. 2001 H.B. 219 merged with S.B. 462)

----- **272.136 8/28/2001** -----

272.210. Definitions. — As used in sections [272.210](#) to [272.370](#) the following words and terms have the following meanings:

(1) "**Lawful fence**", a fence with not less than four boards per four feet of height; said boards to be spaced no farther apart than twice the width of the boards used fastened in or to substantial posts not more than twelve feet apart with one stay, or a fence of four barbed wires supported by posts not more than fifteen feet apart with one stay or twelve

feet apart with no stays, or any fence which is at least equivalent to the types of fences described herein;

(2) "**Stay**", a vertical member attached to each board or wire comprising the horizontal members of the fence.

(L. 1963 p. 401 § 1, A.L. 1965 p. 395)

----- **272.210 8/28/1965** -----

272.220. Fields enclosed, how. — All fields and enclosures in which livestock are kept or placed shall be enclosed by a lawful fence.

(L. 1963 p. 401 § 2, A.L. 1965 p. 395)

----- **272.220 8/28/1965** -----



272.235. Adjoining landowners obligated to build fence — when — exceptions. — If there is a need for a fence by either of two joining landowners both shall be obligated to build and maintain a fence under the provisions of sections [272.210](#) to [272.370](#). Nothing in sections [272.210](#) to [272.370](#) shall prevent joining landowners from agreeing that no fence is needed between their property.

(L. 1965 p. 395)

----- **272.235 8/28/1965** -----

272.240. Partition fences — owner may demand payment, when. — Whenever the owner of real estate desires to erect or construct a lawful fence which wholly or partially borders the land of another, he shall notify the other owner that he desires a division fence. If within ninety days after receiving the notice, the other landowner has not erected or constructed one-half of the division fence, the owner desiring the fence may apply to the associate division of the circuit court for an order to proceed with the construction and ordering the other landowner to pay one-half the value of so much thereof, as borders his land, and upon the payment shall own an undivided one-half of the fence; except that no owner shall be required to pay more than one-half the value of a lawful fence of four barbed wires, regardless of the type fence constructed. The associate division of the circuit court costs shall be taxed against the other landowner.

(L. 1963 p. 401 § 4, A.L. 1965 p. 395)

----- **272.240 8/28/1965** -----

272.250. Duty of judge if parties disagree on value — fence viewers to estimate. — If the parties interested fail to agree as to the value of one-half of the fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without

delay issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the judge on the day named in the order.

(L. 1963 p. 401 § 5)

----- 272.250 8/28/1963 -----



272.260. Value of fence may be recovered, when. — If the person thus assessed or charged with the value of one-half of any fence, under the provisions of sections 272.210 to 272.370 shall neglect or refuse to pay over to the owner of the fence the amount so awarded, the same may be recovered before a court of competent jurisdiction.

(L. 1963 p. 401 § 6)

----- 272.260 8/28/1963 -----

272.270. Fence owners may agree on maintenance — agreement recorded — refusal to agree, procedure. — 1. The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. Any such agreement shall bind the makers, their heirs and assigns.

2. When one owner desires to make a division of the fence between his land and an adjoining landowner refuses to agree to a division, then the provisions of section 272.280 may be used to effect a division which shall be recorded in the office of the recorder of deeds in the county in which most of the fence is located.

(L. 1963 p. 401 § 7)

----- 272.270 8/28/1963 -----

272.280. Duties of judge if parties disagree on repairs — fence viewers to designate. — If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to a circuit or associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and the viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.

(L. 1963 p. 401 § 8)

----- 272.280 8/28/1963 -----



272.290. Special partition fences — owner may demand payment, when. —

Whenever the fence of any owner of real estate now erected or constructed, or which shall hereafter be erected, constructed or rebuilt, the same being thereafter a fence designed to restrain swine, sheep or other animals requiring special fences, borders the land of another or which becomes a part of the fence bordering the land of another and is used to enclose such animals owned by the other person, on demand made by the person owning the fence, the other person shall pay the owner one-half of the value of so much thereof as borders his land, and upon the payment shall own an undivided half of the fence; except that no owner shall be required to pay more than the amount which would have been required to erect, construct or rebuild a lawful fence of four barbed wires on his one-half of the fence.

(L. 1963 p. 401 § 9, A.L. 1965 p. 395)

----- **272.290 8/28/1965** -----

272.300. Fees of fence viewers, judge and sheriff — taxed as costs. — The persons appointed by the judge under sections 272.250 and 272.280 to discharge the duties therein specified, shall receive five dollars each per day for the time actually employed, which, together with the fees of the judge and sheriff, shall be taxed as costs in the case against the parties in proportion to their respective interests, and collected accordingly.

(L. 1963 p. 401 § 10)

----- **272.300 8/28/1963** -----

272.310. Owners to repair division fence — remedy for failure. — Every person owning a part of a division fence shall keep the same in good repair according to the requirements of sections 272.210 to 272.370. Either party owning land adjoining a division fence may, upon the failure of any of the other parties, have all that part of the division fence belonging to the other parties repaired, upon the failure of the other party to do so, the repairing to be at the cost of the party so failing to repair his part of the fence.

(L. 1963 p. 401 § 11)

----- **272.310 8/28/1963** -----



272.320. Division fence not to be removed — exceptions. — No division fence shall be removed without the consent of all the owners thereof, unless for the purpose of opening a public road or highway or making repairs.

(L. 1963 p. 401 § 12)

----- **272.320 8/28/1963** -----

272.330. Application of law. — 1. The provisions of sections 272.240 to 272.350 shall apply to any division fence even though it may stand wholly upon one side of the division line.

2. The provisions of sections 272.210 to 272.370 shall not apply to counties which have all or partial open range.

(L. 1963 p. 401 § 13)

----- **272.330 8/28/1963** -----

272.340. Judgment of judge may be reviewed in circuit court. — Any person aggrieved by any order or judgment of the judge made or entered under the provisions of sections 272.250 and 272.280 may have the same reviewed by a petition in the circuit court of the county wherein the proceedings were had, verified by affidavit. A copy of the petition shall be delivered to the adverse party at least fifteen days before the commencement of the next term of the court, and the original filed in the office of the clerk; provided, that the petition may be filed within thirty days after the order or judgment was made or rendered, and not afterward.

(L. 1963 p. 401 § 14)

----- **272.340 8/28/1963** -----

272.350. Petition for review shall state what. — The petition shall set forth the grounds of objection, and upon the filing thereof the circuit court shall be possessed of the cause, and proceed to hear and determine the objections, and make such order or judgment as may be right and just in the premises.

(L. 1963 p. 401 § 15)

----- **272.350 8/28/1963** -----

272.360. Provisions of law effective after election. — The provisions of sections 272.210 to 272.370 are hereby suspended in the several counties of this state until a majority of the legal voters of any county voting on the question at any general or special election called for that purpose shall decide to enforce the same in the county.

(L. 1963 p. 401 § 16)

----- **272.360 8/28/1963** -----

272.370. Petition for election — notice — order of adoption. — The county commission may on its own motion and shall upon the petition of one hundred real estate owners of ten acres or more of the county submit to the voters at a general or special election the proposition for the adoption by the county of the provisions of sections 272.210 to 272.370. The commission shall cause notice of the election to be published in a

newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. If a majority of the voters voting on the proposition vote in favor of the adoption of the provisions of sections 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full force and effect in the county and the provisions of sections 272.010 to 272.140 shall be suspended in the county.

(L. 1963 p. 401 § 17)

----- 272.370 8/28/1963 -----

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