

ARTICLE XI. - FENCE REGULATIONS

Sec. 22-231. - Purpose of article.

The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a practical safeguarding of life, health and property from hazards that may arise from improper construction of such installations. However, this article and the provisions of this article shall not apply to fences erected or maintained in districts within the city which are zoned but are still under agricultural use as undeveloped property.

(Ord. No. 78-15, § I, 4-18-1978; Code 1991, ch. 3, § 12.01; Code 1997, § 22-386; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-232. - Permit to install or alter required.

- (a) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install a fence or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the building official. However, a property owner may replace, or caused to be replaced, up to one pole or 16 inch linear feet of pickets or rails in any given thirty-day period to repair a damaged fence without a permit.
- (b) The fee for a permit required by this article shall be as provided for in the fee schedule located in appendix C to this Code and shall be paid prior to the issuance of the permit.
- (c) The building official shall require a plot plan showing the lot size, all improvements on the lot, and the proposed location of the fence to be constructed before a permit will be issued under this article.
- (d) The building official may refuse to issue a permit under this article to any person who has been convicted of a violation of any provision of this article.

(Ord. No. 78-15, § II, 4-18-1978; Code 1991, ch. 3, § 12.02; Code 1997, § 22-387; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-233. - Regulation of electric fences.

- (a) No fence constructed in such a manner that it may continuously conduct electrical current may be allowed in any zoning district wherein farm animals are not allowed.
- (b) Single-strand wires designed to conduct electricity through an approved low-voltage regulator shall be allowed only along the interior base line of an otherwise permitted fence. No permit shall be required for the erection and maintenance of such single-strand electric wires.

(Ord. No. 78-15, § III, 4-18-1978; Code 1991, ch. 3, § 12.03; Code 1997, § 22-388; Ord. No. 2014-44, § 2(Exh. A), 11-12-2013)

Sec. 22-234. - Compliance with the zoning ordinance.

All fences and fence locations shall conform to the requirements of the zoning ordinance of the city, and nothing in this article shall be construed as permitting construction of a fence which would violate the provisions of the zoning ordinance, as such ordinance presently exists or as it may be hereafter amended.

(Code 1991, ch. 3, § 12.04; Code 1997, § 22-389; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-235. - Location on or protrusion over city property.

No privately owned fence or guy wires, braces or any other part of a privately owned fence shall be constructed upon or caused to protrude over property owned by the city.

(Code 1991, ch. 3, § 12.05; Code 1997, § 22-390; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-236. - Visibility obstruction.

No fence shall be erected or maintained in a manner so as to be a visibility obstruction as indicated in

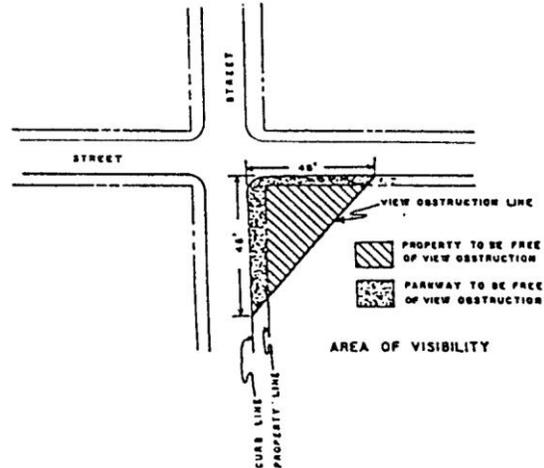


figure 1 of this section and made a part of this section.

(Ord. No. 78-15, § VI, 4-18-1978; Code 1991, ch. 3, § 12.06; Code 1997, § 22-391; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-237. - Height limit and pole placement along rear yard or alley line in residential districts.

No fence shall be constructed at a height exceeding eight feet along the rear yard or alley line in residential districts. Metal fencing poles may be placed on either side of the fence provided they are not visible from a public street or public open space such as a park or school. Exception swimming pool enclosure (see section 22-247).

(Ord. No. 78-15, § VII, 4-18-1978; Code 1991, ch. 3, § 12.07; Code 1997, § 22-392; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-238. - Height limit and pole placement on side yard line in residential districts.

No fence shall be constructed at a height exceeding eight feet on any side yard line in residential districts up to the building line of the house proper. All such fences constructed on side yard lines in residential districts must be vertical. Metal fencing poles may be placed on either side of the fence provided they are not visible from a public street or public open space such as a park or school. Exception swimming pool enclosure (see section 22-247).

(Ord. No. 78-15, § VIII, 4-18-1978; Code 1991, ch. 3, § 12.08; Code 1997, § 22-393; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-239. - Height limit and pole placement on front yard fences in residential districts.

No fence shall be constructed at a height exceeding four feet between the building line and front property line and/or street side building line for corner lots for residential buildings facing the side street, except for ornamental type fencing on lots exceeding one-half acre. On lots exceeding one-half acre the maximum height is eight feet provided masonry columns are used. All ornamental type fences shall be at least 50 percent transparent.

(Ord. No. 78-15, § IX, 4-18-1978; Code 1991, ch. 3, § 12.09; Code 1997, § 22-394; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-240. - Height limit in industrial districts.

No fence shall be constructed at a height exceeding ten feet in industrial districts.

(Ord. No. 78-15, § X, 4-18-1978; Code 1991, ch. 3, § 12.10; Code 1997, § 22-395; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-241. - Height limit around tennis courts; fence arms.

Fences around tennis courts, regardless of the district in which they are located, shall be constructed at a height not exceeding ten feet, and fence arms shall not be allowed thereon.

(Code 1991, ch. 3, § 12.11; Code 1997, § 22-396; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-242. - Fence arms in residential district; limited in industrial districts.

Fence arms shall not be permitted in residential districts or districts other than industrial. Fence arms may be permitted on fences located in industrial districts so long as they do not extend beyond the property line.

(Ord. No. 78-15, § XII, 4-18-1978; Code 1991, ch. 3, § 12.12; Code 1997, § 22-397; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-243. - Barbed wire.

In no event shall barbed wire be permitted, except on arms in industrial zoning districts.

(Code 1991, ch. 3, § 12.13; Code 1997, § 22-398; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-244. - Inspection of new fences.

When any fence for which a permit has been issued under this article is completed, it must be inspected. The building official's office shall be notified upon completion of the fence. The building official will issue a card of acceptance if the fence complies with the provisions of this article, or reject the fence if it does not so comply.

(Ord. No. 78-15, § XIV, 4-18-1978; Code 1991, ch. 3, § 12.14; Code 1997, § 22-399; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-245. - Maintenance.

All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times, see section 22-232.

(Ord. No. 78-15, § XV, 4-18-1978; Code 1991, ch. 3, § 12.15; Code 1997, § 22-400; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-246. - Appeals from decisions under this article.

Any appeal from an interpretation of the building official of the provisions of this article shall be made to the Construction Code Board.

(Ord. No. 78-15, § XVI, 4-18-1978; Code 1991, ch. 3, § 12.16; Code 1997, § 22-401; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Sec. 22-247. - Enclosures for swimming pools.

- (a) Required. Every swimming pool, or excavation designed or intended to ultimately become a swimming pool, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool or excavated area in such a manner as to make such pool or excavated area reasonably inaccessible to small children or animals. The fence (barrier) for a pool or spa shall be installed per the most currently adopted edition of International Swimming Pool and Spa Code. Electrical, solar or battery utility, access and or service gates shall not be considered as part of the pool barrier
- (b) Exceptions to subsection (a). Exceptions to subsection (a) are as follows:
 - (1) Subsection (a) shall not apply to bodies of water other than swimming pools which are owned or controlled by the federal, state or county government, or any agency, subdivision or department thereof; or bodies of water located in natural drainage-ways.
 - (2) In single-family occupancies, the enclosure may surround the entire single-family premises.
 - (3) In multifamily occupancies, the enclosure may include the courtyard which surrounds the pool.
- (c) Maintenance of swimming pool without enclosure. It shall be unlawful to maintain any swimming pool in the corporate limits which is not protected by an enclosure in accordance with the requirements of this section.
- (d) Plans for swimming pools; requirements. All plans submitted to the city for swimming pools to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this section have been complied with by the owner, purchaser under contract, lessee, tenant or licensee.

(Ord. No. 78-15, § XVII, 4-18-1978; Code 1991, ch. 3, § 12.17; Code 1997, § 22-402; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

State Law reference— Municipal authority concerning swimming pool enclosures, V.T.C.A., Local Government Code § 214.101.

Sec. 22-248. - Fences in drainage easements.

No fence shall be constructed within any drainage easement in the corporate limits of the city unless the city engineer shall have first determined and advised the building official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.

(Ord. No. 78-15, § XVIII, 4-18-1978; Code 1991, ch. 3, § 12.18; Code 1997, § 22-403; Ord. No. 2013-44, § 2(Exh. A), 11-12-2013)

Secs. 22-249—22-260. - Reserved.