

ORDINANCE 95-11

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS AND DEFINING REQUIREMENTS FOR FENCING IN THE CITY OF COMMERCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, after careful consideration, the City Council of the City of Commerce deems it in the best interest and general welfare of the City that the following proposed Fence Ordinance be adopted as a part of the City of Commerce Code of Ordinances:

FENCE REGULATIONS

Purpose:

In general, the objectives of the standards are to promote the health, safety, welfare, convenience, and the landscape quality of the public. It shall further be the purpose of this Ordinance to achieve the following:

A. Safety:

To promote the safety of persons and property by providing that:

1. No hazard is created due to collapse, fire, collision, decay or abandonment;
2. No obstruction is created to fire fighting and police surveillance; and
3. No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. Landscape Quality and Preservation:

To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that fences:

1. Do not create a nuisance to persons using the public right-of-way;
2. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; and
3. Are not detrimental to land or property value.

Sec. 82-4. (Current Code of Ordinances Book)

Construction of fence; wall; hedge; structure across public way or between property line and street.

A. It shall be unlawful for any person within the city to erect, construct, reconstruct or alter, or to permit the erection, construction, reconstruction, or alteration of any fence, wall, hedge, structure, or any other character of obstruction:

1. Over, on, or across any public property, way, alley, street, sidewalk, or park; or
2. Between the property line of any lot and a public street or alley line.

B. The owner of any building or premises or part thereof, where anything in violation of this section shall be placed or exists, and any architect, builder, contractor, agent, or person assisting in the commission of any such violation shall also be in violation of this section.

Sec. 82-5 (Current Code of Ordinances Book)

Trees; shrubs; hedges; rocks; fences; walls in parkway.

It shall be unlawful to plant, set out, build, or maintain in any parkway any tree, shrub, hedge, rock or boulder, fence, wall, or other such

accessory to property. Any such plant or construction so approved shall be placed by the city.

Permits:

A. Permit Required:

It shall be unlawful for any person to erect, replace, alter dimension, or size or relocate any fence without first obtaining a fence permit to insure that setback and height requirements as outlined in the Zoning Ordinance and fence regulations are met. A permit is not required to repaint or resurface an existing fence. All permitted work must be completed within one hundred eighty (180) days from the time of application, or the permit becomes void.

B. Permit Fees:

There shall be no charge for the fence permit.

Regulations:

Height of Fence or Wall:

In any residential district, or along any common boundary between any residential and nonresidential district, where a wall, fence or screening separation is erected, the following standards for height shall be observed:

1. Any fence or wall erected on the property line and located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the adjacent grade.
2. Any fence or wall erected on the property line and located between the front property line and the minimum required front yard line shall not exceed four (4) feet in height above the adjacent grade.

Types of Fences:

No fence may be constructed which will intentionally harm a person.

Examples:

1. Razor wire.
2. Barbed wire. (Exempt: May be used in agricultural zoned areas for the purpose of keeping livestock.)
3. Electric fence. (Exempt: May be used on the inside of existing fences in which sole purpose is for keeping a pet from digging out of the yard, etc.)

Exclusions and Penalties

Exclusion:

For development which has received any form of approval prior to the effective date of this Ordinance, this Ordinance shall not apply to that development to the extent that compliance with this ordinance would require substantial changes from the approval already granted.

Penalties:

Any individual, association, or corporation violating any portion of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished as prescribed by Section 1-14 of the City of Commerce Code of

Ordinances by the assessment of a fine not exceeding two thousand (\$2,000), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

NOW THEREFORE BE IT ORDAINED that it has been deemed by the Commerce City Council to be in the best interest and general welfare of the City of Commerce that proposed Fence Ordinance be, and is now hereby adopted.

BE IT FURTHER ORDAINED that:

- A. Any individual, association, or corporation violating any portion of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished as prescribed by Section 1-14 of the City of Commerce Code of Ordinances by the assessment of a fine not exceeding two thousand dollars (\$2,000), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.
- C. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not effect the validity of this ordinance.
- D. This ordinance shall take effect and be in force from now on after its passage and approval.
- E. That an emergency exists necessitating the suspension of any rule requiring multiple readings of this Ordinance and all multiple readings of this Ordinance are hereby waived.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas, on this the 18th day of July, 1995.

ATTEST:

Carol Roberts
Carol Roberts, City Secretary

(seal)

CITY OF COMMERCE

John Sands
John Sands, Mayor

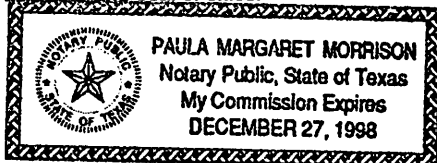
I, Carol Roberts, Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Carol Roberts
City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 19 day of July, 1995, to certify which witness my hand and seal of office.

(seal)



Paula Margaret Morrison
Notary Public, State of Texas

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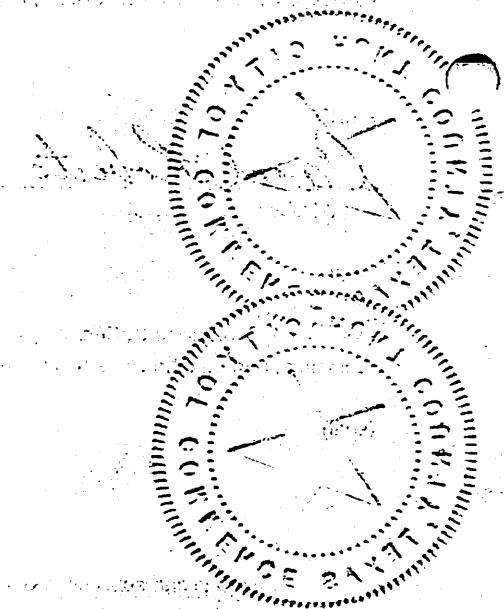
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