

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” OF THE ADDISON CODE OF ORDINANCES TO ADD A NEW ARTICLE XIV “FENCES”; PROVIDING A PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations,” is hereby amended to add a new Article XIV “Fences” which shall read in its entirety as follows:

ARTICLE XIV. – FENCES

DIVISION I - ADOPTED.

Sec. 18-165. - Adopted.

For the purpose of providing minimum guidelines for fences, within the Town limits, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the “Fences” ordinance of the Town of Addison. The title of this Article shall be the “Fences” and it may be cited as such.

DIVISION II - GENERALLY.

Sec. 18-166. - Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Corner lot means a lot situated at the junction of two or more dedicated public streets.

Front yard means an open unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

Interior lot means a lot situated in a block with frontage on only one dedicated public street and specifically not a corner lot.

Interior lot line means the side yard lot line of a corner lot that is adjacent to an interior lot's side yard line.

Main structure means a primary building, or in the case of residences, that area defined as living space, exclusive of attached or detached garages.

Rear yard means a space unoccupied by principal structure extending for the full width of the lot between a principal structure and the rear lot line.

Side yard means an open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending through from the street or the front line to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

Sight barring fences means fences constructed of solid wood or masonry materials.

Sec. 18-167. - Violations generally.

The owner of any building or structure failing to comply with any provisions of this article, and the owner of any premises wherein a violation of the provisions of this article occurs, and any architect, engineer, designer, builder, contractor, agent or person employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Sec. 18-168. - Conflicts.

In all cases of conflict between this article and any specific ordinance changing the zoning on a particular tract of land, the ordinance changing the zoning shall prevail.

Sec. 18-169. – Building - Fire code board of appeals.

In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of and exceptions to, the provisions of this article, there shall be and is hereby created a board of appeals. The said board of appeals, being denominated as the board of appeals, shall consist of the members of the board of adjustment appointed by the city council of the Town of Addison. Any person aggrieved by the application of this article may appeal its effect to the board of appeals. The board of appeals shall be as established in the Town's

most current adopted Building Code as prescribed in Article II of Chapter 18 of the Code of Ordinances.

Sec. 18-170. - Height.

It shall be unlawful for any person to build, erect, construct or maintain any fence within the town limits of the town at a height exceeding eight feet along any lot line, front, side or rear.

Sec. 18-171. - Gates generally.

It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

Sec. 18-172. - Fire department access.

In order to allow ingress and egress for fire department personnel and fire department equipment, there shall be at least one gate or opening with a minimum width of three feet in each fence that is adjacent to or running parallel to any public alley, drainage easement or utility easement, except this section shall not apply to utility easements that the town has allowed to be completely fenced in.

Sec. 18-173. - Electric charge.

No fence erected on property zoned for residential use or used for residential use shall be electrically charged in any manner.

Sec. 18-174. - Fence materials—Residential uses.

Fences within residentially zoned areas of the city, shall be constructed of new materials or products such as, wood planks, and boards, masonry as defined by the building code, and wrought iron or ornamental iron. Materials or products such as rope; string; wire; and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics; chain; netting; cut or broken glass; paper; corrugated metal panels; and plywood are prohibited. Other wood, metal or plastic products that are designed specifically for uses other than fence construction are also prohibited.

Sec. 18-175. - Barbed wire—Nonresidential uses.

In nonresidential areas, fences armed with barbed wire are allowed if such arms are located above six feet from the bottom of the fence. Such arms may not extend over public right-of-way or easements or over private property of another person.

Sec. 18-176. - Setback requirements—Generally.

It shall be unlawful for any person to build, erect, construct, maintain or suffer or permit the building, erecting, constructing or maintaining of any fence within the city limits in such a manner that any portion of the fence extends nearer to the street on which the main house, building, or structure faces than the required front yard setback line. Except as otherwise provided, the restrictions on building fences set forth in this section shall be applicable to property located in zoning districts classified as A (apartment dwelling district), R-1 (single-family dwelling district), MXR (mixed use residential district), LR (local retail district), C-1 (commercial-1 district), C-2 (commercial-2 district), I-3 (industrial-3 district), and PD (planned development district). Such restrictions do not apply to property owned by the Town of Addison.

Sec. 18-177. - Same—Schools.

- (a) Notwithstanding other provisions of this article, the owner or operator of any school or kindergarten may erect upon school or kindergarten property a fence to protect any schoolyard or playground, provided that no fence shall be erected or maintained in such a position or manner as to cause danger to traffic by obstructing the view.
- (b) For the purpose of this section, the word "school" shall mean a public, private or denominational institution having for its purpose the instruction of children and having a curriculum equivalent to a public elementary or high school. The word "kindergarten" shall mean for little children of preschool age, in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Sec. 18-178. - Inspection.

Upon completion of installation, the code official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in fence. All fences constructed under the provisions of this article shall be maintained as to comply with the requirements of this article at all times.

Sec. 18-179. - General fence provisions.

- (a) Fences that are constructed on any property within the city must be of approved materials and must be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it must be carried throughout the entire length of the fence section from corner post to corner post.
- (b) It shall be unlawful to erect a fence which alters the natural or planned drainage on any residential lot.
- (c) Used or secondhand materials shall not be used in the construction of any fence in a residential area.

- (d) The exterior surface of all masonry fences, including concrete block materials, shall be free from projections, inequalities or unevenness of surface, ridges or hollows, and obstructions. The exterior surface of wood fences in residential areas shall be finished with a stain, pigment, paint or other surface treatment or material that is consistent with other finishes existing on the primary structure existing on the property.
- (e) All fence materials, construction, and workmanship shall comply with all requirements of the building code and all approved plans and specifications.

Sections 18-180 through 18-199 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of five hundred dollars (\$500.00) per day and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

DULY PASSED AND ADOPTED by the City Council of the Town of Addison, Texas, on this **28th** day of **APRIL 2020**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney