



ORDINANCE NO. 122-2019

FENCES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS REGULATING FENCES WITHIN THE CITY LIMITS; PROVIDING A PENALTY NOT TO EXCEED \$500; PROVIDING EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS THAT:

Section I: Fence Regulations.

The following regulations shall apply to fences and retaining walls constructed, repaired, or replaced within the city limits of the City of Orchard, Texas.

(a) Definitions

Fence shall mean any constructed barrier in a yard or courtyard.

Retaining wall shall mean a structure with soil behind it that is designed and constructed to resist lateral pressure

Garden wall shall mean a fence or retaining wall three feet (3') in height or less constructed of decorative material, such as vinyl, painted or stained wood, masonry or decorative concrete.

(b) Permit Required

(1) Any person erecting, moving, repairing or replacing a fence or retaining wall within the City, must first obtain a fence permit; **exemptions:** provided, retaining walls (4') four feet in height or less; and fences (6') six feet or less shall otherwise comply with all City ordinances

(2) Plans and specifications must be submitted to the City building official with the appropriate permit application form and a site plan showing the proposed fence location, existing buildings, and dimensions.

(3) Any application for a permit for a retaining wall in excess of (4') four feet in height must be accompanied by a detailed elevation drawing of the construction or the retaining wall and be signed and sealed by a professional engineer.

(c) Materials

(1) Fences may be constructed of wood, masonry, concrete, vinyl, wrought iron, or chain link and must be constructed so the hardware and structural supports are facing towards the premises on which the fence is located.

(2) A fence shall not be constructed of barbed or electric wire, nor shall a permanent fence be constructed of portable sections or plastic or screen or other types or temporary materials, such as but not limited to construction site fencing.

(3) Electrical fences or electrical attachments of any type designed to administer a shock shall not be constructed within the City Limits

(4) Permanent barbed wire and razor wire of any type or dimension shall not be constructed within the City limits. V-arms or base and arms with barbed wire not to exceed three strands will be permitted on a lot that is not used for residential purposes or adjacent to a lot used for residential purposes. Barbed wire attachments shall be considered as part of the fence in determining the height of the fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of (6') six feet above ground level.

(d) Prohibited Locations

(1) No fence or retaining wall shall be constructed upon or caused to protrude over any public right-of-way or alley.

(2) No fence or retaining wall shall be constructed or allowed to remain in a position which will cause an obstruction or interference with the minimum sight line for nearby intersections.

(3) On a lot that is used for residential purposes, fences and retaining walls shall not be constructed in the required front yard or past the front wall of the main structure; **exemption:** Provided, garden walls may be placed in the front yard or past the front wall of the main structure.

(e) Height Limit

Any fence or retaining wall constructed within (5') five feet of the property line shall not exceed (8') eight feet in height.

(f) Construction Fences

A minimum (6') six-foot fence is required around all new construction sites. Construction fences shall be removed within 30 days of receiving a certificate of occupancy or final inspection.

(g) Maintenance of Fences

The owner or occupant of any premises that has a fence shall be responsible for maintaining the fence in a neat and functional condition. All portions of fences in a dilapidated state must be promptly repaired or replaced by the owner of fence. A dilapidated fence includes but is not limited to any (8') eight-foot horizontal section of a fence that is more than 15 degrees out of vertical alignment or that has 1 percent of its pickets or structural components damaged, missing, rotted or destroyed.

(h) Existing Fences

Existing fences or retaining walls constructed prior to enactment of this ordinance, or on a premises annexed into the City limits after the enactment of this ordinance, may be maintained in their current condition, provided: **(i)** the fence or retaining wall is not modified in a manner that requires a permit under this ordinance, and **(ii)** the fence or retaining wall does not become dilapidated.

Section 2. Conflict.

If there is a conflict between a requirement of this Ordinance and any other ordinance or requirement of the City, the most stringent requirement, shall apply. Where there is a conflict between a general requirement and specific requirement, a specific requirement shall apply.

Section 3. Penalty.

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 4. Repeal.

This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 5. Effective Date.

This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 6. Severability.

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Orchard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of and such part thus declare to be invalid or unconstitutional, or whether there be one or more parts.

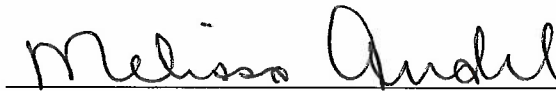
PASSED and APPROVED this 8th day of July, 2019.



Rod Pavlock

Mayor, City of Orchard, Texas

ATTEST:



Melissa Andel

City Secretary, City of Orchard, Texas