

DRAFT

For Discussion Purposes Only

ORDINANCE NO. ____

AN ORDINANCE; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS:

Section 1

Sec. 1. Definitions.

The following definitions apply to the interpretation and enforcement of this Ordinance:

Fence means any structure which exceeds twelve inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in the zoning ordinance. The following structures are not considered fences within the meaning of this Ordinance unless constructed in a manner or location that indicates an intent to circumvent the restrictions or requirements of this Ordinance:

(1) Retaining walls that provide lateral support for slopes and terraces are not considered fences unless the top of the wall protrudes more than twelve inches above the highest grade contained by the wall;

(2) Ordinary trellises and other means of providing support for ornamental vegetation, provided the trellis does not exceed __ feet in height and __ feet in length along the base of the trellis; is separated by not less than __ feet from another trellis; and does not number more than ___ per lot;

(3) Screening devices and appurtenances directly attached to and an integral part of a deck or porch provided such do not extend more than __ from the building to which the deck or porch is attached.

Build means to construct, erect, or place or cause, suffer or allow another to construct, erect or place.

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Electric fence means a fence having any component that produces an electric charge on contact. For clarity, the term does not include a wired or wireless containment system for pets through which a signal (including an electric charge) is transmitted only to the animal being contained.

Sec. 2. Permit required.

No person shall build any fence without having first applied for and obtained a permit from the Town. A permit is not required to reconstruct in the same footprint and at the same or less height a fence that was lawfully constructed and otherwise conforms to the requirements of this Ordinance.

Sec. 3. Prohibited materials.

No person shall build any fence composed, in whole or in part, of:

- (1) Barbed wire or razor wire;
- (2) Welded or woven wire such as chicken wire, hog wire, stockade panels or similar agricultural fencing;
- (3) Used materials;
- (4) An electric fence;
- (5) Galvanized sheet metal, corrugated metal, or corrugated fiberglass; or
- (6) Materials not approved for exterior exposure.

Sec. 4. Setback requirements generally.

(A) No fence shall be built within the area of the minimum required front yard setback nor the minimum required street side yard setback except as provided in subsection (B).

(B) Notwithstanding subsection (A), the following fences are allowed within the required setback:

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(1) A fence less than three and one-half feet (3'6") in height, that is made of wood or wrought iron, and that provides at least a four-inch-wide vertical space per each linear foot and at least a one-foot-wide horizontal space between horizontal portions of the fence; or

(2) A fence less than two and one-half feet (2'6") in height and made of brick, stone or masonry, excluding cinder block.

Sec. 5. Gates required.

Any fence built to fully enclose an area shall provide a gate or other opening in the fence of at least three feet in width.

Sec. 6. Height limit.

No fence shall be built more than eight feet in height nor more than four feet on any lot that has any amount of frontage on Cedar Creek Lake. If the fence is constructed on top of a retaining wall, height shall be measured from grade on the (top? bottom?) side of the retaining wall.

Sec. 7. Construction.

Fences must be able to structurally support fencing materials for a 70 mph windspeed. Only metal fence posts may be used. T-bar and other forms of agricultural fencing supports are not allowed.

Sec. 8. Maintenance.

It shall be unlawful to build, keep or maintain a fence in such a manner as to allow:

(A) Any portion of a fence to lean so that the fence's axis is more than ten degrees out of perpendicular alignment with its base.

(B) Missing, loose or broken pickets, slats or panels in a fence.

(C) Symbols, writings or graffiti on a fence except for signs stating an address or occupancy of a property.

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Section 2

That a violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine not exceeding five hundred dollars provided that, if the laws of this state mandate a different penalty for the same or similar offense, then the laws of this state shall control.

Section 3

That the terms and provisions of this Ordinance are severable.

Section 4

That any ordinance of the Town in conflict with any provision of this Ordinance is hereby repealed; all other ordinances shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2023.

TOWN OF ENCHANTED OAKS, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED: