

ORDINANCE NO. 2000-02-02

AN ORDINANCE OF THE CITY OF LAVON, TEXAS CONSOLIDATING ORDINANCES 97-12-09, 98-05-02, 99-08-02 AND 99-10-03; ESTABLISHING THE REGULATION OF CONSTRUCTION, ENLARGEMENT, ALTERATION, AND MAINTENANCE OF ALL FENCES WITHIN THE BOUNDARIES OF THE CITY OF LAVON 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 SECTION AND THE PROVISIONS HEREOF SHALL NOT APPLY TO FENCES ERECTED OR MAINTAINED IN DISTRICTS WITHIN THE CITY WHICH ARE ZONED BUT ARE STILL UNDER THE AGRICULTURAL USE AS UNDEVELOPED PROPERTY; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES, PROVIDING FOR A PENALTY CLAUSE, A SEVERABILITY CLAUSE, A REPEALING CLAUSE AND AN EFFECTIVE DATE.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AS FOLLOWS:

SECTION 1 PERMIT TO INSTALL OR ALTER FENCES

(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 greater than twenty feet (20') in length, without first having procured a permit to do so. This does not include repairing or maintaining an existing fence with similar materials.

(b) The fee of \$~~50.00~~^{50.00} for a permit required by this ordinance shall be provided for in the fee schedule under the Permit Fee Ordinance and shall be paid prior to the issuance of the permit.

(c) The building inspector may 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 ordinance.

(d) The building inspector may refuse to issue a permit under this section to any person who has been convicted of a violation of any provision of this section.

SECTION 2 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 ordinance shall be construed as

permitting construction of a fence which would violate the provisions of the zoning ordinance, as the same now exists or may be hereafter amended.

SECTION 3 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 wires.

SECTION 4 VISIBILITY OBSTRUCTION

No fence shall be erected or maintained in a manner so as to be a visibility obstruction at or within forty-five feet (45') of any intersection of roadways within any district of the city of Lavan.

**SECTION 5 HEIGHT LIMITS FOR FENCES ALONG REAR YARD OR ALLEY
LINE IN RESIDENTIAL DISTRICTS**

No fence shall be constructed at a height exceeding eight feet (8') along the rear yard or alley line in residential districts.

**SECTION 6 HEIGHT LIMIT FOR FENCES ON SIDE YARD LINE IN RESI-
DENTIAL DISTRICTS**

No fence shall be constructed at a height exceeding eight feet (8') 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.

**SECTION 7 FRONT YARD FENCES IN RESIDENTIAL DISTRICT PROHI-
BITED EXCEPT IN CERTAIN APPLICATIONS**

No fence shall be constructed between the building line and the 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 side yard property lines built between the building line and front property line. Ornamental type fences not to exceed four feet (4') in height with at least fifty percent (50%) through vision. No fence shall be constructed in the front of a residence that will in any manner obstruct the entrance of emergency rescue personnel in the event of a life safety situation should occur.

SECTION 8 HEIGHT LIMITS AND FENCE ARMS FOR FENCES IN HEAVY INDUSTRIAL AND LIGHT INDUSTRIAL DISTRICTS

No fence shall be constructed at a height exceeding ten feet (10') in heavy industrial or light industrial districts. Fence arms may be permitted for use on fences located in heavy industrial or light industrial districts so long as they do not extend beyond the property lines.

SECTION 9 BARBED WIRE PROHIBITED EXCEPT IN CERTAIN APPLICATIONS

In no event shall barbed wire be permitted, except on arms in heavy industrial and light industrial zoning districts. Barbed wire may also be allowed for use in districts zoned for agricultural use as undeveloped property wherein farm animals are allowed.

SECTION 10 INSPECTION OF NEW FENCES

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

SECTION 11 MAINTENANCE

All fences constructed under the provisions of this ordinance shall be maintained so as to comply with the requirements of said ordinance at all times.

SECTION 12 APPEALS FROM DECISIONS UNDER THIS ORDINANCE

Any appeal from a interpretation of the building official of the provisions of this ordinance shall be made to the housing board of appeals.

SECTION 13 FENCES PROHIBITED 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 or she believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.

SECTION 14

REQUIRED ENCLOSURE FOR SWIMMING POOLS

(a) 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. A temporary enclosure may be in place during construction, however a permanent enclosure must be completed within twenty-four (24) hours of the completion of the swimming pool construction.

Exceptions:

(1) This provision shall not apply to (a) bodies of water other than swimming pools which are owned or controlled by the federal, state, county, or any agency, subdivision or department thereof; (b) bodies of water located in natural drainageways.

(2) In single-family occupancies, the enclosure may surround the entire single-family premise.

(3) In multi-family occupancies, the enclosure may include the courtyard which surrounds the pool.

(b) An enclosure shall be a fence, wall or building not less than four feet (4') in height with no opening, holes or gaps larger than four inches (4") measured in any direction except that measurement for a picket fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members.

(c) Gates and doors opening directly into such enclosures shall be equipped with self-closing and self-latching devices to keep and capable of keeping such doors or gates securely latched. Said latching device to be attached to the gate or door not less than thirty-six inches (36") above the grade or the floor.

Exceptions:

The doors of any building forming any part of the enclosure herein above required need not be so equipped.

(d) Swimming pools in existence on the effective date of this section shall be fenced in accordance with the requirements herein above set forth, and it shall be unlawful to maintain any swimming pool in the corporate limits of the City of Lavon which is not protected by an enclosure in accordance with the requirements of this ordinance.

(c) All plans submitted to the City of Lavon for swimming pools to be constructed shall show compliance with the requirements of this ordinance, and the final inspection and approval of all pools constructed shall be withheld until all requirements of this ordinance have been complied with by the owner, purchaser under contract, lessee, tenant, or licensee.

SECTION 15

PENALTY CLAUSE

This ordinance dispenses with culpable mental state or element. Any person, corporation or association violating any provisions of this ordinance shall be

deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). For every seven days thereafter, a violation shall be deemed a separate offense, and shall be punished accordingly, provided however, compliance may be further sought through injunctive relief in the District Court.

SECTION 16 SEVERABILITY CLAUSE

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 17 REPEALING CLAUSE

All ordinances or parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof and insofar as necessary to give this ordinance full force and effect.

SECTION 18 EFFECTIVE DATE

This ordinance shall become effective immediately after its passage and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS ON THIS THE 17th DAY OF February, 2000.


JIM ALBRIGHT, MAYOR

ATTEST:


SUE JOHNSON, CITY SECRETARY