

**CITY OF LAVON, TEXAS
ORDINANCE NO. 2019-11-03**

Amend Fence Code – Maintenance Standards

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 4, “FENCES”, OF THE CITY OF LAVON CODE OF ORDINANCES BY AMENDING ARTICLE 4.06.007 “GENERAL STANDARDS” TO ADOPT REGULATIONS RELATING TO FENCE MAINTENANCE STANDARDS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the City Council of the City of Lavon, Texas (the “City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Lavon, Texas (“Lavon”) to adopt regulations pertaining to fence maintenance standards; and

WHEREAS, the City Council has authority under state law to adopt the regulations herein; and

WHEREAS, the City Council has discussed regulating maintenance standards of fences and has determined that regulating these standards will maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, preclude a nuisance to other property, and will not interfere with an owner’s use or enjoyment of their property or adversely affect their property or property values; and

WHEREAS, the City Council finds that these regulations should be updated to provide for the efficient enforcement of same and that these regulations are in the best interest of the City and the public health, safety, and welfare of the City.

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

SECTION 1. RECITALS:

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. AMENDMENT:

The Code of Ordinances of the City of Lavon, Texas is hereby amended by the addition of Article 4.06.007 General Standards, as follows:

Sec. 4.06.007 General standards

These provisions shall apply to all fences.

(l) Fences shall be maintained in good repair by the owner. GOOD REPAIR shall mean that:

(1) The fence shall not be out of vertical alignment more than one foot from the vertical height measured at the top of the fence for fences greater than four feet in height; except, however, for fencing four feet or less in height, the fence shall not be out of vertical alignment more than six inches from the vertical height measured at the top of the fence; and

(2) Once a pattern has been established, it must remain the same from corner post to corner post; and

(3) Any and all broken, loose, damaged, deteriorated, or missing parts (i.e., slats, posts, wood rails, bricks, panels) shall be replaced or repaired.

SECTION 3. PENALTY:

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed five hundred dollars (\$500.00) for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City 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 portions of said ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY:

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Lavon hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

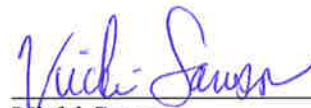
SECTION 6. EFFECTIVE DATE:

This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 7. OPEN MEETINGS:


That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas this 5th day of November 2019.



Vicki Sanson
Mayor

ATTEST:



Kim Dobbs
City Administrator/ City Secretary

