

ORDINANCE 2009-51

AN ORDINANCE AMENDING THE REGULATION OF FENCES AND PROVIDING ADDITIONAL SPECIFICATIONS FOR FENCES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHOREACRES, THAT:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That section 74-311 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-311. General erection limitations.

(a) No fence shall be erected on a public right-of-way, public park or beyond [the building] any lot line [in front].

(b) Fences abutting on a street right-of-way, public park, or public waterfront shall be constructed so that all supporting members, including posts and horizontal runners, shall not face the street. This provision shall apply to fences erected on any lot line including front, side and back.

(c) Hurricane, chain link, and other similar wire type fencing are prohibited within the front portion of a lot.

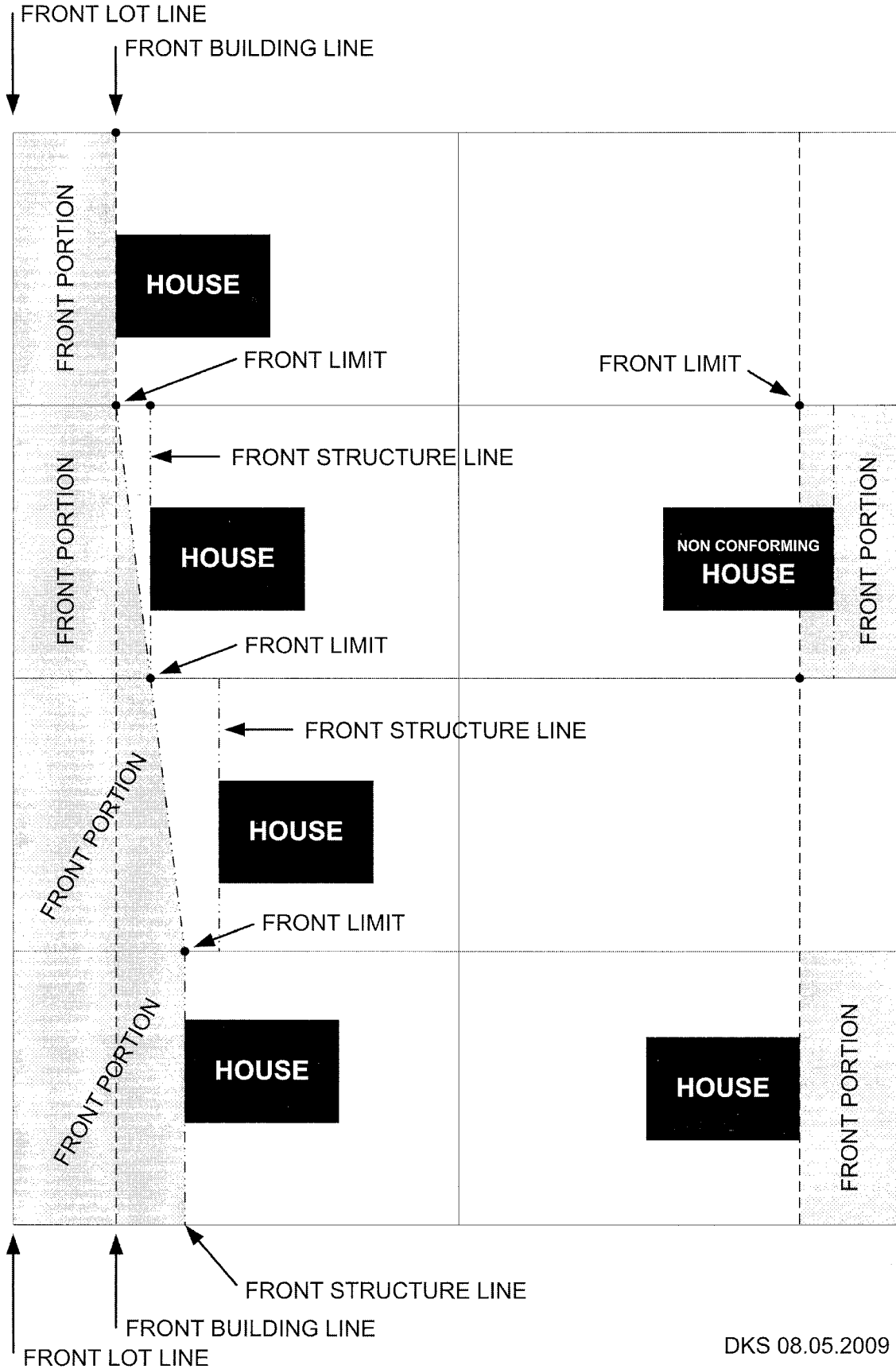
(d) Fences in the front portion of a lot shall be no more than 25 percent opaque.

(e) In this section:

(1) *Front portion* means the area of a lot extending to the front line from the line between each side lot line front limit, including the sides.

(2) *Front limit* means the point along a side lot line that intersects the front structure line. When there are structures on both sides of a side lot line the front structure line nearest the front line of the lot establishes the front limit. In no case shall the front limit be closer to the front lot line than the front building line.

(f) This section does not apply to institutional security fences, fences owned by any governmental entity or fences specifically required or allowed by this Code.



That section 74-312 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-312. On vacant lots.

No [On vacant lots, all] fences shall be erected [30 feet from the property line in the front] on vacant lots.

That section 74-313 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-313. Maximum height.

No fence in zoning districts A, B, B-1, C, or E shall be more than [six] eight feet in height, except a wooden fence which may have up to a six-inch rot board along the bottom. Fences shall be constructed only of wood, masonry, wrought iron, chain link, steel, brick, concrete, vinyl, PVC or combination thereof, unless otherwise approved by the board of adjustments.

That the Shoreacres City Code is hereby amended by adding a section, to be numbered 74-314, which section reads as follows:

Sec. 74-314. Construction, maintenance of electric fences.

(a) Except as provided herein, it shall be unlawful for any person owning or controlling any property in the city to construct, maintain, or permit to remain on such property any fence charged with electricity, or to cause any fence to become charged with a current of electricity, to connect any such fence with a source of electricity or to permit any fence under the control of such person to be connected with a source of electricity.

(b) The use of electric fences shall be allowed on the premises of any single family dwelling only for the purpose of erecting an enclosure to restrain the movement of dogs. All electric fence equipment so utilized shall be a UL approved product and installed and maintained in accordance with the manufacturer's instructions. The owner and/or controller of the premises shall be responsible for 1) obtaining a building permit prior to installation of the electric fence; 2) installing and maintaining signage that identifies the fence as an "electric fence"; 3) installing and maintaining the electrified elements of the fence so as to be protected from accidental contact by any person on property abutting the premises where such fence is installed; and 4) scheduling a city inspection to confirm the product is tested/approved and installed in accordance with manufacturer's instructions.

(c) In any prosecution under this section testimony that any fence was under the control of the defendant or situated on his premises and that any person received an electric shock by coming in contact with such fence shall be prima facie evidence that such defendant caused such fence to be charged with a current of electricity and caused and permitted such fence to be connected with a source of electricity.

That section 74-315 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-315. When replacement required.

Should any existing fence be damaged as much as 50 percent of non-conforming linear footage or 50 percent of the total linear footage and need replacing, it shall be replaced in accordance with this division and shall require a new building permit.

That section 74-316 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-316. Barbed wire, dangerous materials restricted.

(a) No barbed-wire fencing shall be used within the city except on government owned property or when required by law. [when] Barbed-wire fencing may only be used atop a chain-link fence not less than six feet in height. The barbed-wire fencing may not extend more than one foot above the chain link fence.

(b) Walls, fences or similar structures shall not contain any substances such as broken glass, spikes, nails, or similar materials designated to inflict pain or injury to any person or animal.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED this the 14TH day of SEPTEMBER 2009.



ATTEST:

David K. Stall
City Secretary

Jayo Washington
Jayo Washington, Mayor