

ORDINANCE NO. 576

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS REGULATING THE INSTALLATION, CONSTRUCTION, ERECTING AND PLACEMENT OF FENCES, PROVIDING FOR MINIMUM STANDARDS, QUALITY OF MATERIALS FOR THE BOARD OF APPEALS, APPLICATIONS FOR PERMIT, FEES, INSPECTIONS, INJUNCTIVE RELIEF; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. Definitions. The following definitions shall be deemed applicable in the interpretation of this Ordinance:

A. REAR YARD. A space unoccupied by principal structure extending for the full width of the lot between a principal structure and the rear lot line.

B. SIDE YARD. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending through from the street or the front line to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

C. FRONT YARD. Shall mean an open unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

D. CORNER LOT. Shall mean a lot situated at the junction of two or more dedicated public streets.

E. INTERIOR LOT. A lot situated in a block with frontage on only one dedicated public street and specifically not a corner lot.

F. INTERIOR LOT LINE. The side yard lot line of a corner lot that is adjacent to an interior lot's side yard line.

G. MAIN STRUCTURE. Primary Building, or in the case of residences, that area defined as living space, exclusive of attached or detached garages.

H. SIGHT BARRING FENCES. Fences constructed of solid wood or masonry materials.

SECTION 2. PERMITS & FEES. It shall be unlawful for any person to erect, construct or maintain a fence within the City of Addison without first submitting plans, filling out an application for a permit and paying the proper fees to the Building Inspection Department. Fees for fences shall be as follows:

Residential fence fee - \$15.00
Commercial fence fee - \$25.00

SECTION 3. SETBACK REQUIREMENTS - GENERALLY: "It shall be unlawful for any person to build, erect, construct, maintain, or suffer or permit the building, erecting, constructing or maintaining of any fence within the city limits in such a manner that any portion of the fence extends nearer to the street on which the main house, building or structure faces than the required front yard setback line. The restrictions on building fences set forth in this section shall be applicable to zoning districts classified as "A" (Two family or multiple family dwellings), "R-1" (single family dwellings), "R-2" (single family dwellings), "R-3" (single family dwellings), "L-R" (local retail district), "C" (commercial district), "I-1" (industrial district), "I-2" (industrial district), "I-3" (industrial district), "PD" (planned development district).

SECTION 4. SAME - EXCEPTION FOR SCHOOLS AND KINDERGARTENS: Notwithstanding the provisions of Section 3, the owner or operator of any school or kindergarten may erect upon school or kindergarten property a fence or fences to protect any school yard or playground, provided that no fence shall be erected or maintained in such a

position or manner as to cause danger to traffic by obstructing the view.

For the purpose of this section, the word "school" shall mean a public, private or denominational institution having for its purpose the instruction of children and having a curriculum equivalent to a public elementary or high school. The word "kindergarten" shall mean for little children of pre-school age, in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

SECTION 5. GATES REQUIRED. It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

SECTION 6. HEIGHT. It shall be unlawful for any person to build, erect, construct or maintain any fence within the city limits of the City of Addison at a height exceeding 8 feet along any lot line, front, side or rear.

SECTION 7. TYPE OF CONSTRUCTION.

A. No fence erected on property zoned for residential use or used for residential use shall be electrically charged in any manner or form without the express approval of the Chief Electrical Inspector.

B. No fence erected on property subdivided and/or platted for residential use or used for residential uses shall be constructed of barbed wire fencing.

C. In order to allow ingress and egress for Fire Department Personnel and Fire Department Equipment, there shall be at least one gate or opening with a minimum width of three (3) feet in each fence that is adjacent to or running parallel to any public alley, drainage easement, or utility easement except this provision shall not apply to utility easements that the City of Addison has allowed to be completely fenced in.

D. In non-residential areas, fences armed with barbed wire and such arms are permitted on fences over six (6) feet in height. Such arms may not extend over public right-of-way or easements or over private property of another person.

SECTION 8. INSPECTION. Upon completion of installation, the Building Official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in same. All fences constructed under the provisions of this ordinance shall be maintained as to comply with the requirements of this ordinance at all times.

SECTION 9. CONFLICTS. In all cases of conflict between this ordinance and any specific ordinance changing the zoning on a particular tract of land, the ordinance changing the zoning shall prevail.

SECTION 10. BOARD OF APPEALS. Section amended to read, "In order to determine the suitability of alternate materials, and methods of construction and to provide for reasonable interpretation of the provisions of this Code, there shall be and is hereby created, a Board of Appeals, consisting of three (3) members of the City Council. The Building Official shall be the ex officio member and shall act as Secretary of the Board. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant."

SECTION 11. VIOLATIONS AND PENALTIES. Second paragraph amended to read, "Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in Municipal Court, in any sum not to exceed Two Hundred Dollars (\$200.00) and each and every day of continuance thereof shall constitute a distinct and separate offense."

The owner or owners of any building or structure failing to comply with any provisions of this Code, and the owner or owners of any premises wherein a violation of the provisions of this Code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

SECTION 12. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

SECTION 13. INJUNCTIVE RELIEF. In the addition to and cumulative to all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this Ordinance.

SECTION 14. That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 15. DECLARATION. The fact that the City of Addison does not have an Ordinance regulating the construction, installation, erecting or placement of fences within the corporate limits of the City of Addison, Texas, creates an emergency for the immediate preservation of public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its passage as provided by law, and it is accordingly ordained.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 11 day of March, 1980.

MAYOR



ATTEST:


CITY SECRETARY