

ORDINANCE NO. 467

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REGULATING THE CONSTRUCTION OF FENCES ON ALL LOTS WITHIN THE CITY, REQUIRING PERMITS, REQUIRING INSPECTIONS, PROVIDING FOR APPEALS, PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

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

SECTION 1. PERMITS REQUIRED: It shall be unlawful for any person to construct a fence over two (2) feet in height on any lot without having first obtained a building permit therefor from the office of the Building Inspector.

SECTION 2. PUBLIC PROPERTY: No fence, guy wires, braces or any part of such fence shall be constructed upon or caused to protrude over property owned by the City.

SECTION 3. REAR YARD: No fence shall be constructed at a height exceeding eight (8') feet along the rear yard or alley line. Fence arms may be permitted on fences over six (6') feet in height. Barb wire may be constructed on such arms above six (6') feet in height and must extend inward only. In no event, however, shall barb wire be permitted on side yard or front yard fences.

SECTION 4. SIDE YARD: No fence shall be constructed at a height exceeding eight (8') feet on any side yard line up to the building line of the house proper. All such fences constructed on side yard lines must be vertical.

SECTION 5. FRONT YARD: No fence over three and one-half (3 1/2') feet in height shall be permitted from the front building line to the parkway or parallel with the street line. All stockade fences or other fences which do not have fifty (50%) per cent through vision are prohibited in any front yard. Nothing in this ordinance shall be construed as permitting construction of a fence which would violate any deed restrictions on the property.

SECTION 6. CORNER LOTS - EXCEPTIONS: On all corner lots which have adjacent rear lot lines, fences may be constructed not to exceed eight (8') feet in height along the side and rear yard lines as indicated on Appendix A which is attached hereto and made a part hereof the same as if copied in full herein.

On all corner lots where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line, no fence exceeding three and one-half (3 1/2') feet in height shall be constructed along the side yard line which is next to the street at a distance from the side building greater than five (5') feet as indicated on Appendix B which is attached hereto and made a part hereof the same as if copied in full herein.

SECTION 7. INSPECTION: When any such fence 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 it will be rejected. All fences constructed under the provisions of the ordinance shall be maintained so as to comply with the requirements of this ordinance at all times.

SECTION 8. APPEALS: Any appeal from a decision of the Building Inspector under the terms of this ordinance shall be made to the Zoning Board of Adjustment.

SECTION 9. PENALTY: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in Corporation Court shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars for each offense and each day any such violation shall continue shall be deemed a separate offense.

SECTION 10. REPEALING CLAUSE: All ordinances or sections of ordinances in conflict with any of the provisions of this ordinance are hereby repealed; provided, however, that nothing in this ordinance shall be construed so as to amend, alter, change or repeal any provision of the Comprehensive Zoning Ordinance and in the event any provision of this ordinance conflicts with the Comprehensive Zoning Ordinance the provisions of the Comprehensive Zoning Ordinance shall control.

SECTION 11. EMERGENCY: The fact that the present ordinances of the City of Mesquite are inadequate to regulate the construction of fences in the City creates an urgency and an emergency and in the preservation of the public health, safety and welfare requires that this ordinance take effect immediately after its passage and the publication of the caption as the Charter and law in such cases provides.

DULY PASSED BY THE CITY COUNCIL of the City of Mesquite, Texas, on the 18th day of February 18, 1963.

APPROVED:

B. W. Craig

Mayor

ATTEST:

Tom G. Garghy

City Secretary

APPROVED AS TO FORM:

Attorney