

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY REPEALING ARTICLE V (SECTION 5-45 THROUGH 5-54) BY ADOPTING A NEW ARTICLE V; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

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

SECTION 1. That Chapter Five of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

- A. Article V (Sections 5-45 through 5-54) is hereby repealed.
- B. A new Article V is hereby adopted to read as follows:

ARTICLE V

SECTION 1: BUILDING PERMIT AND FEE 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. The fee for such permit shall be ten (\$10.00) dollars, except that no separate permit fee shall be charged for the construction of a fence in conjunction with the construction of a building for which a building permit has been issued.

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. HEIGHT RESTRICTIONS: No fence shall be constructed at a height exceeding the following:

1. Rear Yard: No fence shall be constructed at a height exceeding eight (8) feet along the rear yard or alley line.
2. Front Yard: No fence over three and one-half (3½) 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.

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3. 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; except that on all corner lots where the rear lot line directly abuts a side lot line of an adjoining lot, no fence exceeding three and one-half (3½) feet in height shall be constructed on any side yard line up to the building line of the house proper.

**SECTION 4: BARBED WIRE RESTRICTIONS:** Fences or walls having wire or metal prongs or spikes, or cutting points or edges of any kind shall be prohibited except under the following circumstances and conditions:

1. Agricultural Uses: In all areas, barbed wire fences may be constructed if (a) the property is used to pasture livestock, (b) the tract to be fenced as a minimum one acre in size, and (c) the fenced pasture is a minimum of 300 feet from the nearest dwelling, excluding the dwelling of the owner of the tract to be fenced.
2. Security: In all areas zoned for business uses and on public property which requires protection from vandalism, barbed wire fences with arms extending outward may be constructed. No such barbed wire arm shall extend, however, outward over the property lines. Fence arms with barbed wire shall not be allowed on fences less than six (6) feet in height.

**SECTION 5: INSPECTIONS REQUIRED:** 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 article, or it will be rejected. All fences constructed under the provisions of the article shall be maintained in a vertical position and shall comply with the requirements of this article at all times.

**SECTION 6: TRAFFIC VISIBILITY:** No fence shall be erected or maintained which interferes with traffic visibility across a corner.

SECTION 7: APPEALS: Any appeal from a decision of the building inspector under the terms of this article shall be made to the zoning board of adjustment.

SECTION 8: VIOLATION OF DEED RESTRICTIONS: Nothing in this article shall be construed as permitting construction of a fence which would violate any deed restrictions of the property.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 5. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and publication of its caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of March, A.D., 1985.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

Elland Archer  
City Attorney

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