

ORDINANCE NO. 4134

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING A NEW SECTION 5-143(4) THEREBY ADDING REGULATIONS TO AGRICULTURAL FENCES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by adding a new Section 5-143(4) to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

- (4) *Agricultural.* A fence in the front yard may be permitted with a maximum height of six feet, if all of the following conditions apply:
- a. The property is zoned Agricultural (AG) with a primary use of single-family residence;
 - b. The property is a minimum of one acre in size;
 - c. The principal structure is setback at least 50 feet from the front property line; and
 - d. The fence shall have at least 50 percent through vision.
 - e. For all sections of a fence in the front yard that exceeds 3 ½ feet in height, the entire fence shall be constructed of the same material from grade to the top of the fence, and such material shall be limited to the following:
 1. Painted or vinyl rail;
 2. Wrought iron;
 3. Ornamental metal; or
 4. Livestock wire framed with a minimum 2-3/8" diameter metal post on the sides and top and with a middle and bottom metal rail.
 - f. The following materials shall be prohibited:
 1. Barbed wire;
 2. Chain link;

3. Chicken wire;
4. Electrically charged; or
5. Uncoated galvanized metal posts and/or rails.

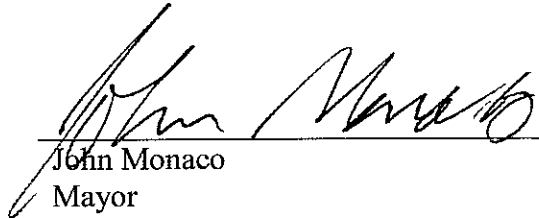
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and 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 upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00.00) Dollars for each offense.

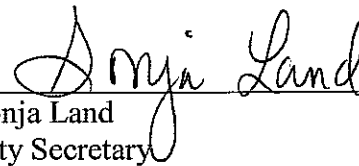
SECTION 5. That this ordinance shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 2011.



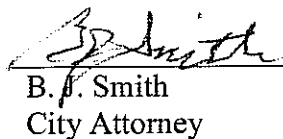
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney