

TOWN OF LAKEWOOD VILLAGE

**ORDINANCE REGARDING FENCES WITHIN THE TOWN LIMITS OF THE
TO LAKEWOOD VILLAGE, TEXAS.**

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WHEREAS, the Town of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens in the Town is permitted to enact certain rules and regulations:

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Lakewood Village, Texas:

SECTION 1.00 DEFINITION OF TERMS

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense shall include the plural number. The word "shall" is always mandatory and not merely directory. The word "he" or "him" shall refer to persons of either gender.

1. **FENCE** means an enclosure or barrier constructed of permitted materials.
2. **PUBLIC PROPERTY** means property used by the public, i.e., not private by nature.
3. **FRONT YARD** means that portion of property directly between the front of a residence and the Town easement.
4. **CHIEF BUILDING OFFICIAL** is the Mayor.
5. **WATERFRONT** means land, land with buildings, or a section of the town fronting or abutting on a body of water.

SECTION 2.00 BUILDING PERMIT REQUIRED

It shall be unlawful for any person to construct a fence over two and one half (2 1/2) feet in height on any lot without having first obtained a fence permit thereof from the building inspection department of the Town of Lakewood Village, Texas. Adequate plans and specifications, as determined by the chief building official, must accompany each application for a permit. Cost of Building Permit: \$50.00.

SECTION 3.00 WATERFRONT FENCING RESTRICTION

1. No waterfront property shall have fencing that would obstruct the view of any adjacent property from the ground floor elevation.

SECTION 4.00 CONSTRUCTION MATERIALS

Materials permitted shall be of vinyl, wood, masonry, chain link or ornamental iron. Materials prohibited are barbed wire, razor ribbon, sheet metal, or any other similar material.

SECTION 5.00 CONSTRUCTION REQUIREMENTS

All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard. To obtain proper sight distance where an alley and street intersect, a clear area formed by a ten-foot right triangle must be maintained so as not to cause danger to traffic by obstructing the view. When topography prevents a clear view, this bank should be removed.

SECTION 6.00 FENCES NOT PERMITTED ON PUBLIC PROPERTY

No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.

SECTION 7.00 PROHIBITED CONSTRUCTION AND/OR LOCATIONS

(1) Sight obstructions. No trees, berms or other obstructions shall be planted or maintained within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.

(2) Within easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement.

(3) Electrical fences. No fence erected shall be electrically charged.

SECTION 8.00 ZONING REGULATIONS (SINGLE FAMILY, DUPLEXES)

(1) For single-family, duplex, the following regulations shall apply:

(a) Rear yard. No fence shall be constructed at a height exceeding eight (8) feet along the rear property line.

(b) Side yard. No fence shall be constructed at a height exceeding eight (8) feet on any side yard line from the rear property line up to the front building line.

(c) Front yard. No fence (shall be) permitted in the front yard unless a part of the landscaping or a decorative screen, but in no case shall the fence exceed three (3) feet in height and (it) shall not create a traffic hazard. Such fencing shall be subject

to the approval of the chief building official.

SECTION 9.00 TEMPORARY CONSTRUCTION SITE FENCING

Temporary construction site fencing not exceeding eight (8) feet in height shall be permitted to enclose the complete project or a partial area. No such fence erected under the above provision shall be erected in such position or placed so as to be dangerous or detrimental to the health or safety of any person or obstruct the view so as to constitute a traffic hazard. Temporary construction fences must be removed prior to occupancy of any portion of the facility.

SECTION 10.00 INSPECTION AND MAINTENANCE

When any fence is completed, it must be inspected. The building inspection department shall be notified upon completion of the fence.

All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and shall be maintained as follows, to-wit:

- (1) Said fence shall not be out of vertical alignment more than twenty (20) per cent;
- (2) All damaged or removed or missing portions of said fence shall be replaced with comparable materials of a comparable color to the remaining portion of said fence; and,
- (3) All damaged or missing parts shall be replaced or repaired.

SECTION 11.00 APPEALS

Any appeal from a decision of the building inspector under the terms of this article shall be made to the Town Council of the Town of Lakewood Village, Texas.

SECTION 12.00 NONCONFORMING USES

The unlawful use of fences existing upon the effective date of this Ordinance, although such does not conform to the provisions hereof, may be continued, subject to the provisions hereof. The lawful use of a fence existing upon effective date of this Ordinance may be continued, although such use does not conform to the provision hereof. Such use may be extended throughout such portions of the fence as are arranged or designed for such use, provided no alterations, except those required by law or Ordinance, are made therein. If alterations are made, a nonconforming use of a fence may be changed to another nonconforming use of the same or

more restricted. If such nonconforming use of fencing is voluntarily removed, the future use of such premises shall be conformity with the provisions of this Ordinance.

In the event a nonconforming use of any fence is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of this ordinance.

SECTION 13.00 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the Town Council that if any of the sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would be enacted by the Town Council without the incorporation of this ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections. For any reason, if any fence exceeds fifty (50) per cent of repairs, it must be removed.

SECTION 14.00 PENALTY CLAUSE

It shall be unlawful for any person to violate and provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five hundred Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 15.00 SAVINGS CLAUSE

This Ordinance shall be cumulative of all other ordinances of the Town affecting the control of fences and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that Ordinance No. 86-2A of the Town relating to the control of fences is hereby repealed, but provided however that any complaint action, cause of action, or claim which prior to the effective date of this Ordinance No. 86-2A shall be deemed to remain and shall continue in full force and effect.

SECTION 16.00 EFFECTIVE DATE

This Ordinance shall become effective from and after its date of adoption and publication as required by law.

PASSED and APPROVED this _____ day of _____, 2003.

Vincent R. Webb, Mayor

ATTEST:

Dawn Sendziak, Town Secretary

APPROVED AS TO FORM:

Chris Raesz, Town Attorney