

Ordinance No. 2023-04

FENCE

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS, PROVIDING REGULATIONS FOR FENCES.

WHEREAS, the City of Payne Springs, Texas ("City") is a Type-A general law municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, the City of Payne Springs is authorized, pursuant to Chapter 51 of the Texas Local Government Code, to adopt an ordinance or regulation that is for the good government, peace or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City Council for the City of Payne Springs finds it necessary to adopt regulations concerning the proper size of fences within the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS, as follows:

SECTION 1

ANY PERSON, FIRM, OR CORPORATION, WHO DESIRES TO CONSTRUCT A FENCE WITHIN THE CITY LIMITS OF PAYNE SPRINGS, TEXAS, SHALL MAKE AN APPLICATION FOR A FENCE PERMIT WITH THE CITY OF PAYNE SPRINGS THE APPLICATION SHALL STATE THE NAME, ADDRESS OF THE APPLICANT, THE LOCATION OF THE PROPERTY PROPOSED TO BE FENCED, AND THE TYPE OF MATERIALS TO BE USED IN THE FENCE CONSTRUCTION. A FEE OF 75.00 DOLLARS SHALL BE CHARGED FOR THE PERMIT, THE BUILDING OFFICAL SHALL ENSURE THAT THE FENCE COMPLIES WITH THE PROVISIONS OF THIS ORDINANCE.

SECTION 2

ANY FENCE CONSTRUCTED PURSUANT TO THIS ORDINANCE SHALL BE CONSTRUCTED OF MATERIAL COMMONLY INTENDED FOR USE IN A RESIDENTIAL OR COMMERCIAL FENCE, SUCH AS WOOD, VINYL, CHAIN LINK OR BRICK, OR OTHER MATERIALS DEEMED TO BE ACCEPTABLE FENCING MATERIALS BY THE BUILDING OFFICAL.

SECTION 2A. LIVESTOCK EXEMPTION – IN CASES WHERE LIVESTOCK IS KEPT BARBWIRE AND FIELD FENCING IS ACCEPTABLE.

SECTION 3

BECAUSE OF THE DANGER TO THE PUBLIC HEALTH AND SAFETY, ANY FENCE IN

EXISTENCE ON THE DATE OF THIS ORDINANCE WHICH IS CONSTRUCTED FROM MATERIALS WHICH ARE NOT COMMONLY USED AS FENCEING MATTERALS IN SECTION 2 HEREOF, ARE PROHIBITED FROM AND AFTER THE DATE OF THIS ORDINANCE. ANY SUCH PROHIBITED WHICH ARE IDENTIFIED BY THE BUILDING OFFICAL AS BEING IN EXISTENCE ON THE DATE OF THIS ORDINANCE, SHALL BE REMOVED BY THE PROPERTY OWNER OR OCCUPANT WITHIN 90 DAYS OF THE DATE OF A NOTICE TO REMOVE THE FENCE BEING SENT TO THE NAME AND ADDRESS OF PROPERTY AS DETERMINED BY THE TAX ROLL OF HENDERSON COUNTY, TEXAS AS WELL AS TO ANY OCCUPANT OF THE PROPERTY SO IDENTIFIED. A FAILURE TO REMOVE THE FENCE AFTER THE NOTICE BY MAIL OR BY DOOR HANGER REQUIRED HEREIN, WILL RESULT IN THE FILLING OF A COMPLAINT WITH THE CITY OF PAYNE SPRINGS MUNICIPAL COURT FOR VIOLATION OF THIS ORDINANCE

SECTION 4

ANY PERSON, FIRM OR CORPORATION WHO IS FOUND GUILTY OF VIOLATING ANY PROVISION OF THIS ORDINANCE BY A COURT OF JURISDICTION SHALL BE GUILTY OF A MISDEMEANOR ANDSHALL BE FINED IN ACCORDANCE WITH THE GENERAL PENALTY PROVISIONS OF THE CODE OF ORDINANCES OF CITY OF PAYNE SPRINGS, TEXAS.

SECTION 5

HEIGHT RESTRICTION FOR FENCING SHALL NOT EXCEED 8 FOOT TALL IN HEIGTH. ALL FENCING THAT IS DILAPIDATED OR FALLING DOWN HOMEOWNER WILL HAVE 90 DAYS TO RECONSTRUCT OR REMOVE. HOUSING WITH SWIMMING POOLS WITH A DEPTH 3 FOOT OR MORE MUST HAVE FENCING AT LEAST 4 FOOT HIGH SURROUNDING THE POOL.

SECTION 6

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7

Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

This Ordinance shall become effective immediately upon its passage and approval of the City Council for the City of Payne Springs, Texas.

This Ordinance shall become effective on the 21st day of March, 2023, After its passage and publication as required by law.

APPROVED BY: 
Andrea Miller, Mayor

ATTEST: 
Beth Billings, City Secretary