

**City Council
Staff Agenda Report**

Agenda Item: 10f

Agenda Subject:		
Discussion and possible action on adopting a city ordinance preventing “Urinating or defecating in public places”		
Meeting Date:	Financial Considerations:	Strategic Vision Pillar:
November 17, 2022	Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Prior Council Action:

The city currently does not have an ordinance prohibiting Urinating or defecating in public places.

Justification for Request:

Recommended Action/Motion: Motion to approve Section 6.01.003 “Urinating or defecating in public places” to be added to Article 6.01 “General Provisions” of Chapter 6 “Health and Sanitation” of the Code of Ordinances
Attachments:

ORDINANCE NO. 2022-32

AN ORDINANCE AMENDING ARTICLE 6.01 “GENERAL PROVISIONS” CHAPTER 6 “HEALTH AND SANITATION” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS TO ADD A PROHIBITION ON URINATING AND DEFECATING IN PUBLIC; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Dalworthington Gardens had previously adopted ordinance protecting the public health and safety; and

WHEREAS, the City Council finds that urination and defecation in public harms public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:

SECTION 1.

Section 6.01.003 “Urinating or defecating in public places” is hereby added to Article 6.01 “General Provisions” of Chapter 6 “Health and Sanitation” of the Code of Ordinances, City of Dalworthington Gardens to read as follows:

Sec. 6.01.003 Urinating or defecating in public places

- (a) A person commits an offense if the person urinates or defecates:
 - (1) In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, utility right-of-way or other public place; or
 - (2) In public view.
- (b) It is an affirmative defense to prosecution under this section if the person is in a restroom.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict

with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended, or any other ordinances affecting speed which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Dalworthington Gardens is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City of Dalworthington Gardens as authorized by Section 52.011 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS ____ DAY OF _____, 2022.

APPROVED:

Laurie Bianco, Mayor

ATTEST:

Sandra Ma
Interim City Secretary

**City Council
Staff Agenda Report**

Agenda Item: 10g

Agenda Subject: Presentation and acknowledgment of change order for the CIPP from a 36” to 38” storm drain pipe on Orchid Ct.

<p>Meeting Date: August 18, 2022</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: Staff is asking for the approval of the change order request cost.

Recommended Action/Motion: Motion to a approve change order request.

Attachments: Updated quote from Insituform.

November 7, 2022

Gary Parker
Public Works Director
City of Dalworthington Gardens
2600 Roosevelt Dr.
Dalworthington Gardens, TX

**RE: Orchid Court Storm Sewer Improvements
Change Order Request No. 1 – Line Diameter Increase**

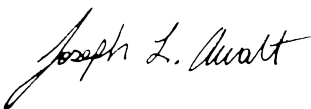
Upon cleaning and televising the existing storm sewer line on Orchid Ct., it was determined that the storm sewer main measures 38-inch diameter instead of the planned diameter of 36-inch. Due to this, Insituform is having to increase the MM thickness from 15MM to 16.5MM stay in line with engineering designs based on the new diameter. Due to the increased diameter and MM thickness, Insituform's material cost is increasing from the original bid off the planned 36-inch diameter pipe. Below is the cost associated with the increase in the materials:

182118 Dalworthington Gardens					
Orchid Court					
Bid Item per Docs	Description	Unit of Measure	Per Bid Quantity	Bid Price	Total
1	Mobilization	LS	1.00	\$ 12,500.00	\$ 12,500.00
2 (ALT B)	CIPP 36"	LF	505.00	\$ 255.00	\$ 128,775.00
3 (ALT B)	Sawcut Remove/Replace HMA	LF	272.00	\$ 140.00	\$ 38,080.00
4	Traffic Control	LS	1.00	\$ 5,000.00	\$ 5,000.00
6 (ALT B)	Install 4' x 4' Square Manhole	EA	2.00	\$ 24,000.00	\$ 48,000.00
					\$ -
				Original Contract:	\$ 232,355.00
CO1.1	Increase CIPP 36" to 38"	LF	505.00	\$ 43.50	\$ 21,967.50
				Change Order No. 1	\$ 21,967.50
				Revised Contract:	\$ 254,322.50

If you have any questions, please let me know.

Accepted By: _____ Date: _____

Respectfully,



Joseph L. Awalt
Project Director

**City Council
Staff Agenda Report**

Agenda Item:10h

Agenda Subject: Fencing		
Discussion and possible action on modifying a city ordinance pertaining to fence height and or staff’s ability to generate a wavier to fence height as it pertains to life safety or security.		
Meeting Date: November 17, 2022	Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Strategic Vision Pillar: <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

Prior Council Action:

DWG currently has a fence ordinance limiting height to 6 feet in designated areas and 4 feet in front of the drip edge. City ordinance specifically states fences exceeding 6 feet requires Board approval. Staff has provided various references to fencing in the current ordinance. We have also attached 2 other cities fencing ordinances as well as research of surrounding cities fence height requirements.

Justification for Request: Several requests for 8-foot fence that are denied. Variances, that are granted through zoning board create a precedent for 8’ fencing. Current, applicant requesting 8-foot fencing around a school to provide additional security to the campus. Staff recommends the additional security measures to limit or control access to the campus.

Recommended Action/Motion:

- A. Motion to approve Section 14.02.125 Screening Devices
 - (3) No fence or other screening device, whether required or not, shall exceed eight (8) feet in height, without prior board approval.
 - and / or
 - B. (4) Waiver, City staff is authorized to grant a waiver to fence height requirements based on life safety needs of the City, Example: Fencing for schools or critical infrastructure.

Attachments:

DWG city Ordinance references
City of Pantego and City of Richland Hills ordinances
Fence Height research

Wavier the act of abandoning or refraining from asserting or exercising a right. A wavier maybe express or implied from conduct (i.e. doing nothing or acting in a manner inconsistent with the existence or exercise of the right).(Collins Dictionary of Law W.J. Stewart, 2006)
2015/2021 IBC Permit not required for fence under 7 feet
2015/2021 IRC Permit not required for fence under 7 feet

References relating to fence in City Ordinance

City Of DWG

Article 3 Swimming Pool

Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension except for doors and gates; and if a picket fence is erected or maintained the horizontal spacing between pickets shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure. (2005 Code, sec. 15.1.51)

Appeals

The **development board of appeals** may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of fences, wall gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. Said board may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the substitute fence, gates and latch described herein. (2005 Code, sec. 15.1.54)

Article 3 Solar Energy Systems

Ground-mounted solar energy systems shall

Be screened from view on all sides by a solid fence, wall or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the city's fence regulations, and to the extent that the maximum operating height of the system exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;

Article 8.05 Abandoned or Junked Vehicles

The provisions of this article shall not apply to a vehicle or part of a vehicle that is:

Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Article 3.04 Outdoor Advertising Displays

No sign shall be erected, constructed, or maintained so as to constitute an obstruction of the view of pedestrians or motorists upon entering a public thoroughfare. All signs of any nature whatsoever, whether temporary or permanent, when situated within fifteen (15) feet of the curb or edge of a public street, shall either:

Have a height of not more than two and one-half (2-1/2) feet measured from the top of curb to the top of the sign; provided that wall signs may be permitted on a fence or wall which complies with setback and height requirements of the zoning ordinance.

Division 4. General Standards

Sec. 14.02.125 Screening devices

Where required. A screening device, as herein defined, shall be erected before any use other than uses permitted in the "SF" or "MF" districts is made of property in "B-1" or less restrictive

districts when such property abuts residentially zoned property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such nonresidential property and the abutting residentially zoned property.

Erection and maintenance responsibility.

(1) When a screening device is required under the terms of subsection (a) of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which said device is located.

(2) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

PD screening. In residential planned developments the council may approve as part of the PD site plan masonry walls higher than provided above in required yards so long as the same do not violate visibility restrictions.

Definition

Building. Includes any building, fence, awning, canopy, sign, shed, garage, house, tent or other structure whatsoever, or any portion thereof, and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

ARTICLE 4.08 GAS WELL DRILLING AND PRODUCTION

Division 2. Operational and Technical Regulations

Generally. Throughout the entire exploration, drilling, and production process there shall be screening improvements (fences, walls, berms and landscaping) required during each phase of the process. Exploration through completion (drilling phase). A temporary chain-link fence with all-weather screening fabric at least six feet in height shall be established around the entire ...

Sec. 14.02.129 Standards for certain uses

Natural gas compressor stations

Screening. In order to protect the aesthetic integrity of adjacent properties, the station site shall be screened by a wrought iron type fence along boundary lines that front a dedicated public street right-of-way of any type, or that front a private street right-of-way dedicated for public use. Brick or stone columns shall be constructed on approximately fifty (50) foot centers for such fence.

ARTICLE 2.01 GENERAL PROVISIONS

Definitions

At-large. A dog or cat that is not confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the dog or cat from escaping therefrom,

Yard requirements

Sight obstructions: Nothing herein provided shall be construed as permitting any obstruction to view which may constitute a traffic hazard. On the contrary, it shall be unlawful for any person

to erect or place or cause to be erected or placed, or to perpetuate or maintain, on any property under his control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. On corners or on street curves of more than sixty (60) degrees, when doubt may exist regarding sight obstructions, the approval of the city engineer shall be required.

Fence. A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls.

Screening device

Sec. 14.02.123 Yard requirements

(2) A screening device approved by the city as to location and height is erected along the property line abutting the major thoroughfare

City of Richland Hills

ARTICLE I. - SCREENING AND FENCING ORDINANCE

Sec. 91-100. - Screening and fencing.

Purpose. It is the purpose of this article to provide standards for screening in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the city.

Applicability.

This article shall be applicable to all new construction or where 50 linear feet or more of an existing screening, fence, or wall requires replacement.

All properties located in the BP Business Park District must comply with the standards when a new tenant moves into the BP Business Park District or within 18 months of the approval of the BP Business Park District, whichever comes first.

Permits.

It shall be unlawful for any person to erect or have erected a fence or wall without first obtaining a permit from the building official if the fence or wall is over 30 inches tall.

Exceptions. Where repairs and replacements are of the same fence material, fence height, and fence location, the following exceptions are allowed:

A permit shall not be required to repair or replace less than 50 linear feet of any given fence line segment. Multiple fence line segments may be repaired or replaced without a permit as long as the aggregate distance of fencing repaired or replaced is less than 50 linear feet within any two-year time period.

Enforcement. The zoning administrator shall administer and enforce the provisions of this article relating to screening and fencing.

Screening and fencing of nonresidential, multiple-family, and manufactured home parks.

Screening required. In the event that mixed use, multiple-family, nonresidential uses, or manufactured home parks side or back upon a SF-E Single-Family Residential Estate, SF-10 Single-Family Residential, SF-7 Single-Family Residential, or MF-1 Two-Family (Duplex) Residential District, or in the event that any nonresidential district sides or backs to a MF-2 Multiple-Family Residential Medium Density or MF-3 Multiple-Family Residential High Density District, a solid masonry screening wall of **not less than six feet nor more than eight feet in height** shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. The owner of the multiple-family or mixed-use property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the Single-Family or Duplex Residential District. This construction requirement applies only when multiple-family is adjacent to residential uses.

When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

Materials.

Any screening wall or fence required under the provisions of this section, under a specific use permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

Nonresidential fences that are not required by ordinance but that are visible from public right-of-way shall be constructed of masonry, reinforced concrete, or vinyl material that simulates wood or masonry. Wood fence are expressly prohibited.

All required screening walls shall be properly finished on all sides that front a public street or public right-of-way.

All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

Open storage. Open storage of materials, commodities, or equipment shall be screened with a minimum six-foot fence or wall.

In districts permitting open storage (see [section 3.02](#) Use Chart of the zoning ordinance), screening shall be required only for those areas used for open storage, unless the screening exception in subsection (e)(3)c., Screening exception below, applies. A six-foot screening fence or wall shall be provided and maintained (at the property line adjacent to the area to be screened) by one or a combination of the following methods:

Solid masonry (brick, concrete block or concrete panels).

Chain link with solid landscape screening; slats or mesh are acceptable within the BP Business Park District; except for properties with screening fence or walls adjacent to Handley Ederville Road which must be constructed of solid masonry.

Wrought iron with solid landscape screening.

No outside storage may exceed the height of the fence without a waiver from the zoning administrator. No outside storage permitted in the front yard.

The following exceptions shall apply to this requirement when located in the BP Business Park District:

Outside storage may exceed the height of the screening fence if it is a single item or structure.

Stored items can be stacked, but must be setback at least ten feet from the fence and cannot exceed the fence height by more than one foot.

Screening exception. Unscreened open storage is only permitted within the rear yard of properties within the I Industrial District and is not permitted within side yards or within 60 feet of a residential use.

Refuse storage. Refuse storage areas, not within a screened rear service area that are visible from a public right-of-way for all nonresidential, multiple-family and manufactured home park uses shall be visually screened by a six-foot solid masonry wall on all sides except the side used for garbage pickup service, such side shall provide a gate.

Mechanical equipment.

All nonresidential uses shall screen all mechanical, heating and air conditioning equipment from public view and/or adjacent residential property. Public view is considered any area that can be seen from a public street.

The following exceptions shall apply to this requirement when located within the BP Business Park District:

Mechanical, heating and air conditioning equipment located on the roof top;
Mechanical equipment that exceeds the height of the fence or wall used to screen the property and/or open storage areas.

Nonresidential barbed wire fences prohibited. Barbed wire, razor wire, and concertina wire fences are prohibited in the city. The following exceptions shall apply:

Barbed wire strands may be placed on top of permitted fences and screening around public utilities facilities (such as substations and transformer stations) or as part of security devices for the restraint of persons being detained by the city or other governmental law enforcement agency for criminal violations.

Barbed wire shall be allowed on top of chain link fencing for security purposes in HC Heavy Commercial, I Industrial, and BP Business Park.

Fences in residential areas.

Height. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height.

Location.

Except as provided by subsection (f)(2)a.1 below, no fence or wall shall be permitted in front of any single-family or duplex structure.

Decorative fences with openings not less than 50 percent of the fence area and not exceeding three feet in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

No fence shall be erected in any required side yard that is adjacent to a public street.

No residential fence shall be closer than 20 feet to a public street except in cases where the side or rear building line of the yards on contiguous corner lots adjoin, the fence may be constructed out to the property line of said side yard.

Materials. Any residential fence shall be constructed of masonry, wrought iron, cedar wood, treated pine, or vinyl materials that produce a similar appearance. Fence posts shall be 16-gauge metal and include metal caps and placed in concrete footings.

Vehicular access gates. Gates designed for vehicular access shall be set back from the property line a minimum of 20 feet.

Residential chain link, barbed wire, and electrical fences prohibited.

Chain link fencing shall be prohibited in residential areas, except that they shall be allowed in locations that are not visible from any public street or any fence necessary for an agricultural use.

Barbed wire or electrical fencing shall be prohibited, except as used for farm or ranching purposes on undeveloped land over one acre in size.

Special fences.

Special fencing, such as fencing around tennis courts, is permitted.

Fences around swimming pools shall comply with the city's building code.

Sight visibility.

Setback clearance zone. Rigid compliance with these screening and fencing requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Screening or fencing within the triangular visibility area

shall be designed to provide unobstructed cross-visibility at a level between 30 inches and eight feet. The triangular areas are:

The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of 15 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

Corner properties. The areas of property located at a corner formed by the intersection of two or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two sides of each triangle being a minimum of 25 feet in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two sides.

Proximity to accessways and driveways. Screening or fencing shall not be located closer than three feet from the edge of any accessway pavement or driveway.

Reduction to remove visibility obstruction. In the event that other visibility obstructions are apparent in the proposed plan, as determined by the zoning administrator, the requirements set forth herein may be reduced to the extent to remove the conflict.

Fencing in areas adjacent to city designated parks.

Height. Any fence or wall located adjacent to a city designated park shall be a minimum of six feet high and not exceed eight feet in height.

Materials. Any fence or wall located adjacent or parallel to a city designated park shall be constructed of wrought iron, cedar wood, or treated pine. If the fence or wall is located next to a nonresidential or multiple-family property, the fence must comply with the regulations in subsection (e).

Sight visibility. Sight visibility shall be followed in accordance with the terms described in subsection (f)(7).

Trail fences. Properties with a fence located off of a trail shall be the responsibility of the property owner to maintain.

Waiver. The city manager is authorized to grant a waiver to these requirements if necessary to result in a higher quality development and/or carry out the recommendations of the comprehensive plan.

City of Pantego

4.06.104 Fences, screening.

Fences/screening.

Fences /shall be required on drill sites during initial drilling, completion or reworking operations. A secured entrance gate shall be required. All gates are to be kept locked when the operator or his employees are not within the enclosure. The initial fence shall be installed according to the requirements of the gas well permit, as follows:

Fencing specifications.

The fence shall be at least eight (8) feet in height, but not greater than ten (10) feet.

Gate specifications.

All fences shall be equipped with at least one (1) gate. The gate shall meet the following specifications:

Each gate shall be not less than twelve (12) feet wide and be composed of two (2) gates, each of which is not less than six (6) feet wide, or one (1) sliding gate not less than twelve (12) feet wide. If two (2) gates are used, gates shall latch and lock in the center of the span;

The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and

Operator must provide the fire marshal with a “Knox Padlock” or “Knox Box with a key” to access the well site to be used only in case of an emergency.

Screening fence.

Within 30 days after the production of the well has been established, the operation site shall be completely enclosed by a cedar stockade fence and gate. An alternative fence with vegetation may be approved by the town council as a condition of the special use permit. Screening fence specifications shall be as follows:

The fence shall be of a design and material approved by the town.

The fence shall be at least eight (8) feet in height.

The fence and gate shall be stained upon installation and restained every two years, at a minimum, or when deemed necessary by the zoning administrator.

14.10.205 Fence requirements.

One- and two-family residential zoning districts.

All fences shall be kept in good repair and shall not create urban blight. Dilapidated Fences shall be repaired or replaced in accordance with provisions of this chapter. Fences may be painted or stained with natural wood colors. No bright unnatural colors are allowed.

Fences shall be permitted along the side or rear lot lines, to a height of not more than eight feet (8'), but no Fence shall be permitted to extend past the front edge of the main building or in a required front yard.

Fences for nonresidential uses allowed in residential districts, such as schools, shall be ornamental metal, masonry or a combination thereof. No wood or chainlink fencing shall be allowed unless specifically approved on a site plan by the planning and zoning commission.

No barbed wire or electrical fencing shall be allowed that is visible and/or accessible from the public way.

Wood fences shall have the finished side facing the abutting right-of-way when visible from the public way. All fence posts and structural components shall be placed on the interior of the lot.

The location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance with the building setback line as shown on the final plat. If a property is not platted or building line is not shown, the location of fences shall comply with the building setback requirements of the zoning district in which the property is located. The setback may be reduced to five feet (5') from the property line, if the lot backs up to the rear property line of another lot.

Multifamily and nonresidential districts.

All fences shall be kept in good repair and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this chapter.

All fencing for multifamily and nonresidential districts shall be shown on the site plan for the development and be approved as part of the site plan approval.

Fencing shall be constructed of wrought iron, tubular steel, masonry, live screening, or a combination thereof.

Wood, barbed wire, or chainlink fencing is prohibited unless specifically requested on a site plan and, after recommendation from the planning and zoning commission, approved by the town council. When a site plan is not applicable, the zoning board of adjustment (ZBA) may consider variances to this requirement. Existing wood fencing may be maintained or replaced with cedar or redwood materials, but may not be reinstalled if removed for more than thirty (30) days.

Fencing shall not exceed eight feet (8') in height unless specifically approved on a site plan by the town council after recommendation from the planning and zoning commission.

(Ordinance 19-851 adopted 12/9/19)

ETC....

Various cities fence height requirements.

Pantego 8'

Richland Hills 8'

Arlington 8'

Mansfield 8'

Kenedale 8'

Forest Hill 8'

Staff Recommendations

1. Change existing height requirement to 8' for all fences.
2. Create a Waiver, option that Building Official could vet during staff meetings. This would involve multiple members deciding on what is in the best interest of the City involving life safety issues or protection of critical infrastructure. All other situations would continue to go to the zoning board.

Existing ordinance with waiver

(b) **Erection and maintenance responsibility.**

(1) When a screening device is required under the terms of subsection (a) of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which said device is located.

(2) All screening devices required by this article or action of the board of adjustment shall be perpetually maintained by the user of the property on which said device is located.

(3) No fence or other screening device, whether required or not, shall exceed six (6) feet in height, without prior board approval.

(4) Waiver City staff is authorized to grant a waiver to fence height requirements based on life safety needs of the City Example: Fencing for schools or critical infrastructure.