

ORDINANCE 2512

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS AMENDING CHAPTER 27 OF THE HURST CODE OF ORDINANCES SECTION 27-21 BY ADDING SUBSECTION 27-21(e)(8) PROVIDING REGULATIONS FOR FENCES LOCATED ON CORNER LOTS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) EACH DAY A VIOLATION OCCURS; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Hurst is authorized to regulate the use of land in order to lessen congestion, secure public safety, and promote health and general welfare among other reasons; and

WHEREAS, the City Council wishes to adopt special development controls relative to fence regulations on corner lots; and

WHEREAS, the City Council of the City of Hurst deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act and Chapter 211 of the Local Government Code.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Section 27-21 of the Code of Ordinances is hereby amended and by adding subsection 27-21(e)(8), which shall read as follows

(8) *Corner lots in residential districts.* This subsection applies exclusively to fences located on corner lots in residential districts. Notwithstanding any other provision in this chapter, fences located on corner lots in residential districts shall be located not less than ten feet (10') from the property line that is adjacent to street(s), subject to the following limitations:

- a. The fence cannot be located in the visibility triangle.
- b. The fence cannot be located in front of the front building line on the lot.
- c. The fence cannot be located within five feet (5') of a city-owned right-of-way.

- d. The fence does not encroach, interfere with, or enclose easements adjacent to streets.
- e. The Building Official and Executive Director of Public Works are authorized to require supplementary conditions when it is determined the location of a proposed fence is detrimental to the neighborhood or may impede existing or future development.

Section 3. That any person who fails to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court or competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 6. That this ordinance shall become effective from and after the date of its final passage.

AND IT IS SO ORDERED.


Passed on the first reading on the 5th day of July 2022 by a vote of 5 to 0.

Approved on the second reading on the 9th day of August 2022 by a vote of 6 to 0.


ATTEST:

CITY OF HURST


Rita Frick, City Secretary


Henry Wilson, Mayor

Approved as to form:


City Attorney