

ORDINANCE 2560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS ADDING A NEW DIVISION 7 TO CHAPTER 5 BUILDING REGULATIONS, REGULATING FENCING AND SCREENING WALL REQUIREMENTS; PROVIDING A CLAUSE RELATING TO SEVERABILITY; PROVIDING A SAVINGS 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 and wall requirements to maintain the quality and integrity of neighborhood aesthetics; and

WHEREAS, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

WHEREAS, the City Council finds that there is a public necessity for the enactment of this ordinance; and

WHEREAS, the City Council finds that regulation of fencing as provided for herein enhances the aesthetic beauty and quality of life of the Citizens of Hurst and is in the best interests of the health, safety, and welfare of the public.

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.

Section 2. That Chapter 5, Building Regulations shall be amended by the addition of new section, Division 7 to read as follows:

Division 7 Fencing and screening wall requirements.

Sec. 5-75

- (a) To maintain the quality and integrity of neighborhood aesthetics, all new and replacement fences and walls must meet the following requirements.
- (b) Screening fences and walls shall be permanently and adequately maintained by the owner of the property on which the screening is erected. No wall or fence shall be constructed or maintained in such a manner as would endanger the health or safety of the general public.
- (c) Any fence or wall that is in disrepair, rotted, leaning, missing pieces, or otherwise detracts from the aesthetics of the area, must be repaired, replaced or removed at the property owner's expense. All new and replacement fences or walls must be replaced in like kind as to the materials and finish as the original fence or wall and must be of uniform color and material as to be uniform and compatible with the adjacent fence or wall.
- (d) Fences constructed of barbed wire (except for livestock fences) and walls topped with broken glass or surfaced with like material shall be prohibited, provided, however, a security fence of not less than six (6) feet in height may be topped with barbed wire.

Section 3. That this ordinance shall be cumulative of all other ordinances of the City of Hurst, Texas, and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

Section 4. 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 5. 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 6. 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.

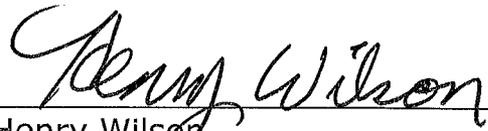
Section 7. That this ordinance shall become effective from and after the date of its final passage.

AND IT IS SO ORDERED.

Passed on the first reading on the 13th day of February 2024 by a vote of 6 to 0.

Approved on the second reading on the 27th day of February 2024 by a vote of 5 to 0.

APPROVED:



Henry Wilson
Mayor

ATTEST:



Rita Frick
City Secretary

APPROVED AS TO FORM:



Matthew C.G. Boyle
City Attorney