

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. 2013-1331

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF COPPELL CHAPTER 9, ARTICLE 9-2, "FENCE REGULATIONS", BY AMENDING SECTION 9-2-1, "DEFINITIONS", BY AMENDING THE DEFINITION FOR "COMPOSITE" AND DELETING DEFINITION OF "FINISH SIDE", BY AMENDING SECTION 9-2-7, "MATERIALS, ORIENTATION AND COLORS", BY AMENDING SUBSECTION (A) TO PROVIDE AN EXCEPTION FOR SPLIT RAIL FENCES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00.)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:

SECTION 1. That Chapter 9, Article 9-2, "Fence Regulations", by amending Section 9-2-1, "Definition", by adding a definition for composite, by amending Section 9-2-7, "Materials, orientation and colors", by amending Subsection (A) to permit composite fencing material, by amending Subsection (B) to provide for permitted colors and by adding Subsection (C) to provide regulations for composite fences, and, by adding section 9-2-11, to provide for enforcement, which shall read as follows:

**"CHAPTER 9
GENERAL REGULATIONS**

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ARTICLE 9-2. FENCE REGULATIONS

Sec. 9-2-1. Definitions.

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Composite means material that consists of at least fifty percent (50%) wood fiber material which may be combined with vinyl or other products which are

molded or otherwise fabricated or processed into wood finish posts, planks, pickets, rails or other like elements.

Fence means any wall or structure more than 18 inches in height erected or maintained for the purposes of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structures.

Front yard means the open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

Rear yard means a space unoccupied by principal structure extending for the full width of the lot between a principal structure and the rear lot.

Repair shall mean the construction or repair of fifty percent (50%) or less of the perimeter of an existing fence.

Replace means, for the purposes of this article, the construction, reconfiguration, relocation or repair of fifty percent (50%) or more of the perimeter of an existing fence.

Side yard means an open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending through the street or the front line shall be deemed a side yard."

Sec. 9-2-2. Fence Permit Required.

It shall be unlawful for any person to erect or replace a fence, as defined herein, without first obtaining a permit in accordance with the regulation set forth in this Chapter, provided however, a permit shall not be required to repair an existing fence.

Sec. 9-2-3. Application for permit.

An application for a permit must be signed by the applicant and contain the following information:

- A. Applicant's name and address. If the application is a partnership, corporation or association, the name and phone number of a responsible party of the entity.
- B. Name and address of owner of property.
- C. Address of property where fence is to be erected.
- D. Height of fence.
- E. Plat, map, or site plan showing the lot or tract on which the fence is to be erected, the location of adjoining or adjacent lots or tracts and the location of the proposed

fence, outlined with heavy black lines.

Sec. 9-2-4. Permit fee.

A nonrefundable permit fee established by resolution of the city council shall be paid at the time of application for each permit issued.

Sec. 9-2-5. Public property.

A fence, or any part of such fence, shall not be constructed upon or caused to protrude over property line or lot line. All fences, as provided herein, must be maintained in a plane so as not to overhang or interfere with public property.

Sec. 9-2-6. Location and height regulations.

- A. *Height.* It shall be unlawful to erect or maintain a fence at a height exceeding eight feet.
- B. *Rear yard.* Where driveways connect to alleys in commercial, industrial and residential areas, fences shall be only constructed along the rear lot line of any lot to within five feet of a point where the driveway would intersect the alley pavement at 90 degrees. Fences to be constructed along any driveway or parallel to alleys shall not be constructed within five feet of the alley pavement.
- C. *Side yard.* A fence may be erected in the side yard of a lot to the side property line.
- D. *Front yard.* It shall be unlawful to erect or maintain a fence within the front yard of any lot, from the front building line to the front lot line. The front building line as that term is used herein shall mean the building line established by the building constructed on the lot if such established building line is a greater distance from the front lot line than that established by law.

Sec. 9-2-7. Materials, Orientation and Colors.

- A. *Permitted materials.* All fences, as defined herein, constructed within the City, shall only be constructed with metal vertical posts except for split rail fences and the following material:
 - 1. Wood;
 - 2. Metal or wrought iron;
 - 3. Stone or brick with mortar;
 - 4. Decorative metal.
 - 5. Composite.

- B. *Permitted colors.* Colors for wood fences or composite fences shall be limited to natural wood stain colors; wrought iron and decorative metal fences may be black, off white or earth tone colors only; masonry fences may not be painted.
- C. *Composite fences.* Composite fences shall be anchored with steel or metal posts, with or without composite post or sleeves and shall be affixed to the post elements with nails and/or metal fasteners which match the color of the planks, slats or other elements of such composite fence shall be of composite fence.

Sec. 9-2-8. Prohibited Materials.

Materials prohibited in fences are barbed wire, razor ribbon, sheet metal, chain-link, vinyl or polyvinyl, or any other similar material, except that barbed wire and/or chain link is permitted for fencing for agriculture-or industrial-zoned property.

Sec. 9-2-9. Electrical Fences.

Fences shall not be electrified or utilize an electrical charge; however, such prohibition shall not be construed to prohibit electrical gate closures.

Sec. 9-2-10. Inspection.

Within thirty (30) days of the completion of installation, the owner of the premises shall request and the building inspector shall conduct an inspection. A certificate of acceptance or a rejection slip indicating the defects in the same will be issued.”

SECTION 2. That all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any

part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

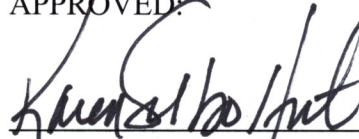
SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subjected to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Coppell, Texas, this the 22nd day of January, 2013.

APPROVED:


KAREN HUNT, MAYOR

ATTEST:


CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:


ROBERT E. HAGER, CITY ATTORNEY