

**CITY OF LAKE DALLAS, TEXAS
ORDINANCE NO. 2020-07**

AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS AMENDING CHAPTER 22 “BUILDINGS AND BUILDING REGULATIONS” ARTICLE III “FENCES” OF THE LAKE DALLAS MUNICIPAL CODE BY AMENDING SECTION 22-242 “PERMITS” TO ADD SUBSECTION (f) TO PROVIDE FOR A WAIVER OF FENCE PERMIT FEES UNDER CERTAIN CONDITIONS; AMENDING THE CITY’S MASTER FEE SCHEDULE RELATING TO PERMIT FEES FOR FENCES; CONTAINING A CONFLICTS RESOLUTION CLAUSE; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously established fees and charges to be levied with respect to the permitting and inspection of buildings and building systems that are constructed, reconstructed, repaired, maintained, and/or remodeled within the City of Lake Dallas; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend the City’s fees with respect to issuance of permits for construction of fences within the City to provide for waivers of such fees under certain conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. Chapter 22 “Buildings and Building Regulations” Article III “Fences” of the Lake Dallas Municipal Code is amended by amending Section 22-242 “Permits” to add Subsection (f) to read as follows:

- (f) The permit fee to be paid pursuant to this section shall be waived if:
 - (1) the permit is related to partial replacement of an existing fence;
 - (2) the fence is located on a single-family residential lot/tract,
 - (3) no more than 50% of the entire length of the fence (measured in linear feet) is being replaced (inclusive of all sides of the property on which the fence is located)
 - (4) the replacement fence will be installed at the same location on the property from where the old fence was removed; and
 - (5) no similar waiver of the permit fee has been granted for a partial fence replacement on the same lot/tract within the twelve (12) months prior to the date of the application for the permit for which the fee waiver is granted.

Nothing in this subsection (f) should be construed as waiving the requirement to obtain a permit for the fence replacement for which the permit fee has been waived.

SECTION 2. The City' Master Fee Schedule is amended by adding the following fees to be collected by the Development Services Department for applications fence permits relating to inspections of work performed in association with construct of fences within the City:

Fences	
Residential ¹	\$125
Commercial	Table 1
Screening Wall ² (Commercial)	Table 1
Screening Wall ² (Residential)	\$125
Retaining Wall ² (Commercial)	Table 1
Retaining Wall ² (Residential)	\$125
¹ The permit fee is waived if (i) the permit is related to partial replacement of an existing fence, (ii) the fence is located on a single-family residential lot/tract, (iii) no more than 50% of the entire length of the fence (measured in linear feet) is being replaced (inclusive of all sides of the property on which the fence is located), (iv) the replacement fence will be installed at the same location on the property from where the old fence was removed, and (v) no similar waiver of the permit fee has been granted for a partial fence replacement on the same lot/tract within the 12 months prior to the date application for the permit for which the fee waiver is granted.	
² Includes initial reviews; additional reviews will be billed to the applicant	

SECTION 3. In the event of a conflict between a fee set out in the Master Fee Schedule and the provisions of any other City ordinance, the provisions of the Master Fee Schedule shall prevail; however, this ordinance shall not amend, abolish or change any fee heretofore established that is not listed in the Master Fee Schedule and such fees shall continue in effect for all purposes until amended by ordinance or by ordinance or resolution transferred to the Master Fee Schedule.

SECTION 4. Should any article, paragraph, subdivision, clause or provision of this ordinance or the Lake Dallas Municipal Code as amended hereby be adjudged or held to be invalid, unenforceable or unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid, unenforceable or unconstitutional.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide and shall be applicable to permits for which application is made on or after the effective date of this Ordinance.

DULY ADOPTED AND APPROVED by the City Council of the City of Lake Dallas, Texas, on this the 23RD day of April 2020.

APPROVED:


Michael Barnhart, Mayor

ATTEST:


Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:



Kevin B. Laughlin, City Attorney
(kbl:4/16/2020:113808)