

ORDINANCE NO. 14-3084

AN ORDINANCE AMENDING CHAPTER 22. "BUILDING AND BUILDING REGULATIONS", ARTICLE XIII. "FENCES", SECTION 22-554. "DEFINITIONS", SECTION 22-555. "CONSTRUCTION PERMIT REQUIRED", SECTION 22-557. "HEIGHT AND CONSTRUCTION REQUIREMENTS" AND SECTION 22-558. "MAINTENANCE", OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford is a home rule City acting under its home rule Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, the City Council of Bedford, Texas deems it necessary, in order to provide for the health, safety, and general welfare of the residents of the City of Bedford, to establish the provisions of this ordinance regarding the regulation of Fences as authorized by the State of Texas; and,

WHEREAS, the City Council of Bedford, Texas has established regulations for fences, in *Chapter 22, Building and Building Regulations, Article XIII-Fences, of the Code of Ordinances*, as amended; and,

WHEREAS, the City Council of Bedford, Texas has determined that revisions are necessary to this Fence ordinance and has noticed, according to the requirements of public meetings by State Law, the proposed amendments; and,

WHEREAS, the City Council of Bedford, Texas has, after thoughtful deliberation, voted to approve these Fence ordinance amendments.

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

SECTION 1. That *Chapter 22, Building and Building Regulations, Article XIII-Fences, of the Code of Ordinances*, being the fence ordinance of the City of Bedford is hereby amended to read in its entirety as follows:

Sec. 22-554. - Definitions.

Public Property: Any property that is not owned by a private individual or a company. Property, premises and facilities that are owned by the government or one of its agencies, divisions, or entities.

Thoroughfare: A public or private right-of-way however designated, which provides vehicular access to adjacent land within the corporate limits of the City.

Utility Easement: A utility easement is an easement that allows a utility the right to use and access specific area of another's property for laying gas, electric, phone, cable, water, and sewer lines.

Sec. 22-555. - Construction permit required.

It shall be unlawful for any person to erect or have erected a new fence, or any part of a fence in excess of 25 percent per elevation side in the city without first obtaining a construction permit for the replacement of the entire elevation.

Sec. 22-557. - Height and construction requirements.

- (5) Fences adjacent to and facing a thoroughfare, public property or any utility easement in excess of (50) feet shall be constructed with the smooth finished surface facing outward from the property and facing the thoroughfare, public property or utility easement. Any posts or support beams shall be inside the finished surface or designed to be an integral part of the finished surface.**
- (9) Fences shall be constructed in a manner to provide a continuous barrier without missing sections along each elevation side. Gates shall be allowed to be an integral part of the continuous barrier.**

Sec. 22-558. - Maintenance.

- (3) Masonry fences and masonry fence columns facing a thoroughfare that require complete or partial replacement, damaged or in need of repair shall be replaced, repaired or reconstructed with the same or similar masonry materials and same or similar color of masonry materials provided the materials are still available and comply with the requirement for masonry fence construction.**
- (4) The owner of a property that has a masonry fence that is not required by ordinance under zoning or development standards may appeal to the Buildings and Standards Commission to repair or replace an existing masonry fence or masonry fence columns facing a thoroughfare with alternative screening methods or materials that do not comply with the regulations specified in section 22-558 (3).**
- (5) Fences shall not have murals, graffiti, advertising or other illegal signage.**

SECTION 2. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 3. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect on the 14th day of April 2014 in accordance with law, and it is so ordained.

PRESENTED AND PASSED on this 25th day of March 2014, by a vote of 7 ayes, 0 nays and 0 abstentions at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney