

ORDINANCE NO. 2015-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS, ARTICLE XIV. RESERVED, ESTABLISHING RESTRICTIONS ON FENCES ON PUBLIC PROPERTY; ESTABLISHING LOCATION; ESTABLISHING APPROVED FENCING MATERIALS; ESTABLISHING REQUIREMENTS FOR FENCE MAINTENANCE; ESTABLISHING FENCE RESTRICTIONS; ESTABLISHING REQUIREMENTS FOR DILAPIDATED FENCE REMEDIATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rosenberg is a home rule City acting under its home rule Charter and the law of the State of Texas; and,

WHEREAS, Tex. Loc. Gov't Code Chapter 211 authorizes the City of Rosenberg to adopt rules and regulations regarding land use within the City limits of the City of Rosenberg for the purpose of promoting the safe, orderly, and healthful development of the City; and,

WHEREAS, the City Council finds it necessary to establish the provisions of this ordinance regarding the regulation of fences; and,

WHEREAS, the City Council finds that it would be advantageous and beneficial to the citizens of the City of Rosenberg, Texas, to adopt this ordinance regulating the requirements for fences within the City of Rosenberg; and,

WHEREAS, the City Council of the City of Rosenberg, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Building Code regulations relative to fencing requirements be established as hereinafter stated;

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

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of the Building Code as if copied in their entirety.

Section 2. Amending Building Code. That Code of Ordinances, Chapter 6 Building and Building Regulations is hereby amended by creating Article XIV. Fences to hereinafter read as follows:

"Sec. 6-390. - Fence Requirements and Prohibitions.

- a. Public Property: A fence or any part of a fence shall not be constructed upon or allowed to protrude over a property line or lot line. All fences must be maintained so as not to overhang or interfere with public property.
- b. Fence Maintenance: All fences shall comply and be maintained in accordance with all the requirements of this ordinance at all times.
 - 1. Fences shall not be more than twenty (20%) percent out of vertical alignment.
 - 2. Damaged, removed, or missing portions of a fence shall be replaced or repaired with comparable materials to the remaining portion.
- c. Dilapidated Fences: A dilapidated fence means a fence that is decayed, deteriorated, or fallen into partial or total ruin. Should a fence be deemed dilapidated or substandard by the Code Enforcement Officer, then the following shall occur:
 - 1. A notice shall be served to the property owner informing of the fence violation.
 - 2. Should the violations not be corrected by the owner within a thirty (30) day time period, the City may remove the fence at its own expense and the cost shall be charged against the land and become a personal obligation of the owner. The provisions for notice, hearing and appeal shall be conducted in compliance with provisions of Chapter 6 of the Code of Ordinances."

Section 3. Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance, as amended, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Section 4. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Rosenberg, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the

conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 5. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

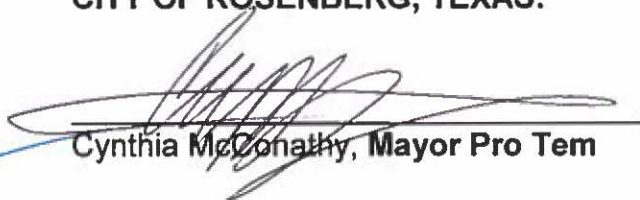
PASSED AND APPROVED by a vote of 5 "ayes" in favor and 1 "nays" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 21st day of April 2015.

ATTEST:



Anne Stark, Assistant City Secretary

CITY OF ROSENBERG, TEXAS:



Cynthia McDonathy, Mayor Pro Tem

APPROVED AS TO FORM:



Scott Tschirhart, City Attorney
Denton Navarro Rocha Bernal Hyde and Zech, P.C.

