

ORDINANCE NO. 246

AN ORDINANCE REGULATING THE CONSTRUCTION OF FENCES; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS:

Section 1

Sec. 1. Definitions.

The following definitions apply to the interpretation and enforcement of this Ordinance:

Fence means any structure that exceeds twelve inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in the zoning ordinance. Temporary construction and safety fencing is regulated by the terms of the building permit for the construction. The following structures are not considered fences within the meaning of this Ordinance unless constructed in a manner or location that indicates an intent to circumvent the restrictions or requirements of this Ordinance:

(1) Retaining walls that provide lateral and adjacent support for slopes and terraces are not considered fences unless the top of the wall protrudes more than twelve inches above the highest grade contained by the wall;

(2) Screening devices and appurtenances directly attached to and an integral part of a deck or porch if such screening devices or appurtenances: (a) are located in the back or side yard, (b) do not extend more than ten feet from the building to which the deck or porch is attached, and (c) conform to the building setbacks as defined in the zoning ordinance; and

(3) Walls that: (a) are a structural extension of a residential dwelling to which the wall is attached, and (b) conform to the building setbacks as defined in the zoning ordinance.

Build means to construct, erect, or place or cause, suffer or allow another to construct, erect or place.

Electric fence means a fence having any component that produces an electric charge on contact. For clarity, the term does not include a wired or wireless containment system for pets through which a signal (including an electric charge) is transmitted only to the animal being contained.

Wrought iron means a style of metal fencing typically consisting of a top and bottom railing with vertical metal bars. The use of the term "wrought iron" in this Ordinance is not intended to preclude the use of materials made of steel, aluminum or other metals so long as the material is designed and approved by the manufacturer for use as fencing material.

Sec. 2. Permit required.

No person shall build any fence without having first applied for and obtained a permit from the Town. A survey prepared by a licensed surveyor and dated within twelve months of the application for a permit must be submitted with the application.

Sec. 3. Allowed and prohibited materials and designs.

(A) Allowed materials for a fence include:

(1) Wood pickets (if the pickets are stained) or vinyl pickets (if the material is color-matched to the color scheme of the buildings fenced), and provided in either case that the posts are metal;

(2) Wrought iron, if the pickets are no more than three inches in circumference and spaced not nearer than three inches apart and the posts are metal;

(3) Hand-laid brick, stone or masonry (excluding cinder block except as a base material faced by brick, stone or masonry); and

(4) Chain link fencing on metal posts.

The building official may approve materials not specifically identified in this subsection if the materials are structurally and aesthetically equivalent to those listed.

(B) No person shall build any fence composed, in whole or in part, of:

- (1) Barbed wire or razor wire;
- (2) Welded or woven wire such as chicken wire, hog wire, stockade panels or similar agricultural fencing;
- (3) Used materials;
- (4) An electric fence;
- (5) Galvanized sheet metal, corrugated metal, or corrugated fiberglass;
- (6) Plywood, OSB, particle board, cement board or similar materials typically meant for use as building materials; or
- (7) Materials not approved for exterior exposure.

Sec. 4. Setback requirements generally.

(A) No fence shall be built within the area of the minimum required front yard setback for accessory structures nor the minimum required street side yard setback except as provided in subsection C.

(B) No fence shall be built beyond the rear property line, except in the case of a property adjacent to Cedar Creek Reservoir. Waterfront properties may extend fences to the waterfront, if and as permitted by Tarrant Regional Water District.

(C) Notwithstanding subsection (A), the following fences may be allowed at the discretion of the Building Official:

- (1) A fence within the street side yard setback provided the fence is located so as to allow drivers to see on-coming traffic on the intersecting street. (This would normally be in the case of a corner fence cutout or a fence that does not obscure view.)
- (2) A fence within the front yard setback for accessory structures but not within the front yard setback for a primary residence. This would normally be in the case

of a side yard fence connecting to a residence.

Sec. 5. Gates required.

Any fence built to fully enclose an area shall provide a gate or other opening in the fence of at least three feet in width. Except for driveway gates, gates must match the general style of the fence.

Sec. 6. Height limit.

No fence shall be built more than four feet in height as measured from the highest abutting grade on any lot except for those lots along Cedarwood that are adjacent to the buffer zone between the Town of Enchanted Oaks and the subdivision known as Indian Harbor where a fence may be built to a maximum height of 6-feet only on the side adjacent to the buffer zone adjacent to Indian Harbor.

Sec. 7. Construction; prohibited locations.

Fences must be able to structurally support fencing materials for at least a 70 mph windspeed. Only metal fence posts may be used. Except for temporary safety fencing, T-bar and other forms of agricultural fencing supports are not allowed. Fences may not enclose a public fire hydrant nor encroach on any street or other public property.

Sec. 8. Maintenance.

(A) It shall be unlawful to build, keep or maintain a fence in such a manner as to allow:

- (1) Any portion of a fence to lean so that the fence's axis is more than ten degrees out of perpendicular alignment with its base.
- (2) Missing, loose or broken pickets, slats, panels or other elements of the fence.
- (3) Symbols, writings or graffiti on a fence except for signs stating an address or occupancy of a property.
- (4) Unstained, untreated, warped or faded wood as part of the fence.

(B) A wooden fence must be pressure washed and re-stained when the stain fades or naturally grays.

Sec. 9. Accessory, special, and existing fences.

Fences that are built as part of an accessory structure (such as fencing for swimming pools, tennis, basketball or similar athletic courts, for screening pool equipment, propane tanks and the like) for which a building permit or other Town approval must be obtained are regulated in accordance with the terms of the applicable building or fire code and must be built and maintained as described in the permit (including the approved plans and specifications) as issued or as amended. Fences installed or maintained on public property by the Town are not regulated by this Ordinance. A fence that was constructed before the effective date of this Ordinance and that does not comply with the terms of this Ordinance may be allowed to remain in place if:

(A) The owner of the property where the fence is located applies for and obtains a permit for the fence within twelve months from the effective date of this Ordinance.

(B) The fence has been consistently and properly maintained; and

(C) No portion of the fence represents a significant or material deviation from the provisions of this Ordinance.

Section 2

That a violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine not exceeding five hundred dollars provided that, if the laws of this state mandate a different penalty for the same or similar offense, then the laws of this state shall control.

Section 3

That the terms and provisions of this Ordinance are severable.

Section 4

That any ordinance of the Town in conflict with any provision of

this Ordinance is hereby repealed; all other ordinances shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2024.

TOWN OF ENCHANTED OAKS, TEXAS

Mayor

ATTEST:

City Secretary