

Motion was made by Councilman Herman, seconded by Councilman Lovelady that the following Ordinance be passed:

## **ORDINANCE NO 415**

**AN ORDINANCE BY THE CITY OF ROMAN FOREST, TEXAS REGULATING THE CONSTRUCTION OF FENCES ON RESIDENTIAL PROPERTY IN THE CITY; REQUIRING THE APPROVAL OF A FENCE PLAN; SETTING CERTAIN LIMITATIONS ON THE LOCATION OF THE FENCE; PROVIDING FOR APPEAL AND VARIANCE; PROVIDING A CRIMINAL PENALTY CLAUSE NOT TO EXCEED \$500.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the rules and regulations hereinafter established and adopted are a lawful exercise of the police powers of the City of Roman Forest, Texas, as established by law, and are promulgated for the purpose of affording uniformity of operation and development of residential property within the City, freedom from discrimination, and to promote the general welfare of the City and the inhabitants thereby:

- (1) Considering the character of the area and its suitability for particular uses.
- (2) Conserving and enhancing the value of existing buildings and developments.
- (3) Encouraging the most appropriate use of open lots and undeveloped land in the City.
- (4) Protecting the traveling public along City streets.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, THAT:**

### **SECTION I.**

#### **DEFINITIONS**

**“City”** means the City of Roman Forest, Texas.

**“Connecting Fence”** means a fence that is constructed so that it connects from either side of a dwelling to a fence on or near a side property line of a dwelling.

“**Dwelling**” means any building used for residential purposes, including house, townhouse, and apartment.

“**Fence**” means any man-made materials or landscaping used to control ingress or egress to a parcel of land.

## SECTION II.

### FENCE PLANS

1. Fence plans showing the specifications and plat plan location must be submitted for approval by the City Building Inspector.
  - a. Locations: No fences shall be erected, placed or altered from the front or side of a residence towards the street or from a residence unless they are behind the recorded Building Setback Line. No connecting fence between the dwelling and the side property fence may be erected unless it is behind the front of the dwelling. No fence shall be erected closer to ten (10) feet of a side street on a corner lot. No noncontiguous vacant lot may be fenced. No fences shall be erected on City right of ways, utility easements, or drainage easements.
  - b. Fence Materials: Materials for construction of fences must be cedar, pine, vinyl, decorative iron/steel, or other similar material. No woven wire, barb wire, or other similar material may be used as fencing. Chain link fencing and groomed shrubbery are permissible. No fence may exceed eight (8) feet in height.
  - c. Other Limitations: No fence plan will be approved if its construction in front of a dwelling will in the opinion of the City Council impair the ability of the drivers of vehicles on city streets to see on-coming traffic along city streets and at city street corners.
  - d. Appeal: In the event a Fence Plan is disapproved by the Mayor, the applicant may submit a written appeal to the City Council within 30 days.
2. Variance: The City Council reserves the right to grant a variance to the fence regulations set out in this Ordinance if it will not interfere with the line of sight of vehicular traffic and will not in the council’s discretion impair the value of the applicant’s property or the value of the neighbors’ property.
3. Grandfather Clause: This Ordinance shall only apply to fences built in the City of Roman Forest after the date of this Ordinance.

### **SECTION III.**

#### **CRIMINAL PENALTY**

Any owner, lessee or occupant, whether a natural person or a corporation, or any agent, servant, representative or employee of any such owner, lessee or occupant, including any person having ownership, occupancy or control of any lot, lots, grounds, yards, or parcel of real estate or any part thereof, or interest therein, situated within the City, on which there exists an unlawfully constructed fence as described in this Ordinance, who shall allow or permit any such unlawful condition to be created or to remain and continue if created and established, or who shall fail, refuse, or neglect to remove or abate such unlawful fence within thirty (30) days from the date of service of notice shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed Five Hundred and No/100 Dollars (\$500.00), and each day during which such failure, refusal or neglect shall continue to exist, shall constitute a separate offense.

### **SECTION IV.**

#### **SAVINGS CLAUSE**

The City Council of the City of Roman Forest, Texas, does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

### **SECTION V.**

#### **REPEALING CLAUSE**

All Ordinances or parts of Ordinances and motions in conflict with the provisions of this Ordinance are hereby expressly repealed.

VI.

**TEXAS OPEN MEETINGS ACT**

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

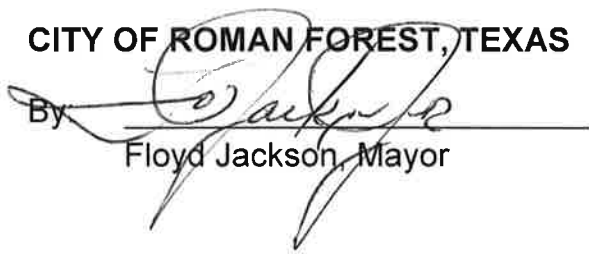
VII.

**EFFECTIVE DATE**

This Ordinance and each section hereof shall take effect and be in full force from and after its passage and publication as provided by law.


PASSED, APPROVED and ADOPTED by the City Council of the City of Roman Forest, Texas on this the 21<sup>st</sup> day of January, 2010

**CITY OF ROMAN FOREST, TEXAS**

By:   
Floyd Jackson, Mayor

**ATTEST:**

By:

  
Jo Nell Snider, City Secretary