

CERTIFICATE FOR ORDINANCE

I.

On the 23rd day of July, 2015, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Webb K. Melder, Mayor; Guy Martin, Mayor Pro Tem, Council Members Marsha Porter, Gil Snider, Seth Gibson and Duke Coon** did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: **Guy Martin, Mayor Pro Tem**. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 2261-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, AMENDING CHAPTER 14, CODE OF ORDINANCES, CITY OF CONROE, TEXAS BY THE ADOPTION OF A NEW ARTICLE XI "ACCESSORY STRUCTURES" ESTABLISHING STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF FENCES; DECLARING VIOLATIONS THEREOF TO BE UNLAWFUL AND PROVIDING FOR A CRIMINAL FINE NOT TO EXCEED \$500 UPON CONVICTION OF AN OFFENSE; PROVIDING FOR PUBLICATION, EFFECTIVE DATE AND OTHER MATTERS

III.

Upon motion of Council Member Gibson, seconded by Council Member Snider, all members present voted for adoption of the Ordinance, except the following: Council Member Coon. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 23rd day of July, 2015.


MARLA J. PORTER, City Secretary

ORDINANCE NO. 2261-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, AMENDING CHAPTER 14, CODE OF ORDINANCES, CITY OF CONROE, TEXAS BY THE ADOPTION OF A NEW ARTICLE XI "ACCESSORY STRUCTURES" ESTABLISHING STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF FENCES; DECLARING VIOLATIONS THEREOF TO BE UNLAWFUL AND PROVIDING FOR A CRIMINAL FINE NOT TO EXCEED \$500 UPON CONVICTION OF AN OFFENSE; PROVIDING FOR PUBLICATION, EFFECTIVE DATE AND OTHER MATTERS

* * * * *

WHEREAS, fences are important to maintaining privacy and security and if properly constructed and maintained can add to the esthetic appeal and value of property; and

WHEREAS, improperly maintained fences and fences constructed of materials not suitable for the intended use are unattractive, and can be unsafe and detrimental to property values and are a nuisance; and

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

Section 1. The recitals in the preamble of this ordinance are adopted as the findings, purpose and intent of the City Council.

Section 2. Chapter 14, Code of Ordinances, City of Conroe, Texas is hereby amended by the addition of a new Article XI to read as set out in Exhibit A which is attached hereto and incorporated herein by reference as if fully set forth herein.

Section 3. Wherever any provision of this ordinance provides for the amendment of the Code of Ordinances, City of Conroe, Texas such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified ordinance shall be deemed invalid on the basis of a variance in the number or section of this ordinance and its codified provisions. The failure to codify the specified provisions of this ordinance shall not affect their validity or enforcement.


Section 4. Any person violating any provision of this ordinance shall, upon conviction, be fined in an amount not to exceed \$500 as provided by Sec. 1-13, Code of Ordinances, City of Conroe, Texas.

Section 5. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Section 6 The changes made by this ordinance are prospective only and do not limit the right of the municipality to enforce prior ordinance provisions with respect to conditions which existed or conduct which occurred before this ordinance became effective, such prior law being continued in effect for this purpose.

Section 7. The City Secretary shall cause the caption of this ordinance, including any penalty, to be published in a newspaper of general circulation within the City, such notice to be published at least twice within ten (10) days of the date of passage. This ordinance shall be effective upon the tenth day following passage and upon publication as provided herein.

PASSED AND APPROVED this 23rd day of July, 2015.


WEBB K. MELDER, Mayor

APPROVED AS TO FORM:


MARCUS L. WINBERRY, City Attorney

ATTEST:


MARLA J. PORTER, City Secretary

EXHIBIT A

Chapter 14

BUILDINGS AND BUILDING REGULATIONS

Article XI. Accessory Structures

Division 1. Fences and Fence Maintenance

Sec. 14-500. Purpose.

The purpose of this division is to promote safe and attractive neighborhoods and enhance the general welfare of the community by establishing standards for the construction and maintenance of fences.

Sec. 14-501. Definitions.

In this division:

“Composite fence” means a fence constructed of a mixture of masonry, wrought iron, wood or other components.

“Intersection visibility triangle” means a sight triangle at a street intersection formed by the legs of the intersecting curb or edge of pavement lines and a diagonal line drawn between the two legs at points that are thirty-five feet (35') from the intersection.

Sec. 14-502. Repair of existing non-conforming fences.

All new fence construction must conform to the requirements of this division. Existing non-conforming fences that are in a good state of repair must be removed or replaced with a conforming fence, on or before December 31, 2016. Existing non-conforming fences that are not in a good state of repair may not be repaired and must be removed or replaced with a new conforming fence, by December 31, 2016.

Sec. 14-503. Approved materials and colors.

(a) Except as otherwise provided by this section, only materials manufactured and marketed for fence construction may be used for fence repair or construction. By example and not by way of limitation the approved materials include cedar or treated wood planks and posts, vinyl composite fence materials, wrought iron and aluminum decorative fencing and chain link. Stone, concrete and fired masonry materials may also be used as the primary fence

material or as an element of a composite fence comprised of a mixture of approved materials. Siding, sheet metal, corrugated roofing or other similar materials may not be used for fence construction or repair.

(b) Fence posts for wood fences must be either wood or galvanized metal of a size sufficient to support the fence. Wood fence posts must be 4" x 4" posts of cedar or treated lumber and must be set on a concrete footing at a depth of at least thirty inches (30").

(c) Fence materials must be a natural wood tone, chain-link grey, or neutral colors such as white, beige, and tan, except metal fences which may be black, dark brown, or another darker color, as approved by the building official, as well as any neutral color.

(d) The use of barbed wire is limited to properties devoted to farm, ranch or agricultural use and as an upper element of security fences around properties devoted to commercial, industrial or manufacturing use. Barbed wire on a security fence may not be used below a height of eight feet (8') and must be placed on extensions above the main fence.

(e) Low voltage electrical fencing may be used around livestock enclosures but the use of electrically charged fences is otherwise prohibited.

(f) Chain link fences must be installed barb side down with the finished row on top.

Sec. 14-504. Height, Location, and other requirements.

(a) No permit is required for the construction of a conforming fence on residential property. The requirements of the building code shall control whether or not a permit is required for fence construction on non-residential property. No fence that substantially obstructs the view through the fence is permitted along the front of residential property or along a side lot line of residential property between the street and the front of the residence and no fence in this area may exceed four (4') in height. Acceptable residential front yard fencing includes wrought iron, decorative aluminum, chain link, or similar material that allows generally an unobstructed view. Opaque fencing is allowed in other locations. The front yard height and opacity restriction does not apply to residential lots that are greater than one (1) acre in size, or to neighborhood walls or fences that are installed for privacy, security, or sound mitigation around the perimeter of a residential subdivision.

(b) No fence may be placed in any street right-of-way or intersection visibility triangle and every fence shall be set back at least ten feet (10') from the edge of street pavement or five feet (5') behind the sidewalk, whichever setback is greater.

(c) Wood plank fences or other fences constructed with a finished face must be constructed so that the finished face is visible from outside the property enclosed by the fence and the posts and support members are located on the interior side.

(d) No fence may be constructed or maintained in a manner that would substantially impede the normal flow of drainage.

Sec. 14-505 Fence maintenance.

(a) The owner and/or occupant of every property possessing a fence must maintain the fence in conformity with the requirements of this section.

(b) A fence may not lean more than 5° out of vertical alignment.

(c) Every fence must be maintained in a state of good repair, with no broken, loose, damaged, removed or missing parts, and in a safe and secure condition with all braces, bolts, nails, supporting frame and fastenings substantially free from deterioration, termite infestation, rot, and rust or loosening components and able to withstand the wind load for which the manufacturer designed them. Broken, damaged, removed or missing fence parts must be promptly replaced with the same material or materials of comparable composition, color, size, shape and quality. If fifty percent (50%) or more of the length of any single side of a fence must be replaced due to damaged, broken, deteriorated or missing parts, then the entire side must be replaced or the fence must be removed.

(d) Fences that are painted or stained shall be maintained free of peeling or blistered paint and will be stained or painted as necessary. Paint or stain coloring shall be uniform along the entire fence.

(e) Every fence must be maintained free from the growth of weeds and high grass, including any area of the owner's fence located outside the fenced area.

(f) A fence that is not maintained in accordance with the requirements of this section is a nuisance and the abatement procedures of Chapter 26, Article II, Division 2 of this Code of Ordinances shall apply.

Sec. 14-506. Swimming pool enclosures.

The requirements of the standard swimming pool code adopted by Chapter 14, Article VI of this code of ordinances shall apply to fences enclosing spas and pools.