

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, CHAPTER 5 (BUILDINGS AND CONSTRUCTION), ARTICLE V (CONSTRUCTION OF FENCES), SECTION 5-142 TO BE RETITLED (PUBLIC PROPERTY ACCESS CONTROL) FOR THE PURPOSE OF PROHIBITING GATES, EXCEEDING FIVE (5) FEET, TO BE CONSTRUCTED ON PRIVATE FENCES TO ALLOW ACCESS TO AN UNIMPROVED ALLEY, DRAINAGE AND/OR OTHER UTILITY EASEMENT, OR OTHER UNIMPROVED LAND UNLESS SPECIFICALLY AUTHORIZED BY THE CITY FOR MAINTENANCE OR EMERGENCY ACCESS; AND REVISING SECTION 5-144 (MATERIALS) FOR THE PURPOSE OF PROHIBITING THE ADDITION OF PRIVACY FENCE MESH SCREEN OR SIMILAR MATERIALS AND/OR PRIVACY FENCE INSERTS OR SLATS TO CHAIN-LINK FENCES; PROVIDING CONFLICTS RESOLUTION, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, Chapter 5, Article V (Construction of Fences) of the Mesquite City Code is in need of revisions to Sec. 5-142 to be retitled (Public Property Access Control) for the purpose prohibiting gates, exceeding five (5) feet, to be constructed on private fences to allow access to an unimproved alley, drainage and/or other utility easement, or other unimproved land unless specifically authorized by the City for maintenance or emergency access; and

WHEREAS, Sec. 5-144 (Materials) is in need of revision to prohibit the addition of privacy fence mesh screen or similar materials and/or privacy fence inserts or slats to chain-link fences; and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants; and to enact and enforce ordinances on any and all subjects pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:

Amending Chapter 5, Article V – Construction of Fences.

The Mesquite City Code is hereby amended as identified in **EXHIBIT A** and said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Penalty Clause.

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 7. Publication.

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date.

This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 21st DAY OF APRIL 2025.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. _____

City of Mesquite, Texas
Mesquite City Code

MARK-UP TO
CHAPTER 5 – BUILDINGS AND CONSTRUCTION
ARTICLE V. – CONSTRUCTION OF FENCES
Section 5-142 – Public Property Access Control
and
Section 5-144 – Materials

MESQUITE CITY CODE

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Chapter 5 – BUILDING AND CONSTRUCTION

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ARTICLE V – CONSTRUCTION OF FENCES

[Editor's Note: Where applicable, please make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]

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Sec. 5-142. Public property access control. ~~Construction on or over public property.~~

- (1) No fence shall be constructed with a gate that allows access onto an unimproved alley, drainage and/or other utility easement, or other unimproved land unless specifically authorized by the City for maintenance or emergency access.
- (2) Any gate permitted by this subsection for maintenance access shall not exceed five (5) feet in width.
- (3) No fence, guy wires, braces or any part of such fence shall be constructed upon or caused to protrude over public property, a public right-of-way, unimproved alley, drainage easement, or other unimproved land.

(Code 1960, § 5-46; Ord. No. 4581, § 1(b), 7-16-18)

Cross references—

[Sec. 9-120.](#) - Operation of motor vehicle on vacant or unimproved property.

[Sec. 10-14.](#) - Parking on unimproved surfaces prohibited.

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Sec. 5-144. Materials.

- (a) Fencing materials shall be chain-link, barbed wire (where allowed), vinyl, composite, brick, stone, stucco, concrete or wooden pickets. Products manufactured for other uses such as plywood, corrugated steel, or fiberglass panels are prohibited as fencing materials. Adding privacy fence mesh screen or similar materials and/or privacy fence inserts or slats to chain-link fences shall be prohibited.
- (b) Fences or walls having wire, metal prongs, spikes, cutting points or edges of any kind, or electrically charged, shall be prohibited except under the following circumstances and conditions.

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