

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 5-144(a) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-144(a) THEREBY AMENDING THE PERMITTED MATERIALS FOR FENCES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite's regulations on permitted materials for fences have not been revised in over 20 years, and in that time the fence industry has improved the materials for the construction of fencing; and

WHEREAS, the appearance and maintenance of fences on residential and commercial properties are essential to improving neighborhoods and promoting a good image for residents, business establishments and visitors to the community; and

WHEREAS, the City Council finds it appropriate to add new permitted materials for residential and commercial fencing in order to expand options for homeowners and businesses.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Section 5-144(a) in its entirety and adding a new Section 5-144(a) to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

Sec. 5-144. Materials.

- (a) Fencing materials shall be chainlink, 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.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect and be in force from and after five days after publication.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of June, 2017.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney