

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 MAKING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 5-143 AND 5-144 THEREBY AMENDING THE REGULATIONS ADDRESSING THE CONSTRUCTION AND STANDARDS 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 safety, 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 amend the regulations addressing the construction and standards for fences.

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 making certain deletions and additions under Sections 5-143 and 5-144 to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

(a) *Sec. 5-143.*

(1) *Sec. 5-143(f)(1).* Amend Section 5-143 by deleting Section 5-143(f)(1) in its entirety and adding a new Section 5-143(f)(1) to read as follows:

(1) Barbed wire, except as specifically allowed in Section 5-144;

(2) *Sec. 5-143(f)(4).* Amend Section 5-143 by deleting Section 5-143(f)(4) in its entirety and adding a new Section 5-143(f)(4) to read as follows:

(4) Electrically charged, except as specifically allowed in Section 5-144; or

(b) *Sec. 5-144.* Amend Section 5-144 by deleting Sections 5-144(b)(1) and 5-144(b)(2) in their entirety and adding new Sections 5-144(b)(1) and 5-144(b)(2) to read as follows:

(1) *Agricultural uses.* In all areas, Underwriters' Laboratories, Inc., listed electric fence chargers may be used if:

a. The property is used to pasture livestock;

- b. The tract to be fenced is a minimum of one acre in size; and
 - c. The fence is a minimum of 300 feet from the nearest dwelling, excluding the dwelling of the owner of the tract of land.
- (2) *Barbed wire.* Barbed wire is prohibited except in the following circumstances:
- a. For fences in rear and side yards in industrial zoned districts when all of the following conditions are met:
 - 1. All strands of barbed wire must be a minimum of six feet above ground level; and
 - 2. No barbed wire shall extend outward over property lines.
 - b. For fences in rear and side yards in commercially zoned districts when all of the following conditions are met:
 - 1. All strands of barbed wire must be a minimum of six feet above ground level;
 - 2. No barbed wire shall extend outward over property lines; and
 - 3. If provided in connection with outdoor storage authorized by and in compliance with Section 3-603, "Outdoor Storage" of the zoning ordinance.
 - c. For fences in all areas of agriculture zoned districts when all of the following conditions are met:
 - 1. The subject property is used to pasture livestock;
 - 2. The tract to be fenced is a minimum of one acre in size; and
 - 3. The fence is a minimum of 300 feet from the nearest dwelling, excluding the dwelling of the subject property owner.
 - d. Any location where such fencing is required by a department or agency of the State of Texas or United States government.

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 20th day of August, 2018.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney