

## Legislation Text

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**File #:** 18-3569, **Version:** 2

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An ordinance amending Chapter 5 of the City Code amending regulations addressing the construction, maintenance and standards for fences.

Neighborhood Services, in conjunction with Planning and Development Services, conducted a review of the ordinance as it pertains to fencing throughout the community. The results of the review found that the current ordinance does not define the proper maintenance and standards for fences. This poses a challenge to staff when seeking enforcement and/or abatement of fences that are in a deteriorating condition and that pose a safety risk.

The following is a summary of recommended changes:

**Section 5-141 and 5-142:**

These sections address when the City of Mesquite requires the filing of a permit for the construction, replacement and/or repair of a fence. It also prohibits the construction of fences or accessories on or over public property.

**Section 5-150. Maintenance and other standards.**

This section establishes the standard in which property owners are required to ensure that fences are properly maintained.

The recommended new language below establishes the following standards:

- (1) Fences shall not lean and must be maintained in a vertical position. An exterior support shall not be used for vertical alignment of fences.
- (2) Fences, including posts, shall be maintained in sound structural condition or be removed.
- (3) Broken, damaged, removed or missing parts of a fence shall be replaced with the same material composition, size, shape and quality of the original fence to which the repair is being made. No person shall use materials not specifically allowed by Section 5-144 of this chapter, as provided therein, for repair of a fence.
- (4) All components of fences shall be properly installed and maintained in a state of good repair, in a safe, secure condition, and in a manner so as not to create a hazard. Fence components include but are not limited to braces, bolts, nails, screws, rivets and other fasteners, supporting frames, fastenings and pickets.
- (5) Fences shall be maintained free from deterioration, termite infestation, rot, rust damage and loosening, and shall be constructed in a manner capable of withstanding wind pressure as required by other applicable provisions of this Code.
- (6) Except for signage required by a governmental entity or that contain contact information regarding the company that constructed the fence, symbols, writings and graffiti are prohibited on fences. See additional regulations for signs on fences in Chapter 13, Section 13-72, "Prohibited Signs," of this Code.

**Section 5-151. Offenses and enforcement.**

The proposed language below establishes that any person 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 Five Hundred (\$500.00). The ordinance also allows for other methods of enforcement, such as abatement.

The following is the recommended language regarding enforcement:

- (a) A person commits an offense if the person is an owner, occupant or person in control of occupied or unoccupied premises in the City and the person fails to comply with the requirements for fences in this and other chapters of the Code of Ordinances of the City of Mesquite.
- (b) In addition to criminal enforcement and other civil remedies, a fence in violation of this chapter constitutes a nuisance and is subject to the applicable provisions of Chapter 10 of this Code.

**Recommended/Desired Action**

Staff recommends approval of the ordinance.

**Attachment(s)**

Ordinance

**Drafter**

Raymond Rivas

**Head of Department**

Raymond Rivas