

ORDINANCE NO. 856

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES; REGULATING AND REQUIRING CONSTRUCTION PERMITS AND FENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY AS PROVIDED BY SECTION 1-9 OF THE CODE OF ORDINANCES.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS:

Section 1. Chapter 26 of the Code of Ordinances of the City of Cleveland, Texas is amended by adding Article IX thereto to provide as follows:

"ARTICLE IX. FENCES

Sec. 26-516. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fence means any wall or structure more than 12 inches in height, erected or maintained for the purposes of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structures.

Sec. 26-517. Permit to construct required.

It shall be unlawful and an offense for any person to construct a fence in the city without first obtaining a permit from the building official. The permit fee shall be \$25.00.

Sec. 26-518. Height.

No fence shall be constructed at a height exceeding eight feet in the rear yard or side yard

on any property within the city. No fence shall be constructed at a height exceeding four feet in the front yard of any property within the city.

Sec. 26-519. Fences dangerous to traffic.

No fence shall be constructed or maintained on any property within the city which constitutes a danger to traffic.

Sec. 26-520. General fence provisions.

(a) Fences that are constructed on any property within the city must be of approved materials and must be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it must be carried throughout the entire length of fence section from corner post to corner post.

(b) Fences may be constructed of materials or products such as chainlink, wood planks and boards, masonry as defined by the building code, and wrought iron or ornamental iron. Materials or products such as rope; string; wire and wire products including, but not limited to, barbed wire, razor ribbon wire, chickenwire, wire fabric and welded wire fabrics; chain, netting; cut or broken glass; paper; roofing materials; and plywood are prohibited. Other wood, metal or plastic products that are designed specifically for uses other than fence construction are prohibited.

(c) It shall be unlawful to erect a fence which alters the natural drainage or planned drainage on any lot.

(d) Used or secondhand materials shall not be used in the construction of a fence.

(e) The exterior surface of all masonry fences, including concrete block materials, shall be free from projections, inequalities or unevenness of surface, ridges or hollows, and obstructions. The exterior surface of masonry fences in residential areas shall be finished with a

stain, pigment, paint, or other surface treatment or material that is consistent with other finishes existing on the primary structure existing on the property.

(f) All fence materials, construction, and workmanship shall comply with all requirements of the building code and all approved plans and specifications.

Sec. 26-521. Existing fences.

Fences lawfully existing on the effective date of this article, but not in compliance with this article, shall be brought into compliance or removed on or before January 1, 2010.

Sec. 26-522. Variances.

Appeals to the conditions of this article shall be heard by the building board of appeals. The board shall have the authority upon appeal in specific cases, to authorize such variances from the terms of this article as will not be contrary to the public interest, where, owing to special conditions, a strict enforcement of the provisions of this article will result in unnecessary hardship, and so that the spirit of this article shall be observed and substantial justice done.”

Section 2. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Cleveland, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 3. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 4. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided by Section 1-9 of this Code.

PASSED, APPROVED, AND ADOPTED this 2 day of Sept., 2008.

Jill Barnett Kirkonis
Jill Barnett Kirkonis, Mayor

ATTEST:

Kelly McDonald
Kelly McDonald, City Secretary