

ORDINANCE NO. O-09-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF CROCKETT, TEXAS, BY THE AMENDMENT OF CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IX, KNOWN AS THE CITY'S FENCE ORDINANCE; CONDENSES THE TITLE OF ARTICLE IX; AMENDS SEC. 5-526, APPLICABILITY AND PURPOSE, TO MAKE THE ARTICLE APPLICABLE TO ALL RESIDENTIAL PROPERTIES, INCLUDING RECENTLY ADDED RESIDENTIAL ZONING DISTRICTS AND DETACHED RESIDENTIAL PROPERTIES THAT ARE PART OF A PERMITTED MIXED-USE COMMERCIAL AND RESIDENTIAL PROPERTY; AMENDS SEC. 5-529, APPLICATION FOR PERMIT, AND SEC. 5-531, SURVEY STAKES, TO NO LONGER ALWAYS REQUIRE A SURVEY PLAT WHEN THE PLACEMENT OF SURVEY STAKES ALONG THE PROPERTY LINES BY A LICENSED SURVEYOR IS SUFFICIENT TO DETERMINE THE PROPERTY BOUNDARY LINES; AMENDS SEC. 5-532, HEIGHT LIMITATIONS, AND SEC. 5-533, FENCE LOCATION, TO BE LESS RESTRICTIVE FOR THE PORTION OF A SIDE CORNER YARD FENCE THAT IS PARALLEL TO THE SIDE OF A RESIDENTIAL STRUCTURE; INCORPORATES MINOR TECHNICAL, FORMATTING, AND CONFORMING CHANGES; AND ADDS ARTICLE X, CONSTRUCTION-RELATED PERMITS AND FEES, TO MOVE EXISTING SECTION 5-600, FEES, FROM ARTICLE IX TO THE NEW ARTICLE X; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

The title of Article IX and Sections 5-526 through 5-535 are amended to read as follows:

ARTICLE IX. FENCES FOR RESIDENTIAL PROPERTIES

Sec. 5-526. Applicability and purpose.

This article applies to all residential zoning districts and the residential use area for a detached residential dwelling on a mixed-use property. The purpose of this article is to provide reasonable regulations for installation and repair of fences, while allowing property owners the ability to install or repair a fence constructed for aesthetic, screening, separating or security purposes on such property. Multi-family dwellings as defined in the zoning code and the exterior parameters of manufactured home parks and recreational vehicle parks/camping areas must also comply with Sec. 305 of the zoning code relating to screening.

Sec. 5-527. Definitions.

For purposes of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Fence. A structure serving as an enclosure, barrier or boundary, including, but not limited to, those constructed of posts, boards, metal, masonry, wire or vinyl, and gates.

Front yard. That area of the yard between the front lot line and the building and between the side lot lines, or for a detached residential dwelling on a mixed-use property the residential use area that is used for the

dwelling's front yard and between the areas used as the dwelling's side yards as shown on the site plan provided at the time of application for the required specific use permit and/or fence permit.

Side corner yard. That portion of a yard on a lot situated at the junction of two (2) or more public streets that is between the line of the building and the side lot line adjacent to the side street.

Sec. 5-528. Permit required.

- (a) *Generally.* It shall be unlawful for anyone to construct, repair or have constructed or repaired any kind of fence on any property to which this article applies without first obtaining a permit from the code enforcement officer or designee.
- (b) *Exceptions.* This article does not apply to:
 - (1) Pens or kennels used for confinement of domestic animals which do not exceed an area of two hundred (200) square feet and are located behind all setback lines.
 - (2) Repair of an existing fence that complies with this article before and after repairs.

Sec. 5-529. Application for permit.

A person applying for a permit to construct or repair a fence on property to which this article applies must complete an application form provided by the code enforcement officer and provide all requested information, including, but not limited to the following:

- (a) Name of property owner.
- (b) Address where the fence is to be constructed.
- (c) Type of fence.
- (d) Height of fence.
- (e) Approximate value of fence.
- (f) The material from which the fence is to be constructed.
- (g) A graphic outline of property to be fenced, with the fence signified by dark lines.

Sec. 5-530. Fencing permits.

- (a) No person may construct, repair or have constructed or repaired any kind of fence on any property to which this article applies without first obtaining a permit from the code enforcement officer or designee.
- (b) If work is started prior to obtaining the required permit, the fees specified in section 5-600 shall be doubled. Payment of the fee shall not relieve any person from fully complying with the requirements of the Crockett Code in the execution of the work or from any other penalties prescribed in the Crockett Code.

Sec. 5-531. Survey stakes.

Before approving the fence permit, the code enforcement officer or designee must verify that the proposed location of the fence does not extend beyond the boundaries of the property by reviewing the property's legal description and confirming that survey stakes were placed by a licensed surveyor along the property lines. In some instances, it may be necessary for the code enforcement officer or designee to require that a survey plat be prepared by a licensed surveyor to confirm the property boundary lines.

Sec. 5-532. Height limitation.

- (a) No fence which is adjacent to a public street, located on a front yard or side corner yard, shall exceed a height of four (4) feet, except the portion of a side corner yard that is parallel to the side of the residential dwelling may have a fence with a height of six (6) feet if the fence meets all other requirements of this ordinance. No other fence placed on any lot may exceed a height of eight (8) feet.
- (b) *Exceptions to height limitation:* The height limitation provisions of this article do not apply to:
 - (1) Fences approved by the planning and zoning commission and included in a subdivision final plat.
 - (2) A lot line adjacent to property located in a non-residential zoning district.

Sec. 5-533. Fence location and privacy panels.

- (a) Each fence must be constructed or placed within the property line.
- (b) No fence may encroach over the property line.
- (c) No fence, fence brace, post or guide wire for such fence shall be constructed upon or caused, allowed or permitted to protrude over property over which the city, another property owner or the general public has dominion or control.
- (d) The solid area of a fence shall not exceed fifty (50) percent of the total area of the fence when it is constructed or placed:
 - (1) on the front yard; or
 - (2) on a side corner yard, except any portion of the fence that provides privacy for the portion of the side corner yard that is parallel with the side of a residential dwelling may exceed the fifty (50) percent solid area if the fence meets all other requirements of this ordinance.
- (e) No fence shall be constructed or placed as to obstruct the clear visibility of any intersection or adjacent driveway.
- (f) Fences shall be placed as to not interfere with the maintenance of any public utility. The City of Crockett, Texas shall not be responsible for the replacement or the repair of fences built over utility easements, if the fence must be altered or removed for maintenance of any public utility.
- (g) No fence shall be constructed or placed within ten (10) feet from the curb, or, if no curb is present, within ten (10) feet of the edge of a public street or alley, regardless of the location of the property line.

Sec. 5-534. Construction and maintenance requirements.

- (a) Each fence shall be supported from its own structural frame system, posts and rails and not attached, connected, secured or supported by trees or other structures.
- (b) Each fence shall be installed in a professional manner and be plumb, straight and true, stepped, tapered or cut to follow the contour of the land.
- (c) Fences shall be constructed as to not interfere with natural drainage.
- (d) The gauge of wire for a wire mesh fence shall be not less than eleven (11), and the wire size shall be not less than two and one-quarter (2¼) inches.
- (e) Fences shall be constructed from naturally water-resistant material, such as teak, redwood or cedar, or be galvanized, masonry, pressure-treated, stained, painted or vinyl coated.

- (f) The finished side of each fence shall face outward toward the residential lots and public rights-of-way.
- (g) No fence shall be electrically charged or constructed to be electrically charged.
- (h) In order to allow ingress and egress of the fire department, police department and utility company personnel, at least one (1) gate, no less than three (3) feet wide, shall be placed on each fence that is adjacent to a public right-of-way or a utility easement.
- (i) The following materials are prohibited as fencing materials, panels or fabrics:
 - (1) Poultry wire.
 - (2) Hog wire.
 - (3) Barbed wire; provided:
 - a. That barbed wire may be placed on top of a fence at least six (6) feet in height, if it does not overhang onto abutting property.
 - b. A tract consisting of five (5) or more acres, which is used for the main purpose or grazing livestock or growing of crops in an area zoned AR Agricultural-Residential, may be fenced with barbed wire.
 - (4) Cattle panels.
 - (5) Metal or fiberglass corrugated sheets or panels, except for metal panels that meet the following specifications:
 - a. Minimum twenty-six (26) gauge galvanized;
 - b. Minimum twelve-inch centered high raise rib;
 - c. Pre-finished with eight thousand (8,000) PSI signature two hundred (200) paint;
 - d. Installed vertically on either pressure treated wood or steel purlins running horizontally on five-foot centers; and
 - e. Secured with eight (8) No. 12 sheet metal screws with washers.
 - (6) Plywood, loading panels or doors.
 - (7) Slats inserted into chain link or cyclone fences.
 - (8) Any similar materials not usually associated with the construction of fences.
- (j) Dog runs shall be located only in rear and side yards, and the fences shall meet the requirements for residential fences.
- (k) All fences shall be maintained in good, safe and stable condition and kept in a good aesthetic condition. The property owner shall repair, replace, paint, remove, or otherwise attend to any portion of a fence if it becomes unsightly or a menace to public health, safety or welfare.

SECTION II:

Article X is added as follows to contain existing Section 5-600, Fees, with no changes made to contents of Section 5-600.

ARTICLE X. CONSTRUCTION-RELATED PERMIT AND INSPECTION FEES

SECTION III: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION IV: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2026.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2026.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

SELENA ELEBY, INTERIM CITY SECRETARY

DONNA GORDON, CITY ATTORNEY