

An Ordinance of the City of Plano, Texas, amending Section 6-186, Maintenance, of Division 1, Generally, of Article VII, Fences, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano; providing for an offense for the failure to maintain a fence structure; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date.

WHEREAS, the City of Plano has adopted a building code and a property maintenance code to govern the construction and maintenance of structures within the City; and

WHEREAS, the City's ordinances also provide for regulation of fencing which has been established on properties within the City's corporate limits; and

WHEREAS, the City Council finds that the regulations relating to fencing should be updated to ensure the safety of all persons within the City's corporate limits; and

WHEREAS, the City Council further finds that the updating of the City's Code of Ordinances relating to fencing is in the best interest of the City and its citizens.

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

Section I. Section 6-186, Maintenance, of Division 1, Generally, of Article VII, Fences, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano is hereby amended as follows:

"Sec. 6-186. - Maintenance.

- (a) All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times.
- (b) Notwithstanding any other requirement of this article, it shall be an offense to fail to comply with any of the following maintenance standards:
 - (1) Fences shall not be more than ten (10) degrees out of vertical alignment with its base;
 - (2) All parts of fences which are broken, loose, damaged, removed, or missing, having a combined total area of twenty (20) square feet or more of said fences, shall be replaced or repaired as soon as reasonably practical in a workmanlike manner and with materials of comparable composition. Comparable composition means materials having similar color, size, shape, and quality as original fences for which the replacement or repair is being made;
 - (3) Any opening greater than four (4) inches in diameter in fences enclosing swimming pools or spas shall be covered at all times during which repair or replacement work is not actively being conducted;
 - (4) Fences shall be reconstructed, replaced, or repaired only with products manufactured or designed for use as fencing materials. The chief building official or his designee may require the applicant to provide the

manufacturer's standards to establish the manufacturer's intended use of a proposed fencing material;

- (5) Fencing material shall not be located within a street, sidewalk, or alley right-of-way;
 - (6) An exterior support shall not be used for vertical alignment of fences;
 - (7) Fence sections, pickets, and rails shall be securely attached to vertical fence posts by nails, screws, bolts, rivets, or manufacturer-supplied fasteners; and
 - (8) Nails, screws, bolts, rivets and other fasteners used in fences must be installed or reasonably maintained as to not cause a hazard.
- (c) If any such opening as described in Subsection (b)(3) is not securely covered, the code official may secure the opening in accordance with Texas Local Government Code Section 214.101, as amended.
- (d) Nothing herein shall be construed to prohibit the complete removal of fences, except fences enclosing a swimming pool or spa as to comply with all other local, state, and federal laws."

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 23rd day of August, 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY