

An Ordinance of the City of Plano, Texas, amending Section 6-179, Permit to construct or alter, and Section 6-186, Maintenance, of Division 1, General, of Article VII, Fences, of Chapter 6, Buildings and Building Regulations, of the Code of Ordinances of the City of Plano, to remove unnecessary requirements, confusing language, and clarify responsibility for proper fence construction and maintenance; providing for an offense for the failure to properly construct and 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, removal of unnecessary requirements, confusing language and clarification of responsibility would assist with overall compliance and enforcement; and

WHEREAS, the Chief Building Official has reviewed and approved the proposed changes; and

WHEREAS, the City Council finds that the regulations relating to fencing should be updated to better reflect the construction and maintenance requirements which are required for a fence 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 6-179, Permit to construct or alter, 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. 6-179. Permit to construct or alter.

- (a) It shall be an offense for an owner, owner's representative, occupant or person with care, custody, or control of a property to construct or cause to be constructed, or to permit any person to construct fences, or to make any alterations, additions, or changes to fences, without first having procured a permit to do so from the building inspections department. Notwithstanding the foregoing, a permit shall not be required for alterations, additions, or changes if repairs do not exceed twenty-five (25) percent of the area of fences over a twelve-month period."

Section II. Section 6-186, Maintenance, 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) It shall be an offense for an owner, owner's representative, occupant or person with care, custody, or control of a property to fail to construct a fence that is not in compliance with the requirements of this article.
- (b) It shall be an offense for an owner, owner's representative, occupant or person with care, custody, or control of a property to fail to maintain a fence in good repair, including but not limited to:
 - (1) Not be more than ten (10) degrees out of vertical alignment with its base;
 - (2) Broken, loose, damaged, removed or missing fence parts having a combined total area of twenty (20) square feet or more shall be replaced or repaired;
 - (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) Shall not be located within a street, sidewalk, or alley right-of-way;
 - (5) Exterior supports shall not be used for vertical alignment;
 - (6) Panels, pickets, and rails shall be securely attached to vertical fence posts by nails, screws, bolts, rivets, or manufacturer-supplied fasteners;
 - (7) Shall not create a public safety hazard;
 - (8) All repairs will be completed in a workmanlike manner; (Workmanlike manner means executed in a skilled manner, generally plumb, level, square, in line, and undamaged.)
 - (9) All repairs will be completed 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.)
 - (10) Reconstruction, replacements, or repairs shall be completed 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.)
- (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 III. 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 IV. 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 V. 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 VI. 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(a) of the City of Plano Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

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

PASSED AND APPROVED on the 9th day of June, 2025.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY