

AN ORDINANCE

ESTABLISHING COMPREHENSIVE REGULATIONS FOR THE ERECTION AND MAINTENANCE OF FENCES WITHIN THE CITY; PROHIBITING FENCING THAT OBSTRUCTS THE VIEW AT INTERSECTIONS OR OTHERWISE CREATES A TRAFFIC HAZARD; PROVIDING PROCEDURE FOR THE ABATEMENT OF SAME; AND PROVIDING A PENALTY OF A FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS (\$25) OR MORE THAN ~~Two~~ ^{Ten} HUNDRED DOLLARS (~~\$200~~) AND MAKING EACH DAY A SEPARATE OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS:

Section 1. Definition:

"Fence" is hereby defined to be a barrier or screening device constructed of metal, wood, brick, stone, block, foliage or shrubs or other materials, singly or in combination.

Section 2. Permit Required:

No fence adjacent to a street shall hereafter be erected within the city unless the person erecting such fence shall first obtain from the city a permit for the construction of same. The cost of such permit shall be \$10. Such permit shall specify the height, length, material or materials, style and location of such fence.

Section 3. Dimensions:

Except as required by the city, no fence hereafter erected within the city shall exceed six (6') in height along the property lines.

Section 4. Nonconforming Uses:

All fences erected in the city prior to the effective date of this ordinance shall be "grandfathered" or constitute nonconforming uses with the two following exceptions: (1) all fences privately erected on public property, streets, alleys, easements, or other rights-of-way shall be removed within 30 days after a written notice is delivered to do so as authorized by the city council after a public hearing and (2) after a survey to be conducted by or under the supervision of the Chief of Police, all fencing which is found to be a traffic hazard or danger to public safety by reason of obstruction of a clear view by motorists at a street or road intersection shall, after 10 days' written notice from the Chief of Police, be promptly removed or otherwise made safe for traffic by the owner thereof.

Section. 5 Appeal:

A property owner who has been served with a notice referred to in Section 4 (2) above may within five (5) days from the receipt thereof file a written appeal with the City Secretary demanding a hearing before the city council at its next regular meeting. The council shall hear such appellant as well as the Chief of Police and any other witnesses to the dangerous obstruction and make a final determination and enter its order as to whether to permit such fence to remain or whether it shall be ordered to be removed or modified in such a way to make visibility safe at such intersection.

Section 6. No Vested Right.

It is hereby declared that all fences and walls which are placed either in a public right-of-way as prohibited above or which constitute a traffic hazard by reason of obstructing the view of motorists at a particular intersection are hereby declared to be public nuisances subject to abatement or punishment under the police power for the protection of the public health, safety and welfare and that no owner of private property has any vested right to continue to maintain such a fence or wall however old it may be.

Section 7. Remedies and Penalties:

Any violation of any of the above and foregoing regulations is hereby prohibited and each violation thereof shall be punished by a fine of not less than \$25 or more than \$200, and each day such violation continues shall be a separate offense. Beside prosecution in Municipal Court, the city is hereby authorized to seek equitable injunctive relief in the civil courts of the county against the continuation of any such public nuisance. In an aggravated case where such obstruction by a fence or wall either in the public right-of-way or on private property is such as to constitute a clear and present danger to the public safety, it may be abated physically on an emergency basis after at least 24 hours' written notice to the owner of said fence or wall.

Section 8. Effective Date:

This ordinance shall take effect immediately after its passage, approval and publication of the caption hereof as provided by law.

PASSED AND APPROVED this 28 day of November, 1995.

ATTEST:

Nancy Butler
City Secretary

Edwin R. Faust
Mayor

**ORDINANCE NO. 91 ESTABLISHING
REQUIREMENTS FOR ERECTING
A FENCE ON PRIVATE PROPERTY
IN THE CITY OF GREY FOREST**

AN ORDINANCE TO AMEND THE CITY CODE CHAPTER 4 BUILDING CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST,
TEXAS:

Section 1. To amend the City Code Chapter 4 Building Code by adding a new classification - Special Regulations - regarding street frontage.

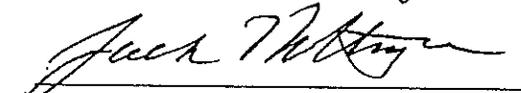
Section 2. Visual clearance shall be provided on all lots so that nothing obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

On any lot, no wall, fence, structure, sign, tree, or other planting, or slope terrace or embankment may be maintained so as to cause danger or hazard to traffic by obstructing the view. When topography prevents a clear view, all reasonable efforts shall be made to restore visual clearance.

Section 3: Where a right-of-way line or easement has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the construction of a wall, fence, structure, sign, tree, or other planting, or slope terrace or embankment will not be allowed closer that 30 feet minimum to property across the street.

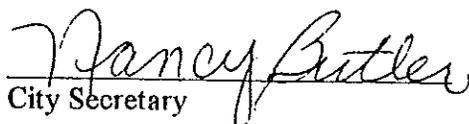
Section 4: No fence adjacent to a street shall be erected without first obtaining a permit, for approval of erecting a fence. A survey or proof of the property line showing all property points must be provided and all property marker stakes must be in place before a permit will be issued. If the property line at a later date is found to be in error, the fence will have to be removed at the expense of the property owner.

PASSED AND APPROVED THE 2 DAY OF May 1995.



Mayor

ATTEST:



City Secretary