

Ordinance No. 4-12--2010-2

AN ORDINANCE AMENDING ORDINANCE NO. 0727-98, THE CITY OF MERKEL ZONING ORDINANCE, TO ADD DEFINITION FOR "FENCE" AND "FENCING."

WHEREAS, the Council adopted a zoning ordinance in 1998; and

WHEREAS, the Council is aware that from time to time adjustments need to be made to the zoning ordinance to ensure proper growth and development in the City; now therefore

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

1. That Article I, Section 2, shall be amended to add a paragraph "2-92 - Fence and Fencing" which shall include a definition for both fence and fencing and shall read as shown on Exhibit A, affixed hereto and incorporated herein for all purposes.
2. That upon passage of this ordinance, the City Secretary be, and is hereby authorized and directed to have published in the Merkel Mail, a weekly newspaper of general circulation in the City of Merkel, a notice of the amendments to the Ordinance.

PASSED on the 20 day of May, 2010.

ATTEST:

Gwen Wetzel
CITY SECRETARY

SIGNED:

Justin Waters
MAYOR

APPROVED:

Candice Clark
CITY ATTORNEY

EXHIBIT "A"

Fence means any wall or structure more than twelve (12) inches in height erected or maintained for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard.

Approved fence materials means materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use and are weather and decay-resistant. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the inspector finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety.

Fence not to create a traffic hazard.

It is unlawful to erect, maintain, suffer or permit any fence on any corner lot in such a manner as to create a traffic hazard. Failure of the owner, agent or occupant to remove such obstruction within ten (10) days after receipt of notice to do so is a violation of this chapter.