

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 12-08-46; AMENDING THE FRISCO CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE IX (FENCES); MODIFYING CERTAIN REGULATIONS RELATING TO THE ERECTION AND MAINTENANCE OF FENCES; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") finds that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to repeal Ordinance No. 12-08-46 and to amend the Frisco Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), Chapter 18 (Buildings and Building Regulations), Article IX (Fences) to modify certain regulations relating to the erection and maintenance of fences.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance No. 12-08-46. Ordinance No. 12-08-46 is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 12-08-46 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 12-08-46 occurring before the effective date of this Ordinance

SECTION 3: Amendment to the Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article IX (Fences). The Code of Ordinances, Chapter 18 (Buildings and Building Regulations), Article IX (Fences) is amended as follows:

#### **"ARTICLE IX. FENCES**

##### **Sec. 18-472 Purpose.**

This Article provides uniform standards for the erection and maintenance of fences. All fences governed by this Article shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

**Safety.** To promote the safety of persons and property by providing that fences do not:

- A. Create a hazard due to collapse, fire, decay or abandonment;
- B. Obstruct firefighting, police observation ability or other City services;
- C. Create traffic hazards by confusing or distracting pedestrians or motorists; or
- D. Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic signs.
- E. Improve the long-term sustainability of residential structures.

**Sec. 18-473 Jurisdiction.**

This Article shall apply in all zoning districts within the City.

**Sec. 18-474 Definitions.**

For the purposes of this Article, the following words and phrases will have the meanings respectively ascribed to them by this section:

**Building Official** - The City of Frisco Building Official or his/her designee.

**City** - The City of Frisco.

**Code** - The Code of Ordinances of the City of Frisco.

**Director of Engineering Services** - The person(s) so designated by the City Manager to provide oversight for and have responsibility of the Engineering Services Department.

**Easement** - A right created by grant, reservation, agreement, prescription or necessary implication, which one has in the land of another, and may be dedicated by plat or implied by right. It is either for the benefit of appurtenant land such as for the right to cross, or egress, such a public utility easement, or in specific, such as an exclusive utility easement. An easement may or may not have descriptive metes and bounds.

**Fence** - An artificially constructed barrier enclosing, separating or screening areas of land or serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view and/or for confinement. A fence is any part of a fence including the base, footings, supporting columns, post, braces, structural members or any other of its appendages. Netting used in conjunction with recreational sports shall not be considered a fence.

**Fence Contractor** - A person, who for remuneration, erects, maintains, constructs or reconstructs a fence on the premise of another. It does not mean the owner who owns or leases the premises on which the fence is located.

**Fence Contracting** - Engaging in the business of erecting, maintaining, constructing or reconstructing fences for which a permit is required.

**Fence Materials** - 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, metal tubing, wood planks, chain link and vinyl composite manufactured specifically as fencing materials. Fence materials shall also be materials approved for exterior use that are weather and decay-resistant. The provisions of this Article 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 by the Building Official. An alternative material, design or method of construction shall be approved where the Building Official 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 Article in quality, strength, effectiveness, fire resistance, durability and safety. Approval of a fence material is dependent on the zoning district where it is located or proposed in accordance with this Article.

**Front Yard** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

**Lot, Corner** - A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

**Lot, Key** - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

**Opacity** - Is the degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports.

**Public Right-of-Way (ROW)** - A strip of land which is used as a roadbed for street, alley or a highway and is intended for use by the public at large, or land set aside as an easement or in fee, either by purchase, agreement or condemnation. Generally, describes an area used for the provision of streets and utilities. Unless otherwise specified, the term right-of-way shall refer to a public right-of-way.

**Rear Yard** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Partial repair or replacement** - A partial repair or replacement to a fence shall be defined as maintenance to a fence where replacement of materials does not exceed fifty (50%) percent of the linear dimension of the fence and does not change the scope, location or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. A rolling twelve (12) month time period shall be used to determine if over fifty (50%) percent of a fence has been repaired.

**Residential District** - A district where the primary purpose is residential use and is defined in the Zoning Ordinance excluding multi-family.

**Retaining Wall** - A wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

**Screening** - A method of visually modifying the view of a structure, building, feature or use by methods such as fencing, walls, berms, densely planted vegetation or a combination of these methods.

**Screening Wall** - A wall or architectural extension that may be part of the structure or a standalone feature that screens from view the interior of a property so that visibility through the wall shall be prevented from the exterior side of the wall or architectural extension.

**Setback** - The distance from the property line or the right-of-way line of all streets adjacent to the premises on which a fence is located to the part of the fence closest to the property line or right-of-way line.

**Side Yard** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

**Street** - Any dedicated public thoroughfare that affords the principal means of access to abutting property.

**Temporary fence** - A fence installed for a limited duration and special public use. Fences used for event management, security, construction or other similar function may be considered temporary fences.

**Visibility Triangle** - The corner visibility triangle is defined at an intersection by extending the two ROW lines from their point of intersection to a distance. These two points are then connected with an imaginary line to form the corner visibility triangle as shown in Figure 1. If there are no curbs existing, then the triangular area shall be formed by extending the property lines for distance of thirty (30) feet from their point of intersection.

**Yard** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

#### **Sec. 18-475 Permits.**

**A. Required.** It is unlawful for any person to construct, repair, replace or cause to be constructed, repaired, or replaced, a fence or any part of a fence in the City without first obtaining a fence permit from the Building Official, except for the following:

1. Partial repairs or replacement as defined by this Article.
2. Fences located interior to a residential property where the fence is not readily visible from adjoining properties and the public right-of-way in all seasonal

conditions.

3. Fences not required by the Zoning Ordinance when located in a non-residential zoning district and constructed as approved by a site plan and/or a substantially conforming site plan.
4. Temporary fences as defined by this Article.

**B. Unlawful securing of permits.** No registrant under this Article shall for any purpose allow its registration, by name or any other identification, to be transferred to, assigned to or in any manner directly or indirectly used by, any person, corporation or business entity other than the one to whom the registration was issued.

**C. Approved plans.** The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Development Services Department. When a permit is submitted where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "Reviewed." Such reviewed plans and specifications shall not be changed, modified or altered by any person without authorization from the Building Official, and a person shall do work regulated by this Article in accordance with the approved plans.

**D. Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within one hundred and eighty (180) days after its issuance, or if the work authorized by such permit is suspended, abandoned or lacks the required inspection, by the inspections department, inspections for a period of one hundred and eighty (180) days after the time the work is commenced. The Building Official may extend the time for action by the applicant for a period not to exceed ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No applications shall be extended more than once. Changes, alterations or adjustments in the permit or in the work authorized by the issuance of the permit, after it has been issued, shall not extend the original expiration date established upon the original issuance of the permit.

**E. Suspension or revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Article when the permit was issued in error, on the basis of incorrect information, or in violation of any applicable law.

**F. Validity of permit.** The issuance or granting of a permit or approval of plans, specifications and computations is not a permit for, or an approval of, any violation of any of the provisions of this Article or of any other City ordinance. Permits presuming to give authority to violate or cancel the provisions of this Article or any other City ordinance are not valid.

**G. Construction documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets, as required by the Building Official, with each application for a permit. When required by the Building Official the applicant shall also provide additional information as required by the building code. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be

constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

**H. Other laws.** The owner or the owner's authorized agent who applies for a permit to construct a fence shall comply with all the requirements of this Article and the requirements of the building code. The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.

#### **Sec. 18-476 Contractor's Registration Required.**

- A.** It is unlawful for any person to engage in the business of fence contracting without a valid contractor's registration.
- B.** Property owners performing work on a fence located on his/her own residential homestead property, persons regularly employed as a maintenance person for a property owner or authorized tenants residing on the property are not required to register as a contractor with respect to such work.
- C.** The Building Official shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a contractor registration.
- D.** Every contractor registration provided for in this code shall expire one (1) year following the date of its issuance and shall be renewed by the Building Official upon submission of an approved application.

#### **Sec. 18-477 Contractor's License; Revocation.**

- A.** The Building Official may revoke or suspend a fence contractor's registration for either of the following reasons:
  - 1.** The registrant violates the requirements of this Article twice within a twelve (12) month period.
  - 2.** The registrant fails to obtain permits and/or inspections twice within a twelve (12) month period.
- B.** A contractor whose registration has been revoked or suspended may be reinstated by the Building Official or the Construction Board of Appeals on an appeal. The registration may only be reinstated if the contractor corrects all violations and pays all applicable fees.

#### **Sec. 18-478 Appeal Process for Registration Suspension.**

- A. Building official's order, requirement, decision or determination.** Appeals from an order, requirement, decision or determination of the building official shall be made in writing to the City Manager's office within seven (7) working days of the order, requirement, decision or determination of the Building Official. The City Manager shall notify the Building Official and the appellant of the placement of the appeal on the first available Construction Board of Appeals agenda in compliance with the Texas Open Meetings Act.
- B. Board's decision.** Appeals from a decision of the board shall be made in writing to the City Council within seven working days of the written decision of the board. The City Secretary shall notify the Building Official and the appellant of the placement of the appeal on the first available City Council agenda in compliance with the Texas Open Meetings law. The decision of the City Council is final.

#### **Sec. 18-479 Application for Permit.**

- A.** Any person making application for a fence permit shall complete a permit application, provided by the Building Official. The Building Official shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a contractor registration.
- B. Expiration of plan review.** Application for which no permit is issued within ninety (90) days following the date of application shall expire by limitation and plans and other data submitted for review may be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding ninety (90) days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No applications shall be extended more than once.

#### **Sec. 18-480 Fees.**

- A. Investigation.** When a person begins any work for which a permit is required by this Article without first obtaining a permit, the permit fee shall be doubled. Payment of the fee shall not exempt any person from compliance with all other provisions of this Article nor from any penalty prescribed by law.
- B. Permit fees.** Permit fees shall be designated by the City Consolidated Fee Schedule.

#### **Sec. 18-481 Encroachment on Public Property.**

It is unlawful for any person to construct a fence, guy wire, brace or any fence post upon, or into public right-of-way or property that the City or the general public has dominion and control over, owns or has an easement over, under, around or through unless the person first obtains written consent from the City, which the City may withhold in its sole discretion.

#### **Sec. 18-482 Fence Not to Create a Traffic Hazard.**

It is unlawful for any person to erect, maintain, suffer or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent or occupant to remove such obstruction within the specified time limit required on the receipt of notice to do so is a violation of this Article.

#### **Sec. 18-483 General Requirements.**

- A.** No fence material shall be used to construct a fence except for those listed and regulated in this Article or other City ordinances.
- B.** Fence sections that are substantially parallel with a public street shall have their back side (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public.

Exception: Posts and rails may be oriented to the exterior of the residence when concealed within construction that is consistent with and complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.

#### **Sec. 18-484 Residential Zoning District Regulations.**

The following sections (18-484.1 through 18-484.8) shall apply in all residential zoning districts within the City, except that they do not apply to the agricultural (A) zoning district.

##### **Sec. 18-484.1 Height Limitation.**

- A. Rear yard.** It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any rear yard or along any rear yard lot line which fence exceeds eight (8) feet in height as defined in subsection 18-484.8.

Decorative gate embellishments are allowed. They shall not exceed the height of the fence by more than two (2) feet and shall not extend more than two (2) feet beyond the gate extents.

- B. Side yard.** It is unlawful for any person to construct, erect, maintain, suffer or permit a fence in any side yard or along any side yard lot line which fence exceeds eight (8) feet in height as defined in subsection 18-484.8.

##### **Sec. 18-484.2 Construction in Front Yards.**

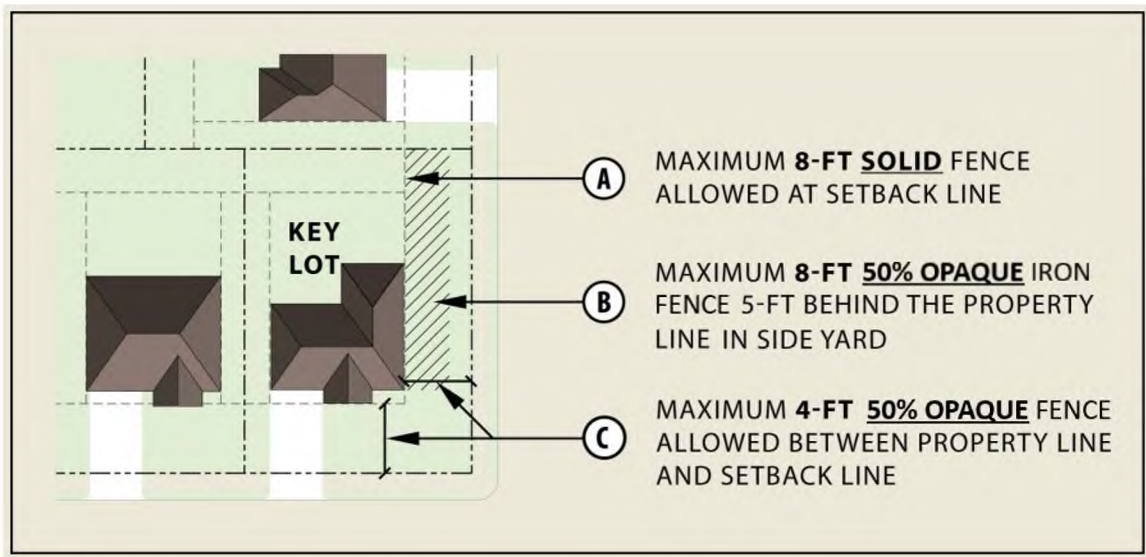
- A.** All fences constructed in the front yard of a residential property shall:
  - 1.** Be no taller in height than forty-eight (48) inches as defined in subsection 18-484.8.
  - 2.** Be a maximum of fifty (50%) percent opaque.
  - 3.** Not obstruct the visibility triangle.

4. Not allow vertical support posts and gates to extend more than four (4) inches above the top of the fence intersection.
- B. Decorative Gates.** A decorative gate over four (4) feet in height in the front yard requires the approval of the Building Official.
- C. Key Lots.** There are special restrictions for fences on key lots.
1. Refer to Figure 1 along with the definition in the definitions section for an explanation of a key lot.
  2. A fence, that is less than 50% opaque and constructed of tubular steel or wrought iron and not exceeding eight (8) feet in height, may be located up to five (5) feet from the corner lot property line of the side of the house on a key lot.
  3. A solid fence, not exceeding eight (8) feet in height, may be located at the setback line (front yard setback shall be used for key lots) as defined by Zoning Ordinance. It is the property owner's responsibility to ensure proper setbacks are maintained.
  4. Figure 2 illustrates the difference between property lines and setback lines for determining fence locations for key lots.



- |                                                                                                                                                             |                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <p><b>(A)</b> Key Lot - front yard setback required on both street frontages</p> <p><b>(B)</b> Lot with alley separation - side yard setbacks permitted</p> | <p><b>1</b> Front Yard</p> <p><b>2</b> Side Yard</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|

**Figure 1. Determining if a lot is a key lot**



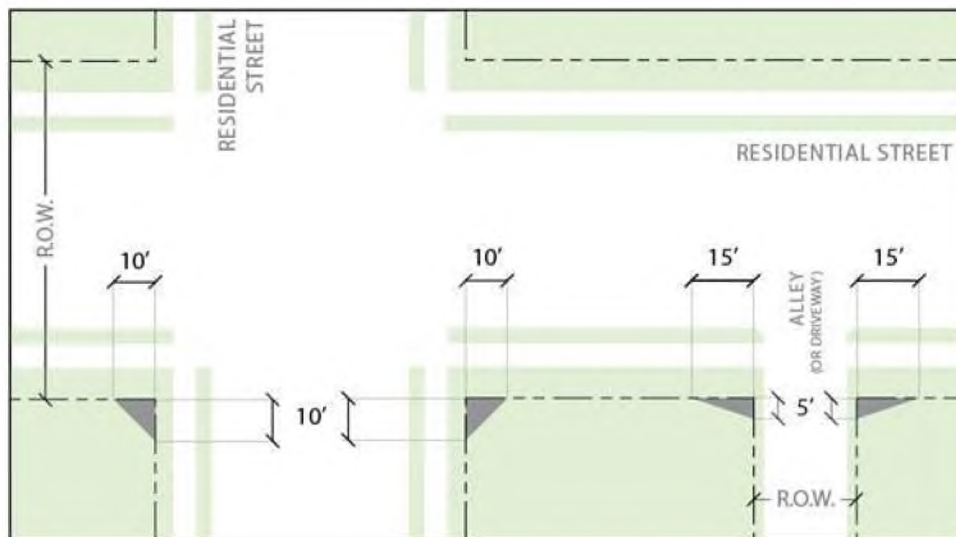
**Figure 2. Locating fences on key lots**

#### **Sec. 18-484.3 Temporary Fences.**

Temporary fences are prohibited in residential districts, except where required by Code for construction, excavation or life safety issues.

#### **Sec. 18-484.4 Sight Visibility Triangle.**

The corner visibility triangle is defined at an intersection by extending the two ROW lines from their point of intersection or apparent intersection to a distance as shown in figure 3. These two points are then connected with an imaginary line to form the corner visibility triangle. If there are no curbs existing, then the triangular area shall be formed by extending the property lines for a distance of thirty (30) feet from their point of intersection. A fence on the corner of a major thoroughfare shall have a forty (40) feet x forty (40) feet visibility triangle.



### **Figure 3. Visibility Triangles**

#### **Sec. 18-484.5 Certain Fences Prohibited in Residential Districts.**

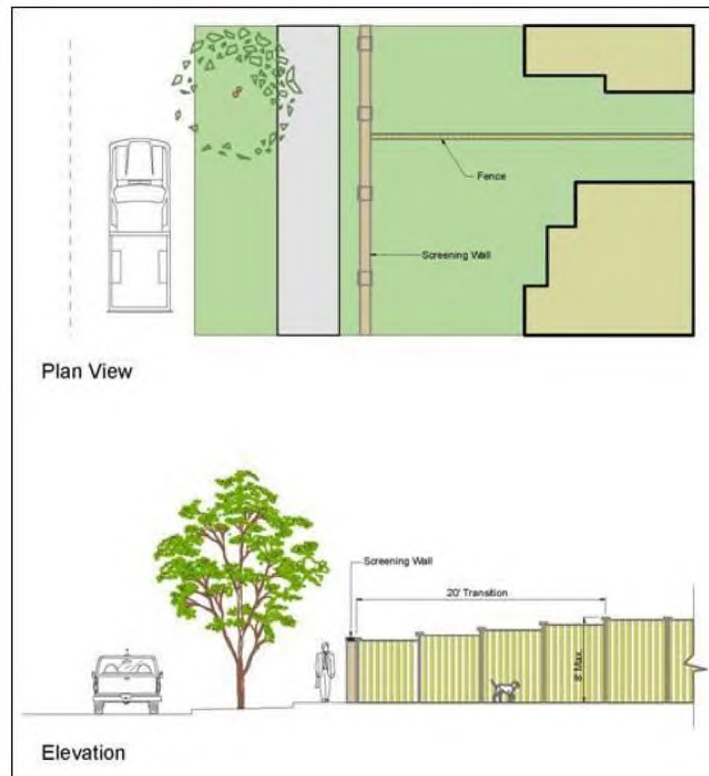
It is unlawful for any person to erect, maintain or permit a fence that;

- A.** Is electrically charged in any manner, except single-strand wires designed to conduct electricity through an approved low-voltage regulator shall be allowed along the fence's interior for the purposes of securing pets within a fenced yard.
- B.** Has barbed wire in or on it.
- C.** Has concertina wire in or on it.
- D.** Has razor wire in or on it.
- E.** Has in it or on it barbs, projections, broken glass, or anything reasonably capable of causing harm to persons or animals.
- F.** Chain link, chicken wire or hog fence. Existing legal non-conforming chain link may be repaired or replaced in whole or part in accordance with this Article.

#### **Sec.18-484.6 Perimeter Walls.**

Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty (20) feet.

Exception: The Building Official may make exceptions to the twenty (20) feet transition where terrain and lot orientation does not allow for an orderly transition. Visual depictions of construction shall be required for review prior to issuance of a permit.



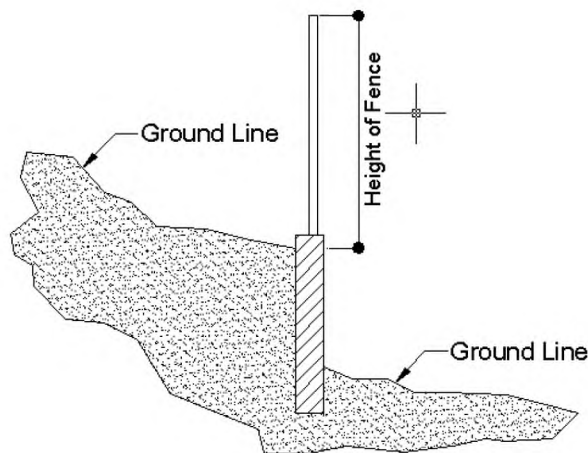
**Figure 4. Connecting to perimeter walls**

**Sec. 18-484.7 Access for Residential Garbage Collection.**

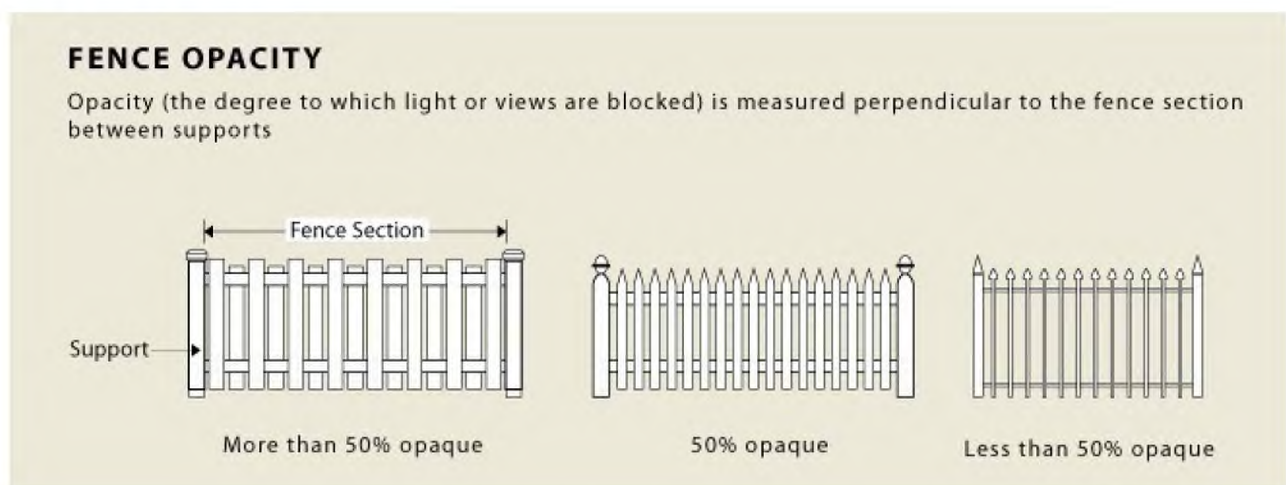
- A.** Access shall be maintained upon a residential lot for the access and collection of trash and recycling containers.
- B.** Residential lots that enclose the driveway with a gate shall:
  - 1.** Provide a separate area where trash and recycling containers are accessible for collection as approved by the Environmental Services Division, or
  - 2.** Leave the gate open on collection days so that trash and recycling containers are accessible for collection.
- C.** Residents who wish to install a gate and do not provide a separate accessible area for trash and recycling containers shall complete a waiver that they understand that failing to leave the gate open for collection can be a reason for denial of service. Residential lots that do not provide an accessible location for the collection of refuse containers may be refused service.
- D.** Residential lots with a pool shall have an interior fence as required by code to protect access to the pool if a gate shall be left open for collection of trash and recycling containers.

**Sec 18-484.8 Determining Fence Height and Opacity.**

- A. Measurement.** Fence height is measured to include the body of the fence, plus allowing a maximum of six (6) inches (on average between posts) above the natural grade (i.e., for drainage purposes). Fence posts are permitted to extend a maximum of four (4) inches above the body of the fence. Columns are permitted to extend a maximum of twelve (12) inches above the body of the fence. Lattice or other decorative material shall be measured as a portion of a fence.
- B. Elevations.** In the event that the fence height has been elevated through the use of a retaining wall, the fence height is measured from the ground level at the highest point as shown in figure 5. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.



**Figure 5. Determining fence height**



**Figure 6. Opacity of fences**

## **Sec. 18-485 Non-Residential, Agricultural and Undeveloped Land Regulations.**

**A. Fences constructed in non-residential zoning districts** shall meet requirements found in the Zoning Ordinance and be approved by a Site Plan or Substantially Conforming Site Plan.

- 1. Height Restrictions.** A fence in a non-residential zoning district shall not exceed eight (8') feet in height.
- 2. Fence Material.** Fence material shall be complementary to the development character and shall not contain chain link or wood.

**Exception:** The Director of Development Services or his designee may approve chain link when necessary for access control or proposed in association with an athletic sports field or court.

- 3. Fences constructed in Non-residential Districts** may be constructed of fence arms, chain link, barbed wire and razor wire only where it is demonstrated to the Building Official that special security conditions exist.

**B. Fences in agricultural districts or on undeveloped land** may be constructed of barbed wire, wire, welded wire, woven wire, t-post, post and rail or other approved fence material as required for securing of livestock or restricting access to a property.

**C. Temporary fences** installed or constructed for a limited special use shall be removed immediately after completion of conditions that required protection, separation or screening. The Building Official may require a temporary fence to be removed or modified where it is found to not serve a public purpose or creates a public safety hazard.

## **Sec. 18-486 Fire Hydrant and Utility Clear Zone.**

- A.** Any area three (3) feet in radius around any fire hydrants and fire hose connections shall be kept free of any fencing that could impede access to or use of the hydrant or fire hose connection.
- B.** A fence shall not impede access to public utilities or metering devices.

## **Sec. 18-487 Fences in Floodways.**

Fences are not permitted in floodway areas as designated on FEMA's flood boundary and floodway map.

## **Sec. 18-488 Drainage.**

A fence shall not adversely affect drainage or create debris build-up.

## **Sec. 18-489 Conflicts between this Article and Zoning Regulations.**

In all cases of conflict between this Article and the zoning regulations of the City, including but not limited to the Zoning Ordinance, the most restrictive shall prevail. In all cases of conflict between this Article and any planned development ordinance, the planned development ordinance shall prevail.

**Sec. 18-490 Fence Construction and Materials.**

- A.** No person shall construct a fence that is not able to structurally support fencing materials as required in the City's building code.
- B.** Gates or other openings in the fence should be at least three (3) feet in width for egress.
- C.** A person building a fence shall comply with the requirements of the building code and all other City ordinances with regard to construction, materials, and workmanship.
- D.** No permit is required for a person constructing a masonry fence or masonry retaining wall less than twenty-four (24) inches in height. Retaining walls greater in height than thirty-six (36) inches shall be in compliance with a design submitted by a registered engineer. Any portion of a retaining wall shall not interfere or alter any drainage swale between lots.
- E.** A person constructing a fence shall build it of rigid construction with acceptable materials approved by the building code.
- F.** Where approved, chain link fencing shall be a minimum size of eleven (11) gauge or greater.
- G.** A person constructing a masonry fence (including concrete block) shall make the exterior surfaces free from sharp projections.
- H.** No person shall construct a wall or fence that exceeds two (2) feet in thickness, unless approved by the Building Official. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of animals, or personal property
- I.** A person constructing a fence shall use only approved materials and construction methods that ensure uniform construction throughout. Once the person has established a pattern of materials and construction method he or she shall continue such method throughout the entire length of the section from corner post to corner post.
- J.** A person constructing or maintaining a fence enclosure intended to serve as the pool barrier around a swimming pool, hot-tub or spa shall comply with the minimum requirements of International Swimming Pool and Spa Code, as adopted by the City.

**Sec. 18-491 Wooden Fence Standards.**

- A.** All vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two (2) three-eighths (3/8ths) inch diameter or square dimension, a minimum

fifteen (15) gauge thickness, and set in a concrete footing.

Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by the Building Official shall be permitted to use wood posts.

Alternative proprietary products may be considered when equivalency is demonstrated to the Building Official meeting the intent for appearance, strength and durability.

- B.** Concrete footings shall be a minimum of eight (8) inches in diameter.
- C.** For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four (24) inches deep.
- D.** For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six (36) inches deep.

Exception: Fences constructed with post of two and three-eighths (2 3/8) inch diameter or square dimension, (CS-20) 0.095, may be set in a concrete footing of no less than thirty (30) inches deep.

- E.** Fence posts attached to or supported by other structures, including retaining walls, shall be provided with foundation and anchorage to prevent movement of structure or retaining wall.
- F.** All materials shall be securely fastened, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.
- G.** The bottom of the fence shall be designed to prevent ground to wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a separation between the bottom of the pickets and the ground. A kick board may be used to cover the gap between the bottom of the pickets and the ground. This kick board may have ground contact if treated and shall be approved for ground contact.
- H.** All wood material shall be stained, pressure treated, painted, or adequately sealed to prevent decay within thirty (30) days of installation.

#### **Sec. 18-492 Prohibited Fence Materials.**

- A.** No person shall use rope; string; wire products including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; live bamboo; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other material that are not manufactured specifically as fencing materials. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material. Fences made of wire, not in excess of thirty-six (36) inches, in

residential districts are permitted for residential horticultural uses not including turf grasses.

- B.** No person shall construct a fence of, damaged or unsafe materials.
- C.** No person shall weave or use slats of any material, including but not limited to metal, fiberglass and bamboo through a chain link fence to create a blind fence, screening fence or any other type of fence addressed in this Article in a residential district.
- D.** Used materials, equipment and devices shall not be reused unless, it can be determined by the Building Official that, they meet the requirements of the building code for new materials.
- E.** No person shall construct a fence of metal panels on a residential zoned property.

#### **Sec. 18-493 Maintenance and Standard of Fences.**

A fence or fences shall be maintained by the owner of the property in compliance with the requirements of this Article, including but not limited to the following maintenance standards:

- A.** A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
- B.** A fence shall be maintained in sound structural condition as a whole or completely removed, including post(s).
- C.** Property owners shall maintain fences, including those existing prior to the adoption of this Article, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
- D.** Property owners shall regularly paint fence supports, gates, structural members and exterior surfaces that are covered with paint to prevent rusting, peeling or blistering surfaces.
- E.** Existing fences that were constructed prior to the adoption of this Article that were constructed with materials not currently permitted by this Article may be maintained as long as no part of the fence is or becomes unsafe, dilapidated, or a public nuisance. If the Building Official determines the fence is unsafe, dilapidated, or a public nuisance the fence shall be repaired with materials approved by this Article or be removed.
- F.** The repairs/maintenance shall be made in complete sections extending a minimum of support post to support post. If the Building Official determines the extent of repair on any existing fence (materials in noncompliance) is in excess of fifty (50%) percent of the total fence, then the entire fence shall be replaced with materials approved by this Article.

- G. The construction of a fence or wall on the property line shall not preclude the property owner's responsibility to maintain and keep the area between the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.
- H. Repairs and maintenance in compliance with this section for fences constructed on or about common private property lines shall be the joint and several responsibility of the respective property owners.

#### **Sec. 18-494 Requirements for Nonconforming Fences, Walls, Gates and Columns.**

Replacement of legal nonconforming fences, walls, gates and columns shall be subject to the requirements in this Article. Exceptions may be granted by an approved planned development ordinance for the neighborhood.

A. A permit shall not be required if:

1. Repair of short sections of legal nonconforming fences, walls, gates or columns when repairs are less than two fence panels or a maximum of sixteen (16) feet; or
2. Replacement of fence does not exceed fifty (50%) percent of the total fence length; or
3. A rolling twelve (12) month time period is used between repairs or replacement.

B. The replacement of any nonconforming structure shall be prohibited if the Building Official determines that a public safety hazard exists, or the City Engineer determines that the structure encroaches in an easement or public right-of-way. Any fence, wall, gate or column constructed without a lawfully issued permit is a violation of this Code.

#### **Sec. 18-495 Penalties.**

Any person, firm, corporation or business entity violating this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) if the violation relates to the public health, sanitation or dumping of refuse, otherwise the fine shall be a sum not exceeding Five Hundred Dollars (\$500.00). The City retains all legal rights and remedies available to it pursuant to local, state and federal law. Each day any violation of this Article shall continue shall constitute a separate offense.

#### **Secs. 18-496 – 18-499 Reserved.”**


SECTION 4: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full

force and effect. The City Council declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.


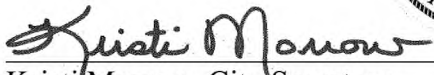
**SECTION 6: Effective Date.** This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

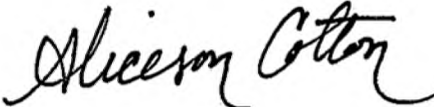
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS,** on this 18th day of April, 2023.

  
Jeff Cheney, Mayor

**ATTESTED AND CORRECTLY  
RECORDED:**

**APPROVED AS TO FORM:**

  
  
Kristi Morrow, City Secretary

  
Abernathy, Roeder, Boyd & Hullett, P.C.  
Aliceson Cotton, City Attorneys

Dates of Publication: April 23, 2023 and April 30, 2023, *Frisco Enterprise*