

Mayor Moore refused to sign this ordinance 4/10/1

ORDINANCE NO. 78

AN ORDINANCE PROVIDING FOR THE ORDERLY, SAFE AND HEALTHFUL, DEVELOPMENT OF THE AREA WITHIN THE TERRITORIAL JURISDICTION OF THE TOWN OF ANNETTA, TEXAS; REGULATING THE TYPE OF FENCES THAT MAY BE CONSTRUCTED ADJACENT TO OLD ANNETTA ROAD, OLD AIRPORT ROAD OR O'NEAL AVENUE, NORTH OR SOUTH, STIPULATING THE CONDITION UNDER WHICH PERMITS AND AUTHORIZATIONS SHALL BE WITHHELD; STIPULATING SUBMITTAL PROCEDURES AND DECLARING AN EMERGENCY

PREAMBLE

WHEREAS, the City has had under consideration the matter of fencing regulations for an extended period of time; and

WHEREAS, THE City has issued public notice of a hearing to be held on a proposed ordinance considering the regulation of fences adjacent to Old Annetta Road, Old Airport Road or O'Neal Avenue, North or South and

WHEREAS, the City Council deems it in the best of interest of the people who Are now, and who will be, living within the jurisdiction of the City, that an ordinance be passed to ensure an orderly, economical development of the City, to provide adequate Municipal facilities and services, and to protect and promote the general welfare, health, and safety of the community;

NOW, THERE FORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA, TEXAS, PARKER COUNTY, TEXAS;

ARTICLE I

PURPOSE

I.I The purpose of this ordinance is to provide for the orderly, safe, aesthetic and healthful development of the area within the city and to promote the health, safety, and general welfare of the community. Accordingly, all fences adjacent to Old Annetta Road, Old Airport Road and O'Neal Avenue, North or South be constructed in accordance with prescribed standards and approved by the City Council.

ARTICLE II

DEFINITIONS

II.1. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have meanings respectively ascribed to them in this section, unless a different meaning is plainly required by context.

II. 2. City: The City of Annetta, Texas

II.3. Council: The governing body of the City.

II.4. Person: Any individual, association, firm, corporation, governmental agency, or political subdivision. Any office referred to in this ordinance by title means the person employed or appointed by the City in that position or his duly authorized representative.

II. 5. Road: A public thoroughfare specifically Old Annetta Road, Old Airport Road or O'Neal Avenue, North or South, however designated, which is intended primarily to serve traffic within the City, which provides vehicular access to adjacent land, and which is not necessarily continuous through several subdivisions.

ARTICLE III

REQUIREMENTS

III. 1. Fencing Material: Any durable material suitable for fence construction is acceptable but no solid fencing greater than three feet in height will be permitted without specific approval of the council. This pertains to Old Annetta Road, Old Airport Road and O'Neal Avenue, North and South.

III. 2. Fence Design: Overall appearance will be neat and attractive. The choice of material to use and the design of the fence should not detract from a feeling and sense of openness along the roads. No solid fences greater than three feet in height will be permitted without specific approval of the Council. This pertains to Old Annetta Road , Old Airport Road, and O'Neal Avenue, North and South.

III. 3. No solid fence over three foot high can be constructed within 25 feet of the property line on Old Annetta Road, Old Airport Road or O'Neal Avenue, North or South.

ARTICLE IV

APPROVALS

IV.1. Specific approval of each fence within the City of Annetta that is not adjacent to Old Annetta Road or O'Neal Avenue, North or South, will not be required.

IV. 2. If a property owner adjacent to Old Annetta road or O'Neal Avenue, North or South, wishes to deviate from the requirements of this ordinance, a written request must be submitted to the Council. The request must specify the material and design of the fence.

IV. 3. The City Council will vote to approve or deny any requests from deviation at a regularly scheduled Council meeting.

ARTICLE V

REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

ARTICLE VI

SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

ARTICLE VII

ENGROSSMENT AND ENROLLMENT CLAUSE

The City Secretary of the City of Annetta is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

ARTICLE VIII

PUBLICATION CLAUSE

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 2.011 of the Texas Local Government Code.

ARTICLE IX

PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this ordinance shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).

ARTICLE X

EFFECTIVE DATE

This ordinance shall be effective after final passage and publication as required by law.

PASSED AND ADOPTED by the City Council of the City of Annetta, Texas,
Parker County, State of Texas, this 19th day of April 2001

APPROVED:

MAYOR

ATTEST:

By: Pat Perry
City Secretary