

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**  
**Draft**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9 “GENERAL REGULATIONS”, ARTICLE 9-2 “FENCE REGULATIONS” OF THE CODE OF ORDINANCES TO AMEND SECTION 9-2-1 DEFINITIONS AND BY AMENDING BY REVISING SECTIONS 9-2-11 THROUGH 9-2-13; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** That Chapter 9 “General Regulations”, Article 9-2 “Fence Regulations”, by amending Section 9-2-1 Definitions; and, amending by revising Sections 9-2-11 through 9-2-13 to the Code of Ordinances be, and the same is hereby, amended to read as follows:

**“CHAPTER 9 – GENERAL REGULATIONS**

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**ARTICLE 9-2. – FENCE REGULATIONS**

**Sec. 9-2-1. - Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Composite* means . . . .

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*Rear yard* means a space unoccupied by principal structure extending for the full width of the lot between a principal structure and the rear lot.

*Repair* shall mean the construction, reconstruction or repair of 50 percent or less of the perimeter of an existing fence.

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**Sec. 9-2-2. - Fence permit required.**

It shall be unlawful for any person to erect, replace or repair a fence, as defined herein, without first obtaining a permit in accordance with the regulation set forth in this chapter.

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A permit shall not be required to replace less than 50% an existing fence within a 6-month period. Exemption from permitting does not constitute permission to violate any of the provisions of this ordinance.

Exception: A permit is always required if any of the following conditions exist: the fence encloses a pool or spa, the fence faces a public street, or there is a change in height, location, or materials.

**Sec. 9-2-3. - Application for permit.**

An application for a permit must be submitted by the applicant and contain the following information:

A. ....

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F. Material of fence

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**Sec. 9-2-6. - Location and height regulations.**

A. *Height.* It shall be unlawful to erect or maintain a fence at a height exceeding eight feet as measured from grade on the inside of the fence.

Exception: A fence may be as much as eight (8) feet five (5) inches in height inclusive of all trim and clearances, as measured under this Section from grade on the inside of the fence.

B. *Rear yard.* Where driveways connect to alleys in commercial, industrial and residential areas, fences shall be only constructed along the rear lot line of any lot to within five feet of a point where the driveway would intersect the alley pavement at 90 degrees. Fences to be constructed along any driveway or property line shall not be constructed within five feet of the alley pavement.

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E. Fences to be constructed and maintained parallel to alleys; and, shall not be constructed or maintained within five feet of the paved portion of the alley.

Exception: Sliding gates across driveways and parallel to an alley may be constructed as close as four feet from the paved portion of the alley, provided that the gate when closed is located entirely within the subject property line.

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#### **Sec. 9-2-8. - Prohibited materials.**

Materials prohibited in fences are barbed wire, razor ribbon, sheet metal, chain-link, vinyl or polyvinyl, or any other similar material, except that barbed wire and/or black coated chain link is permitted for fencing for agriculture- or industrial-zoned property, and for industrial-zoned property where the fence is not visible from the public right of way.

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#### **Sec. 9-2-11. – Posts and horizontal members.**

Fence posts and horizontal members must face the inside of the fence where either of the following conditions exists:

- A. The fence encloses a swimming pool or spa.
- B. The fence faces a public street.

**Sec. 9-2-12. – Automated gate closers.** Automatic gate closers must be equipped with an approved stop-and-reverse mechanism

#### **Sec. 9-2-13. – Fences as barriers enclosing residential swimming pools or spas.**

- A. All fences enclosing pools or spas for one- and two-family dwellings must comply with the provisions of the International Swimming Pool and Spa Code, as adopted and amended in Chapter 15 of this ordinance.
  - a. Exception: The pool or spa is equipped with an approved automatic safety cover
- B. General provisions

- a. Height and clearances. The top of the pool fence shall be at least 48 inches above grade measured on the side of the fence that faces away from the swimming pool. The maximum gap between grade and the bottom of the fence shall be no greater than 2 inches.
  - b. Solid barrier surfaces. Pool fences shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  - c. Horizontal fence rails. The posts and horizontal members must be located on the pool side of the fence.
  - d. Horizontal fence boards. Horizontal fence boards that are staggered or lapped to create indentations and protrusions are not permitted to face the outside of the pool fence.
  - e. Spacing. Spacing between vertical members shall be not greater than 1 ¾ inches in width.
- C. Pedestrian gates. Access doors or gates shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate no less than 3 inches below the top of the door or gate, and the door or gate and barrier shall be without openings greater than ½ inch within 18 inches of the release mechanism.
- D. Vehicular gates. Gates intended for vehicular passage are not permitted as a component of a pool barrier.”

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**SECTION 2.** That all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof

other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

**SECTION 7.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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KAREN SELBO HUNT, MAYOR

ATTEST:

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CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

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ROBERT E. HAGER, CITY ATTORNEY