

## SECTION 2.

Chapter 3, Section 11, Subsection C of the Lake Worth City Code is hereby amended to read as follows:

### C. RESTRICTIONS AND REQUIREMENTS FOR FENCES

- (1) Fence Materials: All fences erected within the City of Lake Worth shall be constructed of masonry, brick, stone, or approved fencing lumber, (preassembled as a panel or as individual pieces, standard widths 1"x4", or 1"x6"; also known as picket or stockade fencing); any combination of masonry, brick, or stone columns (maximum spacing measuring 10 foot from center to center of a minimum 10 inch by 20 inch masonry, brick, or stone column) with masonry, brick, stone, wrought iron, or approved fencing lumber between the columns; chain link (with or without metal slates woven into links); or pressure treated wood or steel posts (maximum spacing measuring 8 foot center to center). Plywood, sheet-metal, particleboard, plastic (either ridged and in solid panels or in flexible sheets and attached to chain link), lattice board, 1"x2" fencing lumber (either preassembled panels or individual pickets), or pallets are not acceptable materials.
- (2) Gates: At least one gate must provide access into the fenced area. A gate must also provide access by a reasonable route to any adjoining alley. Swimming pool gates have additional requirements as hereinafter provided.
- (3) Height: The following height requirements shall apply to fences erected in the City of Lake Worth:  
  
Residential zoning districts - Maximum Height = eight (8) feet  
Minimum Height = four (4) feet  
  
Nonresidential zoning districts - Maximum Height = eight (8) feet  
Minimum Height = six (6) feet
- (4) Easements - Property Lines: A fence may extend up to and include the property line, at the rear and side yards, but shall not violate the set back line on the front yard. No fence, guy wire, brace, vee arm, barbed wire, base or any other structure on a fence shall extend outside the property line of the applicant-owner, or into or across any alley or sidewalk.

- (5) **Flood Plains - Drainage Easements**: No fence may be built into, across or within a flood plain area or drainage easement in any manner which will alter, raise or impede the flow of water in these areas.
- (6) **Construction Fences**: Fences required to protect pedestrian traffic around construction sites shall comply with the requirements of Section 4407 of the current Uniform Building Code.
- (7) **Animal Pens**: Fences which will create a dog run or similar small enclosures for animals must be kept five (5) feet from any adjoining property line; provided, however, if the animal has the run of the entire yard of the premises (excluding the front yard), this restriction will not apply.
- (8) **Barbed Wire Fences**: Barbed wire fences used in conjunction with agricultural and related uses in agricultural zoning districts shall be permissible, without restriction, but barbed wire fences are expressly prohibited in all other zoning districts; provided, however, barbed wire strands may be placed on top of permitted fences and screening elements in any zoning district for the purpose of security from theft, injury and hazard, such as around utility substations and similar uses, if the top strand is not higher than eight (8) feet, nor the bottom strand not lower than six (6) feet, from the adjacent grade line.
- (9) **Razor Wire**: Razor wire fences or razor wire on top of fences for any purpose is expressly prohibited in all zoning districts.
- (10) **Electric Fences**: Electric fences are expressly prohibited in all zoning districts except where agricultural and related uses are permitted, and provided such fences in agriculture zoning districts are plainly marked at appropriate intervals with warnings as to the nature of the fence.
- (11) **Corner Lots**: In order to prevent blind intersections, no fence shall be built to extend into the triangular area formed by the extension of the two curb lines to a point:
  - (a) 25 feet from their intersections, for the intersection of a street and an alley, and connecting the points to form a 45 degree triangle; or
  - (b) 45 feet from the intersection, for the intersection of two

streets, and connecting the points to form a 45 degree triangle.

This restriction shall not apply in agricultural zoning districts or undeveloped areas, provided the fence is of wire strands or open mesh wire or similar construction that will not be any impediment to vision.

- (12) Reconstruction of Existing Fences: When a permit is required for the reconstruction or repair of any existing fence by prior provisions of this section, such existing fence must be updated to meet all of the requirements of this section in the making of such repairs and/or reconstruction.
- (13) Screening: Nonresidential uses shall be screened from view by any adjacent residential uses by solid fencing or walls along the length of the property on the side and rear yards and within the property required to erect the fencing. These fences or walls shall not encroach on any setbacks.
- (14) Trash Receptacles: Outside storage areas of trash/recycling receptacles shall be at the rear or side of the building and completely screened by a solid fence or wall, which includes the gate. These areas of receptacles shall not encroach on any setbacks or buffer strip.
- (15) Maintenance: No wall or fence shall be constructed or maintained in a manner that would endanger the health and safety of the general public. The property owner shall be responsible for the maintenance of the fence or wall to ensure that it is neat and functional.

### SECTION 3.

Chapter 3, Section 11 of the Lake Worth Code is amended by adding a new subsection G, VARIANCE OR WAIVER, to read as follows:

#### G. VARIANCE OR WAIVER:

- (1) The city council may grant a variance or waiver from the requirements of this ordinance in accordance with this subsection. The city council may grant a variance or waiver after a public hearing, by an affirmative vote of a majority of the city council members present and voting on the matter.

- (2) The applicant for a variance or waiver must provide in the application, a specific explanation of the grounds or reasons upon which the variance or waiver request is based.
- (3) At the time the variance or waiver application is filed, the applicant shall pay a fee of \$100.00 to defray the costs of handling and processing the application. This fee shall not be refundable regardless of the disposition of the application.
- (4) Notice shall be sent by United States mail, return receipt requested, not less than 10 days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the city) whose property is located within 200 feet of any portion of the boundary of the property for which a variance or waiver has been requested.
- (5) In order to grant a variance or waiver, the city council must determine that a literal enforcement of the regulations will create an unnecessary hardship or a practical difficulty for the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance or waiver will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of a variance or waiver will be in harmony with the spirit and purpose of this ordinance.
- (6) The terms and conditions of the variance or waiver, if granted, shall be noted on the permit. If a variance or waiver application is denied by the city council, no other variance or waiver or like kind relating to the same building or proposed building, shall be considered or acted upon by the city council for a period of six (6) months subsequent to the denial.

#### **SECTION 4.**

This ordinance shall be cumulative of all provisions of ordinances and of the Revised Code of Ordinances of the City of Lake Worth, Texas (1987), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 5.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 6.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 7.**

All rights and remedies of the City of Lake Worth are expressly saved as to any and all violations of the provisions of the Chapter 3, Section 11 of the Revised Code of Ordinance of the City of Lake Worth (1987), as amended, or any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 8.**

The City Secretary of the City of Lake Worth is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 9.**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 10.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 3<sup>th</sup> DAY OF September, 1998.**

Walter Bowen  
MAYOR

ATTEST:

Mark Todd  
CITY SECRETARY

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney