

ORDINANCE NO.78-A

AN ORDINANCE AMENDING ORDINANCE NO. 78 OF THE CODE OF ORDINANCES OF THE TOWN OF ANNETTA, PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; ESTABLISHING A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, the Town has previously created Ordinance 78 regulating fences with the Town; and

WHEREAS, the Town Council deems it in the best interest of the health, safety, and general welfare of its residents to amend such regulations insofar as they concern fences adjacent to certain roads; NOW, THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:

ARTICLE I

PURPOSE

1.1 The purpose of this ordinance is to provide for the orderly, safe, aesthetic and healthful development of the area within the Town and to promote the health, safety, and general welfare of the community and to restrict the location and design of fences.

ARTICLE II

DEFINITIONS

2.1 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.

2.2 Town: The Town of Annetta, Texas.

2.3 Council: The governing body of the Town.

2.4 Person: Any individual, association, firm, corporation, governmental agency, or political subdivision. Any officer referred to in this ordinance by title meets the person employed or appointed by the Town in that position or his duly authorized representative.

ARTICLE III.

REQUIREMENTS

- 3.1 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 parallel to Old Annetta Road, Airport Road or FM 5
- 3.2 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 fence greater than three feet in height will be permitted without specific approval of the Council.

ARTICLE IV

APPROVALS

- 4.1 Specific approval of each fence within the Town of Annetta that is not adjacent to Old Annetta Road, Airport Road or FM 5 will not be required. No fence adjacent to such named roads shall be permitted adjacent to any front or side yard unless permitted by the City Council as a variance.
- 4.2 If a property owner adjacent to Old Annetta Road, Airport Road or FM 5 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.
- 4.3 The Town 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 ordinance 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. Ordinance 78 is repealed.

2 ARTICLE VI

4 SEVERABILITY CLAUSE

6 It is hereby declared to be the intention of the Town Council that the sections, paragraphs,
8 sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause,
10 sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise
12 invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity
14 shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this
16 ordinance, since the same would have been enacted by the town council without the
18 incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or
20 section.

22 ARTICLE VII

24 PUBLICATION CLAUSE

26 The Town Secretary is hereby authorized and directed to cause the publication of the descriptive
28 caption and penalty clauses hereof.

30 ARTICLE VIII

32 PENALTY CLAUSE

34 Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty
36 of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Five
38 Hundred Dollars (\$500.00). Each day any such violation shall be allowed to continue shall
40 constitute a separate violation and punishable hereunder.

ARTICLE IX

EFFECTIVE DATE

This ordinance shall be in full force and effect immediately upon publication.

AND IT IS SO ORDAINED.

Passed on the 18th day of February, 2010.

TOWN OF ANNETTA

By:


Phil Lumsden, Mayor

ATTEST:


Daina Lawler, Town Secretary