

**SECTION 26
FENCE REGULATIONS**

A. PERMITS

A permit is required from the City Inspection Department for any fence that:

1. Exceeds 30 inches (30") in height and is parallel to and visible from a public street, right-of-way, public park or other City-owned property, or
2. Any fence over six feet (6') in height, whether visible or not.

Permit fees shall be in accordance with Section 1.12.080 of the Benbrook Municipal Code (1985), as amended.

B. USE REGULATIONS

1. Property Lines: No fence, guy wire, brace, light standard sign, vee arm, barbed wire base and arm, or any structure attached to a fence shall protrude over any property lines.
2. Dimensions of Fences: No fence shall be constructed at a height exceeding eight feet (8'). Exception -- Fences serving as backstops for tennis, basketball, or volleyball courts; baseball or softball fields; or other similar facilities may exceed a height of eight feet (8') but shall not be constructed at a height exceeding twelve feet (12').
3. Placement of Fences: The purpose of the placement regulations of this ordinance is to prevent sight restrictions, promote safety for vehicles and pedestrians, and provide an open atmosphere in developments.
 - a. Front Yard: No fence shall be constructed in front of the designated front building line of any property zoned "A", "B", "BR", "CR", "C", "D", "MH", "E", "F", "HC", or "MU." Fences may be constructed on all property lines of any property zoned "SD", "RE", "G", "H", or "CF, with the exception of corner lots or as otherwise specified. Fences located in the required front yards in Districts "SD", "RE", "G", "H", or "CF", or on second front yards on residential-zoned lots, shall observe a visibility triangle clear area adjacent to all private drives or alleys adjoining a public street. All visibility triangles shall be in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, as amended).

No fence or screening shrubs shall be placed in the front yard that effectively limits the vision of pedestrians or vehicle operations."

- b. Side Yards:
 1. Interior Lots--Fences may be placed on side property lines from the rear of a lot to the front building line.
 2. Corner Lots with Interior Lots behind them--Fences may not extend beyond the second front building line, and may not encroach into the visibility triangle in paragraph 3.a. above.
 3. Corner Lots with no Interior Lots behind them--Fences may be placed from the rear property line to the front building line and

not more than ten feet (10') beyond the second front yard building line, and may not encroach into the visibility triangle in paragraph 3.a. above.

- c. No fence of any height or type shall be permitted on a corner lot within a sight visibility triangle in accordance with Section 16.28.020 of the Subdivision Ordinance (Benbrook Municipal Code, 1985, as amended.)
 - d. For any fence located less than twenty feet (20') from a public street right-of-way or public alley, any gate shall be located not less than twenty feet (20') from the street right-of-way or alley.
4. Fence Materials: Any and all materials used in the construction of a fence built within the legal limits of the City shall meet or exceed standards set by the Uniform Building Code regarding fire zones.
 5. Prohibited Materials: Electrical fences or electrical attachments of any type, dimension or compositions shall not be constructed within the legal limits of the City. Permanent barbed wire fences of any type or dimension shall not be constructed within the legal limits of the City except in District "SD". Vee arms or base and arms with barbed wire not to exceed three (3) strands will be permitted in all districts except "A", "B", "BR", "CR", "C", and "D" and said attachments shall be considered as part of the fence in determination of the height of said fence and shall not protrude over property lines. The lowest strand of barbed wire shall be a minimum of six feet (6') above ground level.
 6. Fence Orientation: When any stockade fence or other screening device, whether required or not, is located on a lot adjacent to a public street, right-of-way, public park, or other City-owned property, said fence shall have its back side oriented away from view from the adjacent public area. For the purpose of this section, the back side of a stockade fence shall be the side with exposed posts or rails.
 7. Temporary Fences: Temporary fencing for the purpose of protecting or securing construction sites may be allowed. A time schedule for the use of temporary fencing must be specified in the permit for fencing. Barbed wire fences may be allowed for temporary use but must be approved by height, location and number of strands by the Building Inspector.
 8. Inspection: When a fence that requires a building permit is completed it must be inspected. The office of the Building Inspector shall be notified upon completion of the fence. The Building Inspector will issue a card of acceptance if the fence complies with the provisions of this ordinance or it will be rejected. All fences constructed under the provisions of this ordinance shall be maintained so as to comply with the requirements of this ordinance at all times.

C. MAINTENANCE REQUIREMENTS

1. All fences required by a City ordinance, regulation or approval for screening, buffering or other requirement shall be perpetually maintained, repaired or replaced by the owner.
2. All portions of fences required or not, in a dilapidated state shall be repaired or replaced by the owner of the property upon which the fence is located. Fences not required by City ordinance or approval may be removed. For the purpose of this ordinance, a dilapidated fence shall be defined as:

- a. Any masonry fence with loose, cracked or broken brick, stone, rock, mortar or similar materials;
 - b. Any masonry fence with brick, stone, rock, mortar or similar materials that is discolored from the predominant original fence color in an amount that comprises ten percent (10%) or more of the total fence area of a property;
 - c. Any eight-foot (8') section of any fence that is more than fifteen degrees (15°) out of vertical alignment; or
 - d. Any eight-foot section of a wood fence that has ten percent (10%) of its pickets or structural elements either damaged, missing, or rotted.
3. Repairs and partial replacements of any nature shall be made with materials of comparable composition, color, size, shape, quality and otherwise similar appearance of the original fence to which the repairs or replacements are being made. Products manufactured for other uses such as plywood, corrugated steel or fiberglass panels are prohibited as fence materials. For the masonry fence fronting Benbrook Boulevard and RM 2871, surrounding the Westpark Development, the sole color permitted by this Section is Monarch Exterior – Mixing Code #15-559-03 or equivalent unless otherwise approved by City Council.
 4. Fences may not be braced by guy wires, braces, or any other material that may be viewable from any public street, right-of-way, alleyway, or property and easements controlled by the City.
 5. If an owner of land fails to correct a violation of this Section 26C, a City official may give notice to the owner of the land to abate a violation within thirty days of the date of the notice.
 - a. The notice must be hand delivered to the owner in writing, or by letter addressed to the owner at the owner's post office address as shown on the latest tax roll.
 - b. If personal service cannot be obtained or the owner's post office address is unknown, notice may be given;
 1. By publication in the City's official newspaper at least twice within ten days; or
 2. By posting the notice on or near the front door of the main building on the property to which the violation relates; or
 3. If the property contains no building, by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
 6. If the owner fails to abate a violation of this section within thirty days of the notice, the City may, at its discretion, do the work and charge the expenses to the owner of the property and assess the expenses against the land on which the work is done. In order to assess the expenses incurred against the land on which the work is done, the City shall notify owner of the land upon which the work was done, in a manner described in five (5.) above, and such notice shall include:

- a. Identification of the property;
- b. Description of the violation;
- c. A statement that the City has abated the condition;
- d. A statement of the City's charges and expenses in abating the condition;
- e. An explanation of the property owner's right to request a hearing within ten days of the date of the notice;
- f. A statement that if the owner fails or refuses to pay the expense within thirty days after the first day of the month following the month in which the work was done, the Mayor or the Mayor's designee shall place a lien against the property by filing with the County Clerk of Tarrant County, a notice of the lien and a statement of expenses incurred.
- g. The City Manager or the City Manager's designee will conduct a hearing if the property owner submits a written request to the City Manager within ten days of the property owner's receipt of the notice. The City Manager may, based on a preponderance of the evidence presented at the hearing, affirm or modify the charges.
- h. If no hearing is requested, or a hearing is held and the charges are determined to be valid, and the owner fails or refuses to pay the expenses within thirty days after the first day of the month following the one in which the work is done, the Mayor or the Mayor's designee shall place a lien on the property by filing with the County Clerk of Tarrant Country a notice of lien and statement of expenses incurred.
- i. The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum from the date such amount was owed to the City until payment is made.
- j. When the statement is filed, the City shall have a privileged lien on the property second only to tax liens and liens for street improvements.
- k. The City may institute suit to recover the expenditures with interest and may foreclose on the property. The original or a certified copy of the statement of expenses is prima facie proof of the expenses incurred by the City in doing the work or making the improvements."