

**TOWN OF LAKEWOOD VILLAGE
ORDINANCE CODE 20-02**

**AN ORDINANCE REGULATING FENCES WITHIN THE
TOWN OF LAKEWOOD VILLAGE; ESTABLISHING
PERMITTED MATERIALS AND CONSTRUCTION
STANDARDS; REQUIRING PERMITTING; ESTABLISHING A
PENALTY, REPEALING ORDINANCE 17-06; PROVIDING A
PENALTY; PROVIDING FOR SEVERABILITY AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Town of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens in the Town is permitted to enact certain rules and regulations: and

WHEREAS, the Town of Lakewood Village, Texas has adopted a flood-loss prevention ordinance which sets standards for all structures built in the floodplain including fences.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

Section 1: Findings

The Town Council finds that is in the best interest of its citizens to set standards for construction of fences, including determining acceptable and unacceptable materials and locations.

Section 2: Adoption

The Fence Ordinance attached hereto as Exhibit A is hereby adopted as the Fence Ordinance for the Town.

Section 3: Repeal

Ordinance 17-06 is repealed.

Section 4: Penalty Clause

A. Violation

A person who violates any provision of this ordinance is guilty of separate offenses for each day during which the violation occurs or continues. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two thousand (\$2,000) nor less than two hundred (\$200).

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

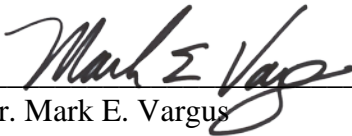
Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

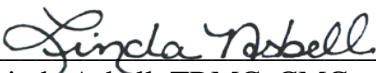
The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 13 day of February, 2020.



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Asbell, TRMC, CMC
Town Secretary





FENCE ORDINANCE

Adopted: November 9th, 2017
Amended: February 13, 2020



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CHAPTER 1. DEFINITIONS

Section 101 General

101.1 Scope

Unless otherwise stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

101.2 Interchangeability

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

101.3 Terms Not Defined

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 102 General Definitions

FENCE. An enclosure constructed of permitted fence materials.

SIDE YARD. The area on each side of the property which extends from the rear property line to the front face of the dwelling adjacent to the particular side. The left side yard extends from the rear property line to the front of the left side of the dwelling and the right side is defined analogously.

FRONT YARD. The property between the front face of each side of the dwelling and the street right- of-way.

CHAPTER 2. PERMITTED CONSTRUCTION MATERIAL

1. Permitted construction material may be vinyl, wood (excluding landscape timbers, railroad ties), masonry, ornamental iron, or chain link.
2. Fences are to be constructed using new building materials. The use of reclaimed fence panels is prohibited.

CHAPTER 3 PROHIBITED CONSTRUCTION

1. Fences not constructed of approved fence materials are prohibited. Prohibited construction materials are barbed wire, razor ribbon, sheet metal, pallets or any other similar material.
2. No fence shall be located within any easement except by prior written approval of the Town.
3. No fence can be constructed on the public right-of-way.
4. Electrical fences are prohibited. No fence erected shall be electrically charged.

CHAPTER 4 HEIGHT RESTRICTION

1. No fence shall be constructed at a height exceeding eight (8) feet.
2. Front yard. No stockade or board on-board solid fence shall be permitted in the front yard. Fences located in front yards may not exceed three (3) feet in height.

CHAPTER 5 SPECIAL PROVISIONS FOR WATERFRONT PROPERTIES

1. For any fence where any portion will be constructed in the floodplain, the property owner must submit construction plans along with written letters of approval from the US Army Corps of Engineers and the Lakewood Village Floodplain Administrator prior to the town issuing a permit.
2. Solid fences are not permitted in the floodplain.
3. No solid (non-see-through) fences such as masonry walls, stockade-type, and board on board are permitted.
4. Metal fences with masonry columns are permissible so long as the width of the fence (excluding the columns) is at least four times the width of the columns.

CHAPTER 6 BUILDING PERMIT REQUIRED

An approved permit is required prior to construction for any fence exceeding two feet.

CHAPTER 7 TEMPORARY FENCES

1. A temporary fence is one which is portable, rented, or one which is not supported by columns embedded in the ground in a permanent manner. Temporary fencing must conform to the same height and construction materials requirements as non-temporary fencing.
2. Temporary fences are only permitted on new residential construction, either a new dwelling or a new pool while permitted construction is underway. All temporary fencing must be removed at the time of final inspection.

**End of Exhibit A****ADOPTION AND SUMMARY OF AMENDMENTS**

Ordinance Number	Date	Summary
20-02	02/13/2020	<ul style="list-style-type: none">• Added Section 7 – Temporary Fencing
17-06	11/9/2017	<ul style="list-style-type: none">• Updated permitted construction materials to include ornamental iron• Added requirement for new construction material• Updated prohibited materials to include pallets or similar material• Excluded all solid fencing for waterfront lots