

ORDINANCE NO. O-2015-007-15

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, TO PROVIDE MORE SPECIFIC REGULATIONS FOR THE HEIGHT, LOCATION, SETBACK, MATERIALS, ORIENTATION, PERMITTING AND MAINTENANCE OF FENCES AND WALLS IN ALL ZONING DISTRICTS IN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Haltom City to amend Ordinance No. O-2002-032-15, the Zoning Ordinance, to provide more specific regulations concerning fences and walls in the City of Haltom City to better address the general health, safety, and welfare of the residents of Haltom City; and

WHEREAS, The Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on April 28, 2015 and the City Council of the City of Haltom City, Texas

held a public hearing on May 11, 2015 with respect to the amendments to the zoning ordinance described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the approval of an amendment to Ordinance No. O-2002-032-15.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS, THAT:

SECTION 1.

Section 33, Fence Regulations of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 33. - Fence regulations.

- A. *Generally*. The purpose of this section is to prevent sight restrictions, promote safety for vehicles and pedestrians, and provide an open atmosphere in developments. No fence, wall or outdoor area enclosure may be erected, placed or altered within the city unless the fence, wall, or outdoor area enclosure is in conformance with the provisions of this section.
- B. *Definitions*. For the purposes of this section the following definitions shall apply:
 - 1. *Alternate orientation*. Created when a structure located on a corner lot is constructed to face the street frontage not normally associated to be the front of the lot.
 - 2. *Corner lot*. A lot, tract or parcel which abuts two streets at their intersection, with the longer street frontage being the side of the lot.
 - 3. *Corner orientation*. Created when a structure located on a corner lot is constructed to face the intersection, diagonally across a lot, rather than a traditional orientation toward one of the intersecting streets. In cases of corner orientation, both sides of the lot along the street frontages are to be treated equally as front yards.
 - 4. *Decorative fence*. A fence or outdoor area enclosure constructed for aesthetic purposes only constructed of material such as wood pickets, lattice work, decorative metal, masonry or stone, meeting the requirements of this section.
 - 5. *Electrical fence*. An outdoor area enclosure that contains an electrically charged or partially charged metallic material designed to discourage crossing by either man or animal.
 - 6. *Fence*. For the purpose of this section, a fence shall be any construction or hedge greater than 30 inches in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Dikes and

- retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.
7. *Fence height.* Fence height shall be the distance equal to the measurement from the top of the fence straight down to a point level with the highest grade within 10 feet.
 8. *Non-residentially zoned areas.* Any land within the city zoned for non-residential uses: "O", "C-1", "C-2", "C-3", "C-4", "C-5", "M-1", "M-2", "BP" or non-residential "PD" district.
 9. *Office, business or industrial park/complex enclosure (including entry features).* A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose or protect an office, business or industrial park/complex.
 10. *Outdoor area enclosure.* Any fence, wall or structure of various materials designed to serve as an enclosure of an outdoor area, a barrier or boundary, or to otherwise divide or protect an area.
 11. *Privacy/security enclosure.* Fences, walls or structures located on individual lots, tracts or parcels for the purpose of enclosing an outdoor area for privacy or security purposes.
 12. *Residential subdivision enclosure (including subdivision entry features).* A wall of masonry or masonry and pressure-treated timber, plaster, iron or other approved building material serving to enclose, divide or protect a residential subdivision.
 13. *Residentially zoned areas.* Any land within the city zoned for residential uses: "SF-1", "SF-2", "D", "TH", "MF-1", "MF-2", "MH" and residential "PD" districts.
 14. *Wall.* An outdoor area enclosure of masonry, wood, plaster or other approved building material that exceeds three inches in thickness, serving to enclose, divide or protect an area.
 15. *Visibility triangle.* An area as defined by the City Engineer, located at the intersection of two streets, access easements or alleys or any combination thereof where no structure, growth or object shall exceed two feet in height.
- C. *Permits.* It shall be unlawful for any person to erect or have erected a fence or wall without first obtaining a permit from the building official if the fence or wall is over thirty inches (30"). Exceptions – Where repairs and replacements are of the same fence material, fence height, and fence location, the following exceptions to Section 33.C are allowed:
1. A permit shall not be required to repair or replace less than 50% of any given fence line segment. Multiple fence line segments may be repaired or replaced without a permit as long as the aggregate distance of fencing repaired or replaced is less than 50% within any two year time period.
 2. A permit shall not be required to repair or replace a number of fence sections as long as the total aggregate distance of fencing repaired or replaced is less than ten (10) horizontal feet within any two year time period.
- D. *Extension over property line.* No fence, guy wire, brace, light standard sign, vee arm, barbed wire base and arm, or any structure on a fence shall extend over any property lines.
- E. *Residential uses.* In residentially zoned districts, fences, walls and outdoor area enclosure structures may be erected if in accordance with the following regulations:
1. Privacy/security enclosures:
 - a. Privacy/security enclosures may be fences or walls.
 - b. Maximum height shall not exceed six feet. Exception – The top of the fence may extend level with the top of the fence at the highest grade without regard to fence height restrictions; however, no fence picket or vertical length of fence material shall be greater than ten (10) feet as determined by the building official and with due review of wind load calculations.

- c. May be erected upon the rear lot line of any lot.
- d. May be erected upon the side lot lines of any interior lot but may not extend past the front façade of the primary structure on the same lot as determined by the zoning administrator.
- e. May be erected no closer than ten (10) feet to a "street side" property line of corner lots, provided the corner lot does not back up to an interior lot.
- f. May be erected no closer than 15 feet from a side property line adjacent to a street on corner lots backing up to interior lots.
- g. Shall not be located in front of the primary structure on the same lot unless a special exception is approved by the Zoning Board of Adjustment to allow such enclosure. Wing walls and other walls constructed with the original construction and design of a single family residence shall not require a special exception from the Zoning Board of Adjustment.

2. Decorative fences:

- a. Decorative fences shall not be walls.
- b. Maximum height shall not exceed four feet.
- c. Solid surface area of any decorative fence shall not exceed 50 percent of the total surface area.
- d. Decorative fences may be erected upon any residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easement, or floodway.
- e. Decorative fences may not be allowed within the visibility triangle,
- f. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements; and
- g. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.

3. Residential subdivision enclosures (including subdivision entry features):

- a. All residential subdivision enclosures shall be walls or combination of decorative fences as approved by the zoning administrator.
- b. All residential subdivision enclosures shall be constructed with minimum ten-inch by 20-inch brick columns set on piers with a maximum spacing of eight-foot on center. Infill material between brick columns shall be brick, stone, pressure-treated lumber, plaster, iron or other approved material. Unless the infill material is pressure-treated lumber or iron, the first twelve inches from grade shall be cast concrete to provide sufficient support of the infill material above, while accommodating necessary drainage passages at the satisfaction of the City Engineer.
- c. Maximum height of subdivision enclosures shall not exceed eight feet.
- d. Walls enclosing residential subdivisions may be erected along rear property lines and along the side property lines exceeding the required front yard setback; provided that such encroaching structure does not extend into the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easements or floodway.
- e. Plans for all residential subdivision enclosures shall be reviewed and approved by the zoning administrator.

F. *Non-residential uses.* In non-residential zoning districts, fences, walls and outdoor area enclosures may be erected if in accordance with the following regulations:

1. Privacy/security enclosures:

- a. Privacy/security enclosures may be fences or walls.
- b. Maximum height shall not exceed eight feet.

- c. May be erected on the rear lot line of any lot, tract or parcel,
 - d. May be erected upon the side lot line of any lot, tract or parcel provided that no fence may be erected to extend into the required front building setback area.
 - e. No privacy/security enclosure may be erected to encroach upon any visibility triangle, right-of-way, access or drainage easements or floodway,
2. Decorative fences:
 - a. Decorative fence shall not be walls;
 - b. Maximum height shall not exceed four feet;
 - c. Solid surface area of any decorative fence shall not exceed 50 percent of the total surface area;
 - d. Decorative fences may be erected upon any non-residential lot line; however, no decorative fence may encroach upon any right-of-way, drainage or access easements or floodway;
 - e. Decorative fences may not be allowed within the visibility triangle;
 - f. Decorative fences shall be constructed of wood picket, lattice work, or decorative metal, with or without masonry and/or stone elements; and
 - g. Decorative fences shall not be constructed of chain link, barbed wire or similar enclosure materials.
 3. Office business or industrial park or complex enclosure (including entry features):
 - a. All enclosures shall be walls. Fences, as defined herein, shall not be allowed.
 - b. All enclosures shall be constructed with minimum ten-inch by 20-inch brick columns set on piers with a maximum spacing of ten feet on center. Infill material between brick columns shall be brick, stone, pressure-treated lumber, plaster, iron or other approved material.
 - c. Maximum height of all enclosures shall be eight feet.
 - d. Walls enclosing nonresidential developments may be erected along rear property lines.
 - e. Walls enclosing non-residential developments may be erected upon rear property lines and along the front and side property lines to extend into the required front yard setback; provided that such encroaching structure does not exceed the required two-foot maximum height limit within the visibility triangle, and the enclosure does not encroach upon any right-of-way, drainage or utility easement or floodway.
 - f. Allowed only for subdivisions containing four or more lots.
 - g. Plans for park or complex enclosures shall be reviewed and approved by the zoning administrator.

G. *Approved fence materials.*

1. Residential fences and commercial fences abutting residentially zoned property shall be constructed of stone, brick, wood, wood composite, vinyl panel, plaster, open ornamental/tubular metal, landscape hedge, or other building material as approved by the zoning administrator. Residential fences may also be chain link if not located in front of any portion of the primary structure's front façade.
2. Commercial fences (except where abutting residential uses) shall be constructed of stone, brick, CMU block, pre-cast concrete panel, wood, wood composite, vinyl panel, chain link with or without mesh, chain link with or without vinyl coating, plaster, open ornamental/tubular metal, landscape hedge, metal pipe barrier, chained/cabled bollards.
3. Commercial fences (except where abutting residential uses) may be constructed of R-panel/metal sheet panel if the property is zoned "M-1" Industrial or "M-2" Heavy Industrial.

H. *Prohibited fence materials.*

1. Electrical fences or electrical attachments of any type designed to administer a shock, shall not be constructed within the legal limits of the city.
 2. Permanent barbed wire and razor wire fences of any type or dimension shall not be constructed within the legal limits of the city. Vee arms or base and arms with barbed wire not to exceed three strands will be permitted in all districts except "SF-1", "SF-2", "D", "TH", "MF-1", "MF-2", "MH" or any residential planned development 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 above ground level.
 3. CMU block walls, R-panel/metal sheet panel, metal pipe barrier, and chained/cabled bollards shall be prohibited in residentially zoned areas and where nonresidential uses abut residentially zoned areas.
 4. Chain-link with plastic, wood, or other slat inserts.
- I. *Temporary fences.* Temporary fencing for the purpose of protecting or securing of construction sites shall be allowed and must be removed at the completion of the project.
- J. *Inspection.* When a fence is completed it must be inspected. The office of the building official shall be notified upon completion of the fence. The building official 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 the ordinance shall be maintained so as to comply with the requirements of this ordinance at all times.
- K. *Existing fences.* Any fence constructed prior to enactment or amendment of this ordinance will not be restricted by this ordinance. Any fence constructed at any time on property not within the legal limits of the city, but annexed by the city at a later date will not be restricted by this ordinance, excepting in both cases that any fence reconstruction, modifications, enlargements, extensions, alterations or any construction other than maintenance of said fence as it existed at the time of enactment or amendment of this ordinance or annexation of property containing said fence shall be regulated by this ordinance.
- L. *Emergency ingress and egress required.* In order to allow ingress/egress of emergency and maintenance personnel and equipment, at least one self-closing and self-latching gate or opening not less than three feet in width shall be required with each fence or wall that is adjacent to or running parallel with a public right-of-way, alley, drainage, utility or access easement. One such opening is required for each lot or in cases when the lot frontage is greater than 200 feet, an opening or gate shall be located not more than 200 feet from another opening on the same property.
- M. *Double frontage lots.* Double frontage lots shall be required to have an opening only on the street used as the frontage for the property.
- N. *Property owners' responsibility.* The construction of a fence or wall on the property line shall not preclude the owners' responsibility to maintain and keep the following specified areas free and clear of debris and high weeds:
1. The area between the fence and the extension of the property line to the back of curb or edge of pavement.
 2. The area between the fence and the property line or between parallel fences.
 - a. Commercial abutting commercial - The owner of the commercial fence that creates the void between parallel fences shall make accommodations in their fence design to maintain the void between parallel fences.
 - b. Commercial abutting residential - The owner of the commercial property shall make accommodations in their fence design to maintain the void between parallel fences.

- c. Residential abutting residential – The owner of the residential fence that creates the void between parallel fences shall make accommodations in their fence design to maintain the void between parallel fences.
- O. *Maintenance of fences.*
 - 1. The owner or any person who has a fence shall be responsible for maintaining the fence in a neat and functional condition.
 - 2. All portions of fences in a dilapidated state must be repaired or replaced by the owner(s) of the fence. A dilapidated fence is defined as any 8-foot horizontal section of a fence that is more than 15 degrees out of vertical alignment or that has 10 percent of its pickets or structural components damaged, missing, rotted, or destroyed.
- P. *Mow Strip.* Excluding support posts, a minimum clearance of 2" shall be provided between fences and the finished grade to allow natural drainage flow. The City Engineer may require a higher clearance when necessary to allow drainage flow under the fence. Fences (walls) with continuous support footers shall provide openings to convey drainage flow as determined to be adequate by the City Engineer.

Section 19, "C-1" commercial district, subsection D.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 19. - "C-1" commercial district.

- D. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
 - 1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 20, "C-2" commercial district, subsection D.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 20. - "C-2" commercial district.

- D. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
 - 1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 21, "C-3" commercial district, subsection G.1, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 21. - "C-3" commercial district.

- G. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
1. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 22, "C-4" commercial district, subsection G.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 22. - "C-4" commercial district.

- G. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 24, "M-1" industrial district, subsection C.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 24. - "M-1" industrial district.

- C. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yards.

Section 25, "M-2" heavy industrial district, subsection C.3, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 25. - "M-2" heavy industrial district.

- C. *Development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply to this district:
3. Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum

of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted within such wall or fence from observation. No exterior storage area shall encroach into any of the required yard.

Section 26, "BP" business park district, subsection E, Screening devices, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 26. - "BP" business park district.

E. *Screening devices.* In the event that this district abuts or adjoins a lot zoned "SF-1", "SF-2", "D", "TH", "MF-1", or "MF-2", a screening device meeting the requirements of section 32, landscaping and screening requirements shall be placed along the abutting or common property line.

Every use, or any part thereof, adjacent to a residential or commercial zoning district that is not conducted within a building completely enclosed on all sides shall be enclosed within a wall or fence a minimum of six feet and a maximum of eight feet in height. Such wall or fence shall completely screen up to eight feet in height all operations conducted on site. No exterior storage area shall encroach into any of the required yards.

Section 28, Definitions of the Zoning Ordinance of the City of Haltom City is hereby amended by revising the following definitions to read as follows:

Sec. 28. - Definitions.

Rental yard for commercial and heavy equipment (with outside storage) (see section 29). An establishment that provides heavy equipment for rent by contractors or the general public to be used off site.

Screening device. A fence, wall, or other conventional device or combination of conventional devices constructed of new wood, masonry, or stone material which are solid and provide a durable opaque screen without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. Screening device may include shrubs or other live material achieving an opaque effect, subject to the approval of the zoning administrator.

Section 29, Supplementary district regulations, subsection T.3.b, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 29. - Supplementary district regulations.

- T. *Outdoor display.* The outside display or sale of goods, products, or inventory is not permitted within the non-residential zoning districts except as set forth herein or as specifically authorized in each district.
3. In districts "C-3", "C-4", "M-1" and "M-2", if adjacent to a residential district, the following shall apply:
- b. Any property line of the non-residential district adjacent to a residential district shall be screened from view with a screening device a minimum six feet and a maximum of eight feet in height as defined in this ordinance.

Section 31, Supplementary parking regulations, subsection L, Parking and storage of certain vehicles in residential districts, and subsection V, Fencing and screening, of the Zoning Ordinance of the City of Haltom City are hereby amended to read as follows:

Sec. 31. - Supplementary parking regulations.

- L. *Parking and storage of certain vehicles in residential districts.* In all residential zoning districts, automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property unless such automotive vehicles or trailers are completely screened up to eight feet in height with an approved screening device. Neither a paved surface nor an all-weather hard surface is required when such automotive vehicles or trailers are completely screened with an approved screening device and located behind the residential structure or in the side yard setback. Parking or storage of all licensed trailers shall conform to the requirements of major recreational equipment. Notwithstanding anything contained in this ordinance to the contrary, all automotive vehicles or trailers of any kind shall be parked on a paved surface.
- V. *Fencing and screening.* A parking facility in any non-residential district which adjoins or abuts property in an "SF-1" single family district, "SF-2" single family district, "D" duplex district, or a "PD" planned development district for residential uses, shall have a wall or privacy fence that is not less than six feet and no more than eight feet in height located for the length of the common property line. However, such a fence shall not be required within the front or exterior setback area of the nonresidential use.

Section 32, Landscape and screening requirements, subsection B, Location of required landscaping and screening, of the Zoning Ordinance of the City of Haltom City is hereby amended to read as follows:

Sec. 32. – Landscaping and screening requirements.

- B. *Location of required landscaping and screening.*
1. When a non-residential use is established on a lot of premises located adjacent to any residential zoning district, or when any townhome or multiple family dwellings are established on a lot or premises adjacent to any property located in a "SF-1", "SF-2", or "D" district, a ten-foot in width landscaped open space buffer strip shall be installed and maintained by the owner, developer or operator of the non-residential or multiple family

use property between such use and the adjacent residentially zoned property. Not less than one tree shall be planted and maintained for each 25 linear feet or portion thereof of said open space buffer strip. Each tree used in landscaped open space buffer strip shall be of not less than six feet in height upon planting and shall have a caliper of not less than two inches measured 18 inches from the ground. The provisions of this paragraph shall not apply where districts are separated by a public street, railroad right-of-way, drainage ditch, or canal with a minimum easement of 30 feet.

2. In addition, an opaque fence or wall a minimum of six feet and a maximum of eight feet shall be erected by the owner, builder, or developer along the property line between the abutting districts to provide visual screening, and/or where an "MF-1" or "MF-2" district abuts any non-residential district that has previously been developed. The owner of the property will be responsible for maintenance of the fence or wall. The provisions of this paragraph shall not apply where districts are separated by a public street, railroad right-of-way, drainage ditch, or canal with a minimum easement of 30 feet.
3. The owner, tenant, and/or agent of an off-street parking area for any use which accommodates more than 20 automobiles or vehicles shall be required to install and maintain a minimum total landscaped open space area equal to not less than five percent of the total area of all parking spaces, aisles and drives in the parking area. A minimum of one tree shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area. A minimum of one tree shall be planted and maintained for each 250 square feet or portion thereof of landscaped open space area.
4. Except for one- and two-family dwellings, garbage storage areas shall be visually screened by a six-foot high solid fence on all sides except when one side is adjacent to an alley or easement used for garbage pickup services, no screening fence shall be required on that side.
5. All wrecking yards (junk and salvage) and salvage yards with open storage or wrecked or salvaged automobiles, machinery, appliances or other used commodities and equipment shall surround such open storage with a wall or solid fence not less than eight feet in height.

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), 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 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 4.

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 5.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that 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 6.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, penalty clause, publication clause and effective date clause of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 7.

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 FIRST READING THIS 11TH DAY OF MAY,
2015.**

PASSED AND APPROVED ON SECOND READING THIS 8TH DAY OF
JUNE, 2015.

Neil Averitt
Mayor



ATTEST:

Art Canfield
City Secretary

EFFECTIVE: JUN 8, 2015

APPROVED AS TO FORM AND LEGALITY:

Wk De
City Attorney