

CITY OF HUMBLE
ORDINANCE NO. 22-916

AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS AMENDING CHAPTER 12 “BUILDING AND BUILDING REGULATIONS,” ARTICLE XI “DEVELOPMENT STANDARDS” BY CREATING SECTION 700 ET SEQ. “FENCING, WALLS, AND SCREENING REQUIREMENTS” RELATING TO THE PERMITTING AND REGULATION OF FENCING; MAKING CERTAIN FINDINGS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Humble, Texas is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council desires to enact regulations upon fencing, walls and screening of properties and finds that the proposed amendments set forth below are in the best interest of the health, safety and general welfare of the City of Humble.

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

Section 1. The Code of Ordinances of the City of Humble, Texas, is hereby amended by creating Chapter 12 “Building and Building Regulations”, Article XI “Development Standards” Section 700 et seq. “Fencing, Walls and Screening Requirements” to read as follows:

“Sec. 12-700 – Fencing, Walls and Screening Requirements

- (a) Purpose. To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used upon single family properties and/or within residential areas. This section shall apply to all fences constructed after the date in which the Ordinance establishing the Section became effective and to any fences in which over fifty (50) percent of the fence has been damaged, destroyed or otherwise requires replacement, including non-conforming fences erected prior to the effective date of the Ordinance.

Sec. 12-701 – Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivation shall have the meaning given below:

- (a) Corner lot. A lot situated at the junction of two (2) or more private or dedicated public streets.

- (b) Fence. Any wall or structure more than eighteen inches (18”) in height constructed for the purpose of enclosing, screening, restricting access to or providing decoration to any lot, building or structure. A fence is any part of a fence, including the base, footings, supporting columns, post, braces, gates, structural members or any other of its appendages.
- (c) Front yard. An open, unoccupied space on a lot facing a street and extending from the front of the lot to the front of the principal building, between the side lot lines.
- (d) Non-conforming fence. Any fence that was constructed before the effective date of the Ordinance which established this Article that does not meet the requirements set forth in this Article.
- (e) Rear yard. A space unoccupied by the principal structure extending for the full width of the lot between a principal structure and the rear lot line.
- (f) Repair. A repair to a fence shall be defined as maintenance to a fence where replacement of materials does not exceed fifty (50) percent of the length of the fence and does not change the scope, location or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made.
- (g) Side yard. An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending from the front yard to the rear yard.

Sec. 12-702 – Permit Required.

It shall be a violation of this Article for any person to construct or cause to have constructed any type of fence or any part of a fence without first having obtained a permit from the Building and Inspections Department. The permit fee shall be established by the general fee schedule for permits as adopted by Resolution of the City Council.

- (a) Application. Any person must supply the following information (in addition to all requested information on the permit application forms) when applying for a permit to erect a fence:
 1. Type of fence (i.e. style, material and design);
 2. Height of fence;
 3. A survey or scalable plat plan of the entire property showing the location of the fence and/or retaining wall and any existing improvements (structures) on the property; and
 4. Approximate monetary value of the proposed fence.
- (b) Exception. No permit is required for a repair to a fence as that term is defined in Section 12-701.

Sec. 12-703 – Fences on Public Property.

No fence or guy wires, braces or posts of such fence shall be constructed upon or caused, allowed or permitted to protrude over property that the City of Humble or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon utility easements that permit fencing or by approval of the City Council.

Sec. 12-704 – Fence Requirements.

- (a) Rear yard requirements. It shall be unlawful to erect a fence at a height exceeding eight (8) feet in any rear yard or along any rear yard lot line. Where driveways connect to alleys in commercial, industrial and/or residential areas, fences shall only be constructed along the rear lot line of any lot to within five (5) feet of a point where the driveway should intersect the alley. Fences to be constructed along any driveway or perpendicular to alleys shall not be constructed within five (5) feet of the rear lot line or alley easement line.
- (b) Side yard requirements. It shall be unlawful to erect a fence at a height exceeding eight (8) feet in any side yard or along any side lot line.
- (c) Front yard requirements. Only a decorative fence (e.g. wrought iron, wood, masonry may be erected in the front yard building setback area, and only if all of the following requirements are met:
 - 1. No front yard fence shall be erected to a height greater than four (4) feet above the finished lot grade
 - 2. Front yard fence material shall not be of wire, mesh or chain link. Samples of all other materials to be used shall be approved by the Chief Building Official.
 - 3. The solid area of the front yard fence shall not exceed fifty (50) percent of the total area of the fence, with no massing of solid material widths greater than six (6) inches, except for corners or posts.
 - 4. No front yard fence shall be constructed on a corner lot that does not afford proper visual clearance approved by the Chief Building Official for traffic approaching the intersection in either direction. Proper visual clearance shall be maintained for a distance of not less than thirty (30) feet on each street.

Sec. 12-705 – Fence Design and Construction Standards

- (a) It shall be unlawful for any fence that is electrically charged in any form or manner to be erected in a residential area as defined by the Code of Ordinances. This restriction does not apply to usage for restraining livestock where permitted or single strand wires constructed within three (3) feet from ground level to restrain small animals. When electrically charged fences are

used, warning signs must be posted every seventy-five (75) feet. Electrical charging units must be low voltage, U.L. approved.

- (b) It shall be unlawful for any person to erect, construct, maintain or permit a fence that:
 - 1. Is constructed with rope; string; except as otherwise provided in this Article, wire products, including but not limited to, chicken wire, hog wire, wire fabric and similar welded or woven wire fabrics; live bamboo; netting; cut or broken glass; paper; corrugated metal panels; galvanized sheet metal; plywood, tubular steel or fiberglass panels.
 - 2. Is constructed of chain link.
 - 3. Is constructed of damaged, deteriorated or unsafe materials.
 - 4. Is constructed with used or recycled materials, unless it can be determined by the Chief Building Official that the materials meet the requirements of the Building Code for new materials.
 - 5. Is temporary in nature except where required by code for construction, excavation or life safety issues, provided however that temporary fences made of wire and not in excess of three feet in height are permitted for residential gardens.
- (c) Wire products, tubular steel or other materials that are manufactured specifically for agricultural uses or for the restraining of livestock may only be erected in areas where livestock is permitted and must be approved by the Chief Building Official.
- (d) Barbed wire shall be used only to restrain livestock or as part of a fence on a commercial or industrial property where the lowest strand of barbed wire is not less than six and one-half (6 ½) feet above grade.

Sec. 12-706 – Swimming Pool, Spa and Hot Tub Fence Regulations.

A person constructing or maintaining a fence or wall enclosure around a swimming pool, spa or hot tube shall comply with the minimum requirements of the City's building codes, including but not limited to the City-adopted International Residential Code, as it exists or may be amended, and other applicable laws.

Sec. 12-707 – Maintenance Required.

- (a) Any person, group of persons, firm or corporation owning or having control of any fence within the City shall be responsible to maintain the fence in a safe and presentable condition and in compliance with the requirements of this Article. This shall include, but not be limited to, replacement of broken or defective boards, posts, wire or other fence parts that may cause the fence

to be unsafe or unsightly, and the correction of any visible and/or unsafe lean in the fence. Failure to properly maintain such fence as required under this Article shall be considered a violation of this Article.

- (b) All fences, including without limitation, fences existing on the effective date of this Ordinance are subject to inspection and may be tagged as safety hazards or public nuisance if not adequately maintained.

Sec. 12-708 – Abatement of Unsafe Fences and Other Violations.

Any person to whom a notice of violation is issued shall have thirty (30) days after receipt of the notice of violation in which to comply. The City reserves the right to abate unsafe fences in order to protect public safety and place a lien upon the property for the expense of the abatement.

Sec. 12-709 – Appeals and Variances.

An appeal from a decision of the building official under this article shall be made to the City Council.

When in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the City Council may authorize a variance to the regulations provided in this article in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship including but not limited to:

- (1) A unique physical condition that exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from others similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement;
- (2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- (3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- (4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- (5) The variance will not alter the essential character of the area or block face within which the subject property is located, and is in harmony with the intent and purposes of this article.

An appeal for variance must be submitted on the form as prescribed by the Building and Permits Department and shall be subject to an application fee of \$50.00 for residential variances and \$100.00 for commercial variances.

Sec. 12-710 – Penalty.

Any person who shall willfully, intentionally, or with criminal negligence violate any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction shall be fined by an amount not more than \$500.00 in accordance with Chapter 1, Section 11 of the Code of Ordinances. Each day of violation shall constitute a separate offense.

Sec. 12-711 – Conflicts between this Article and Other Codes.

In all cases of conflict between this Article and other Sections of the Code of Ordinances of the City concerning construction and maintenance of fences, the most restrictive shall prevail.

Sec. 12-712 - 799 – Reserved.”


Section 3.

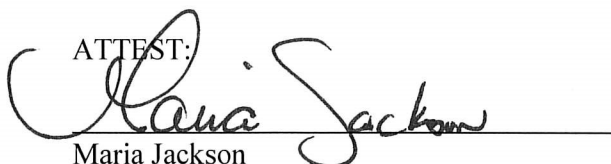
In the event any clause phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Humble, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4.

That this ordinance shall become effective upon its adoption and its publication, as provided by law.

PASSED, APPROVED, AND ADOPTED this 27th day of January 2022.


Norman Funderburk
Mayor

ATTEST:

Maria Jackson
City Secretary



PUBLICATION CERTIFICATION

THIS ORDINANCE WAS PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE CITY OF HUMBLE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13 OF THE CHARTER OF THE CITY OF HUMBLE TEXAS ON:

February 2, 2022

ATTEST

Laura Jackson



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ORDINANCE NO. 22-916

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MARIA JACKSON
CITY SECRETARY



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

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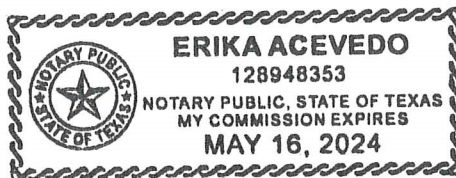
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Victoria Bord AIR Clerk
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 2nd Day of February A.D. 2022



Erika Acevedo
Notary Public in and for the State of Texas