

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REVISING SECTION 150.011 “DANGEROUS AND SUBSTANDARD STRUCTURES” OF CHAPTER 150 “BUILDING REGULATIONS” OF TITLE XV “LAND USAGE” OF THE CITY CODE OF THE CITY OF MANSFIELD, AS AMENDED, BY ADDING REGULATIONS APPLICABLE TO FENCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 Mansfield, Texas is a Home Rule Municipality located in Tarrant County, created and operating pursuant to and in accordance with Article XI, Section 5 of the Texas Constitution, the Local Government Code and prior statutes, and other enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Mansfield adopted Ordinance No. 2050-17 codified in Section 150.011 of the Code of Ordinances providing for minimum standards to safeguard the health, property and welfare of the citizens of Mansfield by regulating and controlling the use, occupancy, maintenance, repair, vacation, removal, demolition, and abatement of substandard or dangerous buildings within the City of Mansfield; and

**WHEREAS**, Chapter 214 of the Local Government Code authorizes a municipality to regulate substandard buildings and establishes procedures thereof; and

**WHEREAS**, the City Council of the City of Mansfield now desires to amend Section 150.011 to provide for minimum standards for fencing.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1.**

Section 150.011 “Dangerous and Substandard Buildings” of Chapter 150 of Title XV of the Mansfield City Code is hereby amended by adding Subsection (D)(1)(i) to Subsection (D) “Substandard Building Declared” to read as follows:

(D)(1)(i) Whenever a fence or any portion thereof is leaning by ten degrees or more beyond plumb or has 10% or more of its pickets missing, it shall be considered structurally unsafe and a hazard to safety, health or public welfare; and if 25% of an existing picket is rotten, missing or decayed, it shall be considered missing.

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances and such ordinances are hereby repealed.

## **SECTION 3.**

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

## **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 Mansfield are expressly saved as to any and all violations of the provisions of any ordinance related to substandard or dangerous buildings as they may have been amended or any other ordinance or code provision which 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 Mansfield is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

## **SECTION 7.**

The City Secretary of the City of Mansfield is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance of this ordinance at least once in the official newspaper of the City of Mansfield.

**SECTION 8.**

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

**FIRST READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.**

**SECOND READING APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY  
COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2017.**

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DAVID COOK, MAYOR

ATTEST:

\_\_\_\_\_  
JEANNE HEARD, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

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E. ALLEN TAYLOR, JR., CITY ATTORNEY