



**City of New Fairview
Planning & Zoning Commission
Regular Meeting Minutes
999 Illinois Lane
Monday, June 13, 2022, at 6:00 pm**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 13th DAY OF JUNE IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING

MEMBERS PRESENT:

PLANNING & ZONING COMMISSIONERS

Rebecca McPherson

Julie Burger

Denis Sansoucie

ABSENT:

David Randolph

Marissa Randolph

CITY STAFF

John Cabrales Jr, City Administrator

Brooke Boller, City Secretary

- 1. Call to Order and Determination of Quorum**
- 2. Pledge to the Flags.**
 - A. United States of America**
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
- 3. Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.



4. Work Session:

- a. Receive a report and hold a discussion regarding planning elements, comprehensive planning, zoning ordinance, and subdivision regulations.

Commissioners received a planning overview presentation given by Stephen Cook with Dunaway.

5. Adjournment

Motion: Julie Burger

Second: Denis Sansoucie

Vote: All in Favor

Results: Meeting was adjourned at 8:06 pm

MINUTES APPROVED ON THIS, THE 8th DAY OF AUGUST 2022

Rebecca McPherson, Commissioner

Brooke Boller, City Secretary



**City of New Fairview
Planning & Zoning Commission
Regular Meeting Minutes
999 Illinois Lane
Monday, July 11, 2022, at 6:00 pm**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 11th DAY OF JULY IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING MEMBERS

PRESENT:

PLANNING & ZONING COMMISSIONERS

**Rebecca McPherson
Julie Burger
David Randolph
Denis Sansoucie**

ABSENT:

Marissa Randolph

CITY STAFF

**John Cabrales Jr, City Administrator
Brooke Boller, City Secretary
Susan Greenwood, Court Administrator/Assistant City Secretary**

- 1. Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:08 pm; Roll Call with the above-mentioned names.)**
- 2. Pledge to the Flags.**
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
- 3. Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the



Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.

Matt Spathe- Spoke about a compressor that is giving off a lot of noise on S County Line Rd in front of Paloma Ranch.

4. Work Session:

- A. Receive a report and hold a discussion regarding fence regulations and a possible Fence Ordinance.

There was a joint consensus among commissioners that the fence ordinance needed to be updated. The commissioners directed staff to update with the changes and bring back.

5. Adjournment

Motion: David Randolph

Second: Denis Sansoucie

Vote: All in Favor

Results: Meeting was adjourned at 7:33 pm.

MINUTES APPROVED ON THIS, THE 8th DAY OF AUGUST 2022

Rebecca McPherson, Commissioner

Brooke Boller, City Secretary



**City of New Fairview
Joint City Council and Planning and Zoning Commission Meeting
999 Illinois Lane
Monday, July 18, 2022, at 6:00 pm**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 18th DAY OF JULY IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING MEMBERS

PRESENT:

CITY COUNCIL:

**Mayor John Taylor
Mayor Pro Tem Steven King
Place 1 Councilman Harvey Lynn Burger Jr
Place 2 Councilman John Fisette
Place 3 Councilman Walter Clements
Place 5 Jimmy Royston**

PLANNING & ZONING COMMISSIONERS

**Rebecca McPherson
Julie Burger
David Randolph
Marissa Randolph
Denis Sansoucie**

CITY STAFF

**John Cabrales Jr, City Administrator
Roberta (Robin) Cross, City Attorney
Patty Akers, City Land Use Attorney (Virtual)
Brooke Boller, City Secretary
Susan Greenwood, Court Administrator/Assistant City Secretary**

- 1. Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:00 pm; Roll Call with the above-mentioned names.) (Meeting called to order by Mayor John Taylor at 6:01 pm; Roll Call with the above-mentioned names.)**

- 2. Pledge to the Flags.**
 - A. United States of America**
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**

3. **Public Comment:** The City Council and the Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the City Council and the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the City Council and Planning and Zoning Commission. State law prohibits the City Council and Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.

4. **New Business:** All matters listed in New Business will be discussed and considered separately.

A. Discuss and consider a Resolution approving a Development Agreement with Dove Hollow Development LLC for Paloma Ranch Estates Phases 3 & 4 containing 177.779 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane.

Motion: Councilman Harvey Lynn Burger Jr

Second: No Second

Vote:

Result: Motion to deny the annexation of Paloma Ranch Ph 3&4 Failed

Motion: Councilman Steven King

Second: Councilman Walter Clements

Vote: For: Councilman Steven King & Councilman Walter Clements

Against: Councilman Jimmy Royston, Councilman John Fissette & Councilman Harvey Lynn Burger Jr.

Result: Motion to approve the annexation of Paloma Ranch PH 3&4 Failed

Motion: Councilman Walter Clements

Second: Councilman John Fissette

Vote: For Councilman Jimmy Royston, Councilman Walter Clements, Councilman John Fissette & Councilman Steven King

Against: Councilman Harvey Lynn Burger Jr

Result: Motion passed to Table the item until City Staff can renegotiate the lot sizes and safety concerns.

B. Discuss and consider an amendment to the Development Agreement with Dove Hollow Development LLC Paloma Ranch Phases 1 and 2, dated May 28, 2020, as to 15.563 acres to authorize one-half acre lots.

Motion: Councilman Jimmy Royston

Second: Councilman Walter Clements

Vote: All in Favor
Result: Tabled

- C. Discuss and consider action approving an annexation services agreement between the City of New Fairview and Dove Hollow Development LLC for 179.779 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane.

Motion: Councilman Walter Clements
Second: Councilman Jimmy Royston
Vote: All in Favor
Result: Tabled

- D. Hold a public hearing and consider an Ordinance for the Annexation of 179.779 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane.

Motion: Councilman Jimmy Royston
Second: Councilman Walter Clements
Vote: All in Favor
Result: Tabled

- E. Hold a public hearing and consider an Ordinance for the zoning of 179.779 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas and rezoning of 15.563 acres currently zoned (PD) Planned Development generally located east of S. County Line Road and south of Dove Hollow Lane to (PD) Planned Development for single family residential on one half (1/2) acre lots.

Motion: Commissioner Denis Sansoucie
Second: Commissioner David Randolph
Vote: All in Favor
Result: Tabled

Motion: Councilman John Fissette
Second: Councilman Jimmy Royston
Vote: All in Favor
Result: Tabled

F. Consider the approval of a preliminary plat of Paloma Ranch Estates Phases 3 & 4 containing 195.342 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane.

Motion: Commissioner Denis Sansoucie

Second: Commissioner David Randolph

Vote: All in Favor

Result: Tabled

Motion: Councilman John Fissette

Second: Councilman Jimmy Royston

Vote: All in Favor

Result: Tabled

5. **Executive Session:** None

6. **Return to Open Session:** Discuss and take appropriate action, if any, resulting from the discussions conducted in Executive Session.

7. **Adjournment:**

Motion: Commissioner Julie Burger

Second: Commissioner Denis Sansoucie

Vote: All in Favor

Result: Planning and Zoning adjourned the meeting at 6:49pm.

Motion: Councilman John Fissette

Second: Councilman Harvey Lynn Burger Jr

Vote: All in Favor

Result: Council adjourned the meeting at 6:50pm.

WORK SESSION

1. Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:50 pm; Roll Call with the above-mentioned names.) (Meeting called to order by Mayor John Taylor at 6:51 pm; Roll Call with the above-mentioned names.)

2. Receive a report and hold a discussion regarding the City's Comprehensive Plan **Council Received a presentation from Rik Adamski a professor with UNT with an update on the City Comprehensive Plan. A student Zara with UNT also gave a presentation on the waste water and water study for our City.**

3. Adjournment

Motion: Commissioner Julie Burger

Second: Commissioner Denis Sansoucie

Vote: All in Favor

Results: Planning and Zoning meeting adjourned at 7:21 pm.

Motion: Councilman John Fissette

Second: Councilman Jimmy Royston

Vote: All in Favor

Results: Council meeting adjourned at 7:21 pm.

MINUTES APPROVED ON THIS, THE 1st DAY OF AUGUST 2022

John Taylor, Mayor

Rebecca McPherson, Commissioner

ATTEST:

Brooke Boller, City Secretary



PLANNING & ZONING COMMISSION AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

August 8, 2022

Fence Regulations

DESCRIPTION:

Receive, consider, and act on fence regulations for a Fence Ordinance.

BACKGROUND INFORMATION:

The City of New Fairview does not have a fence ordinance or general regulations for fences. However, we do have permit requirements for the purpose of determining that the fence is located on private property and not in public rights-of-way or easement. We require a survey or plat to be submitted. The fee is \$50 for residential and \$100 for a commercial fence.

We define a fence in our Code of Ordinances as “An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than 70 percent open. A solid fence is one in which the vertical surface thereof is not greater than 30 percent open and may be considered as a screening element.” (Chapter 9, Sec. 43)

We do require fencing around swimming pools (Chapter 4, Sec. 4.07.004); as screening between nonresidential use that abut an “SF” District for the purposes of screening (Chapter 9, Sec. 28); for gas well operations (Chapter 5, Sec. 5.04.013); for hot tubs and spas (Chapter 4, Sec. 4.07.003); for the screening of stored vehicles (Chapter 8, Sec. 8.05.004); for the confining of dogs (Chapter 3, Sec. 3.01.006); for erosion control measures (Chapter 4, Sec. 4.09.003); for the perimeter of a HUD-Code Manufactured Home subdivision, for the sides which do not abut a dedicated street (Chapter 9, Sec. 16.12); and for all satellite receive-only antennas (Chapter 9, Sec. 30.8).

Many cities have requirements for new fences, and the maintenance and replacement of existing fences. They regulate the type of fence material (wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc, powder coated chain link, galvanized chain link, etc.). They regulate the height of fences, typically not to exceed six (6) feet for residential and eight (8) feet for commercial. Maybe three (3) feet if allowed to have a fence in the front yard. The location of fences can also be regulated, for example none in the front yards

only side and rear yards for residential, and setbacks can be regulated. They regulate the presentation, for example the non-structural side faces outwards. Some address nonconforming fences, maintenance, and enforcement of violations.

This item was requested by council due to complaints that have come up regarding fencing within the city. Council discussed this at the June 20 meeting and directed staff to bring this to the Planning & Zoning Commission for discussion and return with any recommendations on fence regulations for the possible drafting of a fence ordinance.

This was discussed at the July 11 Planning and Zoning Commission meeting and staff was directed to bring back regulations for the Commission to consider. Attached are the draft regulations based on that discussion.

FINANCIAL CONSIDERATION:

None.

RECOMMENDED MOTIONS:

I move to **Approve/Deny** the proposed fence regulations for consideration by the City Council for a Fence Ordinance.

ATTACHMENT(S):

1. Fence Regulations

City of New Fairview Code of Ordinances
Fence Regulations

ARTICLE ?? FENCES

Sec. ?? Purpose.

The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a practical safeguarding of life, health and property from hazards that may arise from improper construction of such installations.

Sec. ?? Permit required.

- (a) It is unlawful for any person to erect, construct, enlarge, alter or replace any fence regulated by this article or cause such work to be done without first obtaining a separate permit for each fence from the building department.
- (b) To obtain a permit, the applicant shall first file an application in writing on a form furnished by the building department.
- (c) Plans and other data deemed necessary by the building department shall be submitted with each application.
- (d) All permits issued under this article shall comply with the requirement of the Uniform Building Code adopted by the city.
- (e) The fee for each permit shall be as set forth in the city's master fee schedule.
- (f) The permit fee to be paid pursuant to this section shall be waived if:
 - (1) The permit is related to partial replacement of an existing fence;
 - (2) The fence is located on a single-family residential lot/tract;
 - (3) No more than 50 percent of the entire length of the fence (measured in linear feet) is being replaced (inclusive of all sides of the property on which the fence is located);
 - (4) The replacement fence will be installed at the same location on the property from where the old fence was removed; and
 - (5) No similar waiver of the permit fee has been granted for a partial fence replacement on the same lot/tract within the 12 months prior to the date of the application for the permit for which the fee waiver is granted.

Nothing in this subsection (f) should be construed as waiving the requirement to obtain a permit for the fence replacement for which the permit fee has been waived.

Sec. ?? Inspection and maintenance.

When any fence is completed, it must be inspected to insure that all requirements of the permit have been met. The building official shall be notified upon completion of the fence. All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and shall be maintained as follows:

- (1) Such fence shall not be out of vertical alignment more than 20 percent.
- (2) All damaged or removed or missing portions of such fence shall be replaced with comparable materials of a comparable color to the remaining portion of such fence.
- (3) Where the permitted fence is chain-link, wood, or masonry, all damaged or missing parts shall be replaced or repaired.

Sec. ?? Materials.

- (a) *Permitted materials.* Materials permitted for fences shall be of wood, masonry, decorative metal, wire in decorative sections bordered by wood framing, UL sunlight resistant plastic, or ornamental wrought iron. In the commercial and industrial zoning districts, metal roofing material, or similar metal material may be used to enclose salvage yards, junkyards, scrap-metal yards, or other like land uses including storage areas for junk vehicles or parts thereof, provided the metal material is new, of a consistent type, and free from all surface defects.
- (b) *Prohibited materials.* Materials prohibited in fences are chained linked in residential zoned districts, barbed wire, razor ribbon, sheet metal, plastics other than UL sunlight-resistant, or any other similar material except as authorized in this section.
- (c) *Exception.* Barbed wire is permitted in the following circumstances:
 - (1) For fences in rear and side yards in industrial zoned districts, and in residential districts that are at least one acre and not located within a Planned Development, when the following conditions are met:
 - a. Where the barbed wire fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the commission.
 - (2) For fences on property used for agricultural purposes in the agricultural zoning district; provided, however, that where the barbed wire fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission.

The owner of the adjacent property shall have an opportunity to present their comments and opinions to the commission.

- (d) *Wood Fences.* Wood fences must be designed and built with a bottom rail and a top cap in order to reduce warping of boards. Fence planks or panels must have at least a one (1) inch gap between the ground and the wood to prevent rotting and decay. All vertical posts must be two and three eighths (2 3/8) inch minimum outside diameter standard pipe gauge galvanized steel. Vertical posts spacing shall be no greater than eight (8) feet on center or less and shall be set in concrete post footings. The minimum depth of concrete post footings shall be twenty-four (24) inches for fences that are six (6) feet in height and thirty-six (36) inches for fences that are eight (8) feet in height.
- (e) *Chain Link Fences.* Chain link fences are required to have a top rail, bottom guide wire, and traditional chain link hardware. A minimum 2.377-inch diameter corner post, footed in concrete, at least three (3) feet into the ground. A minimum 1.58-inch line/terminal post shall be used. Chain link fence posts shall be spaced evenly not to exceed ten (10) feet.

Sec. ?? Prohibited locations.

- (a) *Public property.* No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.
- (b) *Sight obstructions.* No fence, berm, or natural screening such as trees or shrubs, shall be located within a street corner sight triangle. Where an alley and street intersect, a clear area formed by a ten-foot right triangle at the intersection of the right-of-way lines must be maintained so as not to cause danger to traffic by obstructing the view. Additional clear zones may be required by the building inspector.

Sec. ?? Electric fences.

- (a) An electric fence for control of domestic animals within a residential district is permitted only when the lot is at least one acre, and the fence is within another enclosure and inside such enclosure. Such fence shall be of the pulse delivery type with a maximum amperage of 25 mil. The exterior fence shall have a sign on each side of the outside face or frontage of not less than a ten-foot interval warning of the electric fence.
- (b) Electrically charged above ground fences are allowed on property used for agricultural purposes in the agricultural zoning district; provided, however, that where the electric fence is to be adjacent to any property in a residential zoning district which is developed with one or more dwellings, such fence shall not be constructed except after notification to the owner of the residential property and only upon review and approval by the planning and zoning commission. The owner of the adjacent property shall have an opportunity to present their comments and opinions to the commission.

Sec. ??. Height measurement.

All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard.

Sec. ??. Residential districts.

For residential zoning districts, the following regulations shall apply:

- (1) *Rear yard.* No fence shall be constructed at a height exceeding six (6) feet along the rear property line.
- (2) *Side yard.* No fence shall be constructed at a height exceeding six (6) feet along any side property line.
- (3) *Front yard.* No fence shall be constructed at a height exceeding four (4) feet in height, and no more than 50 percent of the fence elevation shall block the view through the fence, except that fences or walls 2½ feet or less in height may block greater than 50 percent of the view through them. Examples of acceptable types in minimum required front yards are wood split rail fences, wood or simulated wood picket fences, wrought iron fences with or without masonry columns, and low masonry walls.
- (4) *Front yard.* All enclosed fences shall have a minimum of one gate for emergency ingress and egress. The minimum width shall be three feet.
- (5) Any fence that is adjacent to a state highway or Farm to Market road must be constructed of natural materials (i.e. wood, decorative metal, barbed wire or ornamental wrought iron), and no more than 50 percent of the fence elevation shall block the view through the fence. Examples of acceptable types are wood split rail fences, wood picket fences, wrought iron fences with or without masonry columns.

Sec. ??. Nonresidential districts.

For all nonresidential zoning districts, including the agricultural district, the following regulations shall apply:

- (1) *Rear yard.* No fence shall be constructed at a height exceeding eight (8) feet along the rear property line.
- (2) *Side yard.* No fence shall be constructed at a height exceeding eight (8) feet along the side property line.
- (3) *Front yard.* No fence shall exceed eight (8) feet in height, and no more than 50 percent of the fence elevation shall block the view through the fence, except that fences or walls 2½ feet or less in height may block greater than 50 percent of the view through them.

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- (4) Any fence that is adjacent to a state highway or Farm to Market road must be constructed of natural materials (i.e. wood, decorative metal, barbed wire or ornamental wrought iron), and no more than 50 percent of the fence elevation shall block the view through the fence. Examples of acceptable types are wood split rail fences, wood picket fences, wrought iron fences with or without masonry columns.

Sec. ?? Temporary construction site fencing.

Temporary construction site fencing not exceeding eight feet in height shall be allowed without a permit to enclose the complete project or a partial area. No such fence erected under this section shall be erected in such position or placed so as to constitute a traffic hazard. Temporary construction fences must be removed prior to occupancy of any portion of the facility.

Sec. ?? Swimming pool and stormwater detention pond enclosures.

- (a) Every swimming pool and stormwater detention pond, or excavation designed or intended to ultimately become a swimming pool or stormwater detention pond, while under construction as well as after completion, shall be continuously protected by an enclosure surrounding the pool, pond, or excavated area in such a manner as to make such pool, pond, or excavated area reasonably inaccessible to small children or animals, subject to the following exceptions.
- (1) This provision shall not apply to:
 - a. Bodies of water other than swimming pools which are owned or controlled by the federal, state, county, or any agency, subdivision, or department thereof.
 - b. Bodies of water located in natural drainage ways.
 - c. Stormwater detention ponds that are designed with a bank angle not exceeding 3:1 and intended for dual use as an accessible open space or recreational area.
 - (2) In single-family residential occupancies, the pool enclosure may surround the entire single-family premises.
 - (3) In multifamily residential occupancies, the pool enclosure may include the courtyard which surrounds the pool.
- (b) The required enclosure shall be a fence, wall, or building not less than four feet in height with openings limited in accordance with the adopted residential code or building code, as applicable.
- (c) Gates and doors opening directly into such enclosures shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors and gates securely closed, said latching device to be attached to the gate or door not less than 36 inches above the grade or the floor. The doors of a building forming any part of the required enclosure need not be so equipped.

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- (d) Swimming pools in existence on the effective date of this section shall be fenced in accordance with the requirements hereinabove set forth, and it shall be unlawful to maintain any swimming pool in the corporate limits of the city which is not protected by an enclosure in accordance with the requirements of this section.
 - (e) All plans submitted to the city for swimming pools and stormwater detention ponds to be constructed shall show compliance with the requirements of this section, and the final inspection and approval of the completed facility shall be withheld until all requirements of this section have been complied with by the builder, developer, owner, purchaser under contract, lessee, tenant, or licensee.

Sec. ?? Gas Wells

- (a) Entrance Gate. An entrance gate to the Drilling and Production Site shall be required and a sign identifying the entrance to the Drilling and Production Site or operation site shall be light reflective.
- (b) Fencing, Screening and Landscaping.
 - a. Fencing, buffering, landscaping and screening shall be required on Drilling and Production Sites. All required fencing, landscaping, buffering and screening must be installed in accordance with the approved Landscape Plan within 180 days after initial drilling of the first approved well. Landscaping and screening shall also be required for Compressors.
 - i. All Drilling and Production Sites in Residential Districts shall be screened with an opaque decorative masonry fence that shall be no less than eight (8) feet in height.
 - ii. In lieu of this requirement, an alternative fence that is compatible with the area surrounding the Drilling and Production Site may be approved by the City Planner.
 - b. Fencing: Shall be a minimum of eight feet (8') in height and shall remain locked at all times when no one is present. Permanent fences shall be chain-link type with metal slats or other approved material. For security purposes, all permanent fencing structures shall have a gate to allow visibility into the well site. Permanent fencing shall be installed within ninety (90) days of completion of final well or within one hundred eighty (180) days of drilling inactivity, whichever is less.

Sec. ?? Construction and access requirements in easements.

- (a) No fence shall be constructed within any drainage easement unless the city engineer shall have first determined and advised the building official, in writing, that such fence shall, in all probability, not interfere with or impair the natural flow of water across or through the drainage easement. The design of a fence may be altered to accommodate drainage considerations as determined by the city engineer.

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- (b) A permit shall not be issued to construct a fence within any utility easement without the written approval of all affected utility entities. Gates or removable panels must be provided by and maintained by the property owner for the installation, repair, and replacement of lines by utility entities.

Sec. ??. **Penalty clause.**

- (a) Any person who violates the provisions of this article shall, for each violation, be deemed guilty of a misdemeanor and shall be fined not more than \$1,000.00; and each violation shall be construed to constitute a separate offense.
- (b) In addition to and cumulative to all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this article.