

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL, CITY OF LIVINGSTON, TEXAS, ADDING SECTION 10-30 TO ARTICLE II OF CHAPTER 10 (BUILDINGS AND STRUCTURES) OF THE CODE OF ORDINANCES, THEREBY ESTABLISHING A CODE REGULATING FENCES WITHIN THE CITY OF LIVINGSTON, TEXAS

WHEREAS, the City Council has determined that there is a need to regulate fences that are built within the city limits; and

WHEREAS, the City Council has determined that corner sight restrictions are necessary for the safety and wellbeing of drivers within the City Limits; and

WHEREAS, the Code of Ordinances of the City of Livingston currently only provides specific fence requirements for special instances that do not apply to either residential or standard commercially used properties located within the corporate limits of the City; and

WHEREAS, there is a significant need to regulate fencing height, materials, construction standards for fences built on residential properties, as well as those built on commercial properties outside of those already addressed in specific portions of this Code of Ordinances,

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

SECTION 1. That Chapter 10, Buildings and Structures, Article II Building Code of the Code of Ordinances of the City of Livingston, Texas is hereby amended by adding Section 10-30 – Fencing, Walls and Similar Barriers:

- (a) *Location.* A fence, wall or similar barrier may not be located within the street right-of-way or within the required site triangle at street intersections. Fences may not block access to any fire hydrant or utility meter unless approved by the Public Works Director. A fence, wall or similar barrier shall be placed no closer than ten (10) feet from the street (either back of curb or pavement edge). Fences are required to meet all FEMA requirements as related to placement in regulated floodplain and may not interfere with drainage.

- (b) *Composition.* Fence composition is limited to materials routinely used in fence construction such as wooden picket, brick, stone, pipe, concrete, chain link, or other material deemed appropriate by the Community Development Coordinator. The use of sheet metal is not permitted for residential use, but may be approved as fence material for commercial and institutional uses. The use of barbed wire fencing material is limited to properties exceeding two acres and only for those properties which are appraised as Agricultural Use by the Polk County Central Appraisal District.
- (c) *Height.* A fence, wall or similar barrier exceeding four (4) feet in height may not be located within the required front yard of a residential property unless the property exceeds four (4) acres, and then shall be non-sight restrictive, e.g. chain link, wrought iron, etc. Fences and/or walls are limited to eight (8) feet in height unless approved by the Community Development Coordinator due to extreme elevation differences on the site or for security purposes. Barriers shall be designed by an engineer when required.
- (d) *Sight Impairment on Corners.* On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two (2) points located twenty (20) feet back from the property lines intersection; except that fences, walls, and/or hedges are permitted within this triangle provided that such fences, walls and/or hedges do not impair vision from four (4) feet to six (6) feet above the surface of the street.
- (e) *Required Screening Separating Uses.* A solid opaque fence (to a minimum height of six (6) feet shall be constructed and maintained within three feet of side and rear lot lines in which a non-residential use abuts any residential use. In those circumstances where construction of a fence is not desired (by owners of land adjacent to a non-residential property or by the owners of the developing land) the Community Development Coordinator may consider a request to waive the fence installation requirement. The Community Development Coordinator shall consider protection of interests of those neighboring residential property owners a priority. The determination of the Community Development Coordinator may be appealed to City Council.

- (f) *Landscape Screening Adjacent to Residential Development*, Commercial development occurring adjacent to existing residential development shall be screened along each property line common to the residential development, using any combination of walls, wood fencing or decorative fencing which provides year-round obstruction of view and is equivalent to use of opaque fencing of six feet in height or using any existing natural physical features of the property, such as significant vegetation.
- (g) *Required Screening of Refuse Facilities (Dumpster Enclosures)*. Refuse handling facilities (dumpster enclosures) shall be screened by opaque walls or wooden screening fences of not less than the height of the facilities to be screened or as otherwise required to screen the view from any public street right-of-way. Permanent walls are required on three sides with an opaque gate allowed on the fourth side for access by the refuse collection vehicle.
- (h) *Specific Ordinances control*. Any ordinances in this Code which set out fence requirements for specific uses remain in effect, and, to the extent such an ordinance conflicts with this section, the conflicting ordinance shall be applicable.

SECTION 2. That Article XIII (Commercial Landscaping Properties) of Chapter 10 (Buildings and Structures), Section 10-354 (Landscape Screening) of the Code of Ordinances of the City of Livingston, Texas is hereby repealed.

SECTION 3. That nothing in this ordinance, as amended, shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

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SECTION 5. That the City Secretary is hereby ordered and directed to cause this amended ordinance (or the caption thereof) to be published.

SECTION 6. That this amended ordinance shall be effective on February 1, 2026.

APPROVED AND ADOPTED this 13th day of January, 2026.

SIGNED:

JUDY B. COCHRAN, MAYOR

ATTEST:

ELLIE MONTEAUX, TRMC, MMC, CPM
City Secretary & Assistant City Manager