

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AMENDING THE CODE OF ORDINANCES, SECTION 18-26(b), BUILDING CODES- EXCLUSIONS FROM THE INTERNATIONAL RESIDENTIAL CODE 2015; AND AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), SECTION 5.7 FENCING; PROVIDING A SEVERABILITY CLAUSE; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section R105.2 of the 2015 International Residential Code (IRC) provides for exemptions to permitting requirements for one- and two- family dwellings; and

WHEREAS, the City of Seguin has adopted the 2015 International Residential Code but has excluded the permit exemptions for fences; and

WHEREAS, the City of Seguin regulates fencing through standards adopted in Section 5.7 of the Unified Development Code; and

WHEREAS, the City of Seguin currently requires permits and inspections for fences; and

WHEREAS, the Seguin City Council finds that the enforcement of the fencing standards can be achieved without the necessity for a permit and/or inspection; and

WHEREAS, on April 12, 2022, after conducting a public hearing, the Planning and Zoning Commission voted to recommend to City Council that the amendment to Section 5.7 of the UDC as described herein be adopted.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas, as follows:

PART ONE. Section 18-26(b) of the Seguin Code of Ordinance, Building Code, Code adopted, Exclusions from the International Residential Code, 2015, is hereby amended as follows (~~strikethrough~~ indicates deleted text):

ARTICLE II. BUILDING CODE

Sec. 18-26. Code adopted.

(b) *Exclusions from the International Residential Code, 2015.*

~~(1) Section R105.2~~

~~-Fences not over six feet in height.~~

(2) Appendix F - Radon Control Methods

(3) Appendix I - Private Sewage Disposal

(4) Appendix L - Permit Fees

(5) Appendix P - Fire Sprinkling

(6) Appendix M - Home Day Care

(7) Appendix Q - ICC Electrical Code and Part VIII- Electrical Chapters 33—42

(8) Chapter 3, Section 313, Automatic Fire Sprinkler System

PART TWO. Section 5.7 - Fencing, of the Seguin Unified Development Code is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Section 5.7 Fencing

5.7.2 Applicability

The requirements of this section apply to all new fences and reconstruction of existing fences. ~~Reconstruction for the purposes of this section shall mean the replacement of more than 50% of an existing fence.~~

5.7.3 General Standards

- A. Fences with an unfinished or rough side and a finished or smooth side must be placed so the finished or smooth side faces out.
- B. It shall be unlawful for any person to erect ~~or replace~~ a fence, ~~as defined herein,~~ without first obtaining a building permit in accordance with this Code. that is not in compliance with this section.
- ~~C. Prior to erection or replacement of a fence, an inspection by City staff shall verify the location requirements of the fence as stipulated herein.~~
- ~~D. Within 30 days of completion of the fence an inspection shall be requested and City staff shall verify compliance with the requirements stipulated herein.~~

PART THREE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

PART FOUR. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PART FIVE. This ordinance shall be published in a newspaper of general circulation.

PART SIX. This ordinance shall be effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

PASSED AND APPROVED on the first reading this 3rd day of May 2022.

PASSED AND APPROVED AND ADOPTED on the second reading this 24th day of May 2022.

Donna Dodgen, Mayor

ATTEST:

Naomi Manski, City Secretary