

## ORDINANCE 2025-31

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 4, ARTICLE III, BY ADDING SECTIONS 4-36 AND 4-37 RELATED TO THE REGULATION OF FENCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

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**WHEREAS**, the City Council recognizes the need to regulate fences within residential and commercial areas to promote public safety, property aesthetics, and the general welfare of the community; and

**WHEREAS**, the construction of fences that do not meet specific safety, height and material standards may pose risks to public health, visibility and the overall appearance of neighborhoods; and

**WHEREAS**, it is in the best interest of the community to establish uniform guidelines to ensure that fences are constructed in a manner that respects both property rights and the needs of the public.

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

**PART 1.** The Code of Ordinances of the City of Belton, Texas, is hereby amended by adding Chapter 4, Article III, Sections 4-36 and 4-37 related to the requirements for Fencing, the details of which are shown in Exhibit A. All other provisions of Chapter 4 of the Code of Ordinances of Belton, Texas, shall remain in full force and effect unless expressly amended by this ordinance.

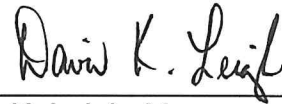
**PART 2.** In the event that one or more of the provisions contained in this Ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability of this Ordinance shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein, but shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

**PART 3.** Violations of this ordinance shall constitute a Class C misdemeanor punishable by a fine not to exceed \$500.

**PART 4.** This Ordinance shall become effective immediately upon its adoption.

**PART 5.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

This ordinance was presented at the stated meeting of the City Council of the City of Belton and upon reading was passed and adopted by the City Council on the 22<sup>nd</sup> day of April, 2025, by a vote of 7 ayes and 0 nays.



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David K. Leigh, Mayor

Attest:



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Amy M. Casey, City Clerk

## **Exhibit A**

### Sec. 4-36. Amendments to the 2015 International Residential Code and International Building Code.

1. Section R105.1, (Permit) Required, is amended to read: Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit, including fences per section 4-37.
2. Section 105. 1, Permit Required, is amended to read: Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit, including fences per section 4-37.

### Sec. 4-37. Fence Requirements.

#### 1. Application

- a. Applicants shall apply for and obtain a permit prior to the construction of a fence at a cost established in the City's Fee Schedule on file with the City Clerk.

#### 2. Definition and Materials

- a. A fence is defined in Section II, of the Belton Design Standards.
- b. Fences may be built with the following materials: wood, chain-link, masonry, concrete, any type of faux-crete, or similar materials, except as prohibited by the Zoning Ordinance and in this ordinance.
- c. Barbed wire fences are typically not allowed. The Director of Planning may waive this requirement in the public interest to include, but not be limited to, public utility projects, for security reasons, for public safety projects, or for private agricultural projects with the safety of the public in mind. The Director of Planning's decision may be appealed to the City Council.
- d. Fence application must be accompanied by a set of sealed engineered plans if its height exceeds six feet and is constructed of any form of masonry, concrete, other than wood or chain link.

#### 3. Fence Location

- a. Fence shall be located only on the owner's property.
- b. Fence shall not be built within or across a utility easement or a drainage easement, unless approved by the utility provider.
- c. Fence shall not be built within or across a joint access easement.
- d. Fence shall not be built in any public ROW, unless approved by the City.
- e. Fence shall avoid the 'visibility triangle' of public street and alley intersections as defined by the Zoning Ordinance.

4. Related Ordinances

- a. Fences shall adhere to the provisions in the Belton Zoning Ordinance, the Design Standards, the Imagine Belton Standards, the Engineering Design Manual and the Building Codes.
- b. Fence shall not interfere with or impede any accessible route as defined by the 2015 International Building Code, Chapter 10 Means of Egress, Sections 1027 and 1028 and Chapter 11, Accessibility, Sections 1101 – 1106, and the 2012 Texas Accessibility Standards, Chapter 2, Sections 206 – 208, Chapter 4 Sections 401 – 406, and Chapter 5, Sections 501 – 503, as amended from time to time.

5. Miscellaneous Requirements

- a. Fence shall not disrupt or impede the design and layout of existing or proposed traffic flow patterns.
- b. The fence shall not create negative impacts to neighboring properties, including but not limited to obstruction of visibility, traffic circulation, access to and from the site, drainage issues, structural encroachments, or safety hazards.
- c. Fences in all commercial multi-tenant developments shall not interfere or otherwise prevent, prohibit, or affect the number of required parking spaces, vehicle circulation, ADA accessibility, the visibility of vehicles travelling on or off-site, shall not cause vehicles to enter the rights-of-way in reverse, or create any other unforeseen impact to existing business, or neighboring properties.

**Secs. 4-36 8—4-50. Reserved.**