ORDINANCE NO. 3563

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS AMENDING TITLE 15 BY ADDING CHAPTER 154 ESTABLISHING REGULATIONS PERTINENT TO THE INSTALLATION AND MAINTENANCE OF FENCES; REPEALING TITLE 9, SECTIONS 92.10-92.12 AND 92.14-92.15 REGARDING FENCES; AMENDING SECTION 10.99 GENERAL PENALTY BY ADDING SUBSECTION 10.99(A)(2)(t). FENCE REGULATIONS; AMENDING SUBSECTION 34.040(C)(1) TO INCLUDE APPEALS TO THE PROPERTY STANDARDS BOARD REGARDING THE FENCE REGULATIONS ORDINANCE; AND PROVIDING FOR REPEALING, PENALTY, SEVERABILITY, AND SAVINGS CLAUSES AND EFFECTIVE DATE ON AND AFTER ITS PUBLICATION AND ADOPTION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS

Section 1.

That the Code of Ordinances, City of Carrollton, Texas, is hereby amended by adding a chapter, to be numbered Chapter 154, which said chapter reads as follows:

Section 154.01 Title

This chapter may be known and cited as the Fence Regulations Ordinance of the City of Carrollton, Texas.

Section 154.02 Scope

This chapter provides uniform standards for the erection and maintenance of fences. All fences in this chapter shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, to improve and maintain the long-term sustainability of the community and in part to achieve the following:

(1) Safety. To promote the safety of persons and property by providing that fences do not:

a. Create a hazard due to collapse, fire, decay or abandonment;

b. Obstruct firefighting or police observation ability;

c. Create traffic hazards by confusing or distracting pedestrians or motorists, and;

d. Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic signs.

Section 154.03 Jurisdiction

This chapter shall apply in all zoning districts within the city.

Section 154.04 Definitions

For the purposes of this chapter, the following words and phrases will have the meanings respectively ascribed to them by this section:

Approved fence materials. Materials normally manufactured for, used as, and commonly recognized as fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chain-link and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant.

Building Code. The group of building code and other related codes as adopted and amended by the City of Carrollton in Section 150 of the Code of Ordinances.

Designated City Official or DCO. The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

Code. The Code of Ordinances of the City of Carrollton, Texas.

Dilapidated fence. A fence which is decayed, deteriorated, or has fallen into disrepair or partial ruin.

Fence. An artificially constructed barrier enclosing, separating, or screening areas of land, serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view, and/or confinement. Except where otherwise required in this code, regulations governing the height, location and opacity of fences also applies to walls, hedges or landscaping used in lieu of a fence or in combination with a fence. A fence is any part of a fence including the base, footings, supporting columns, post, braces, gates, structural members, or any other of its appendages.

Opacity. Is the degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports.

Repair. Routine maintenance where replacement of materials is less than twenty (20) feet in length and the scope, location or dimensions of the fence are not changed. Repairs shall be made using materials with color, size and shape as nearly identical to the original as possible, and with quality meeting or exceeding the quality of the original. Replacement of entire sections or panels totaling more than twenty (20) feet in any six (6) month period shall require a fence permit.

Wrought iron. Wrought iron (or steel) known to be hand or machine forged products, made from solid rods, bars, or other structural shaped iron (steel) or cast products of the same genre. These products are normally decorative, functional, and long lasting. Wrought iron fences would also include thin light weight sheet metal that has been slit, roll formed and machine welded into hollow tubular shapes and made to look like true wrought iron.

Section 154.05 General Requirements

(a) No fence material shall be used to construct a fence except for those listed and regulated in this chapter or other city ordinances.

(b) Fence sections essentially parallel with an arterial or collector street as defined by the City of Carrollton Transportation Plan shall have their back side (the side with the exposed posts and rails) oriented to the interior of the lot to minimize their exposure to the public. Exception: posts and rails may be oriented to the exterior of the lot when concealed within construction that is consistent with and complementary to the construction of the fence. Visual depictions of construction shall be required for review of appearance prior to issuance of a permit.

(c) No person shall construct a fence, guy wire, brace or any fence post upon, or into public right-of-way or property that the city or the general public has dominion and control over, owns or has an easement over, under, around or through unless otherwise authorized by the City Manager or designee or through a license agreement with the City of Carrollton.

(d) No fence shall be erected within any drainage easement, or visibility, access and maintenance easements unless otherwise authorized by the City Manager or designee.

(e) Fences are not permitted in floodway areas as designated on FEMA's flood boundary and floodway map.

(f) A fence must not adversely affect drainage or create debris build-up.

(g) Any area three feet (3') in radius around any fire hydrants and fire hose connections must be kept free of any fencing that could impede access to or use of the hydrant or fire hose connection.

(h) A fence must not impede access to public utilities or metering devices.

(i) In all cases of conflict between this chapter and the zoning regulations of the city, including but not limited to the Comprehensive Zoning Ordinance, as amended, concerning construction and maintenance of fences, the most restrictive shall prevail. In all cases of conflict between this chapter and any planned development ordinance, the planned development ordinance shall prevail.

(j) No fence shall be constructed as to encroach into any area designated as part of the visibility triangle as specified in the Carrollton Code of Ordinances.

(k) Each fence shall be constructed with materials of comparable composition, color, size and shape.

(l) No person shall construct a fence braced by guy wires, braces or any other material that may be viewable from any public streets, rights-of-ways, or alleyways, or property over which the city or general public has dominion and control.

Section 154.06 Permits

(a) Required. It is unlawful for any person to construct, replace, or cause to be constructed, repaired, or replaced, a fence or any part of a fence in the city without first obtaining a fence permit from the Development Services Department of the City of Carrollton. No permit is required for repairs as defined by this chapter.

(b) Approved plans. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Development Services Department. When a permit is submitted where plans are required, the DCO shall endorse in writing or stamp the plans and specifications "reviewed." Such reviewed plans and specifications shall not be changed, modified or altered by any person without authorization from the DCO, and a person shall complete the work regulated by this chapter in accordance with the approved plans.

The applicant shall submit a survey or a scalable plot plan of the entire property showing the location of the fence on the property.

(c) Other laws. The owner or the owner's authorized agent who applies for a permit to construct a fence must comply with all the requirements of this chapter and all other requirements of the Code of Ordinances. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(d) Permit fees. Permit fees shall be designated by Chapter 31 of the Code of Ordinances.

(e) Application. Any person making application for a fence permit shall complete a permit application, provided by the DCO. The DCO shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application for a permit.

Section 154.07 Contractor's Registration Required

(a) It is unlawful for any person to engage in the business of fence contracting without a valid contractor's registration. Property owners are not required to register as a contractor.

(b) Every contractor registration provided for in this code shall expire one (1) year following the date of its issuance, and shall be renewed by the DCO upon application.

(c) The DCO may revoke or suspend a fence contractor's registration for either of the following reasons:

(1) The registrant violates the requirements of this chapter twice within a twelve-month period.

(2) The registrant fails to obtain permits and/or inspections twice within a twelve-month period.

(d) A contractor whose registration has been revoked or suspended may be reinstated by the DCO or by the Property Standards Board of the City of Carrollton on an appeal. The registration may only be reinstated if the contractor corrects all violations and pays all applicable fees.

(e) A contractor who violates any requirements of this chapter may be assessed additional fees as established in Chapter 31 of the Code of Ordinances.

Section 154.08 Permitted Fence Materials

Type of Zoning District	Permitted Fence Materials
Single-Family and Duplex Residential Districts	Wood, vinyl, wrought iron, brick/stone, chain link (replacement & interior lot lines only)
Multi-Family Residential Districts	Wood (if specifically permitted in PD ordinance), wrought iron, brick/ stone, decorative CMU
Retail Districts	Wrought iron, brick/stone, decorative CMU
Office Districts	Wood, wrought iron, brick/stone, decorative CMU.
Commercial Districts	Wood, wrought iron, brick/stone, decorative CMU, chain link.
Industrial Districts	Wood, wrought iron, brick/stone, decorative CMU, chain link. Barbed wire or similar may be installed on top of a chain link fence except where visible from an arterial thoroughfare or highway.
Freeway District	Wood, wrought iron, brick/stone, decorative CMU, chain link. Barbed wire or similar may be installed on top of a chain link fence except where visible from an arterial thoroughfare or highway.
Transit Center District	See Article XX of the Comprehensive Zoning Ordinance

Section 154.09 Prohibited Fences

The following types of fences are prohibited. It is unlawful for any person to erect, maintain, or permit a fence that:

(1) Is electrically charged in any manner, except that single-strand wires designed to conduct electricity through an approved low-voltage regulator shall be allowed along the fence's interior for the purposes of securing pets within a fenced yard.

(2) Is constructed with rope, string, wire products including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics, chain, live bamboo, netting, cut or broken glass, paper, corrugated metal panels, galvanized sheet metal, plywood, or fiberglass panels or any other materials that are not manufactured specifically as fencing materials. The DCO may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

Exceptions:

(a) A dog window no larger than two (2) square feet (288 square inches) may be installed in a fence and may be covered with corrosion resistant material capable of restraining the dog.

(3) Is constructed of damaged, deteriorated or unsafe materials.

(4) Is constructed with slats of any material (including, but not limited to; metal, fiberglass, and bamboo) threaded through a chain-link fence.

(5) Is constructed with used or recycled materials, unless it can be determined by the DCO that they meet the requirements of the building code for new materials.

(6) Is constructed with metal panels.

(7) Temporary fences are prohibited except where required by code for construction, excavation or life safety issues, provided however that temporary fences made of wire and not in excess of three feet in height are permitted for residential gardens.

Section 154.10 Single Family and Duplex Residential Zoning District Regulations

This Section shall apply in all single-family and duplex residential zoning districts within the city.

(1) Height limitation

(a) Rear yard.

It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any rear yard or along any rear yard lot line which fence exceeds eight feet (8') in height as defined in Section 154.12.

(b) Side yard. It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence in any side yard or along any side yard lot line which fence exceeds eight feet (8') in height as defined in Section 154.12.

(c) Decorative gate embellishments are allowed. They shall not exceed the height of the fence by more than two feet (2').

(2) Construction in front yards

(a) Requirements. All fences constructed in the front yard of a residential property shall:

(1) Be no taller in height than thirty-six inches (36”).

(2) Not have an opacity level exceeding fifty percent (50%) as demonstrated in Figure 5.

(3) Not violate the visibility triangle as defined the Carrollton Code of Ordinances.

(4) Not allow vertical support posts and gates to extend more than four inches (4") above the top of the fence intersection.

(b) Key lots. There are special restrictions for fences on key lots.

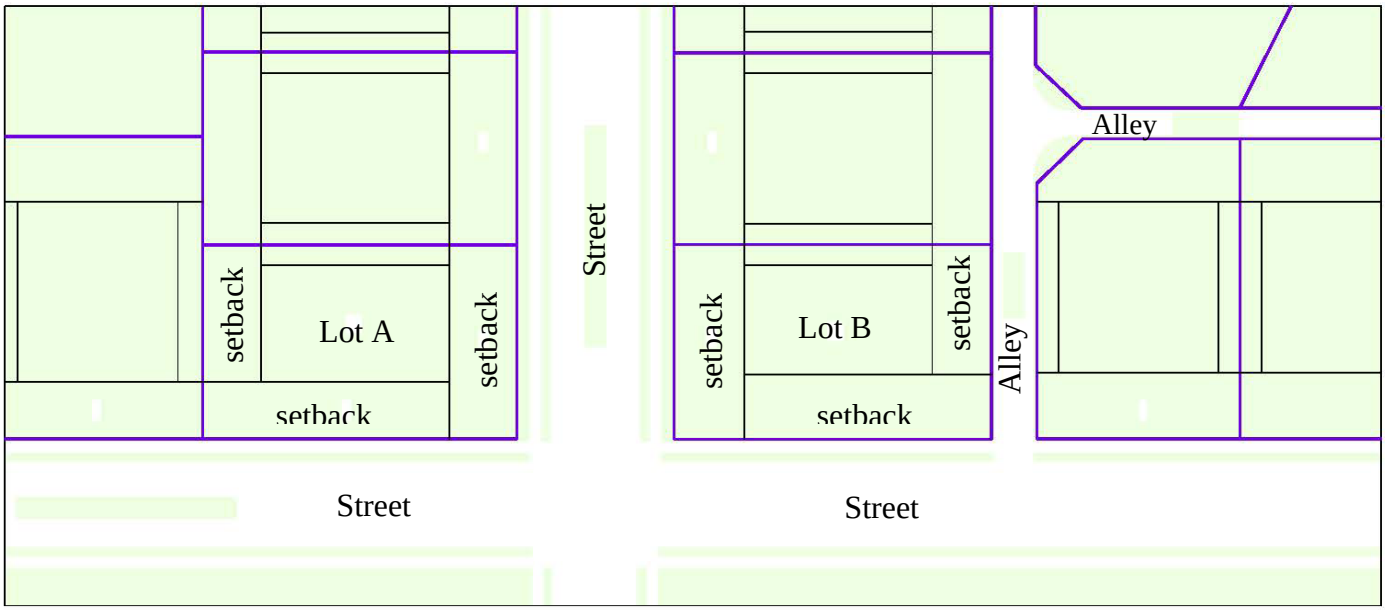
(1) Refer to Figure 1 for an explanation of a key lot.

(2) A fence that is less than 50% opaque and constructed of tubular steel or wrought iron and not exceeding eight (8) feet in height may be located up to five (5) feet from the property line of the side of the house on a key lot.

(3) A fence that is more than 50% opaque, not exceeding eight (8) feet in height, may be located at the setback line (front yard setback shall be used for key lots) as defined by the Comprehensive Zoning Ordinance as it is currently written or may be amended. It is the property owner’s responsibility to ensure proper setbacks are maintained.

(4) Figure 2 illustrates the difference between property lines and setback lines for determining fence locations for key lots.

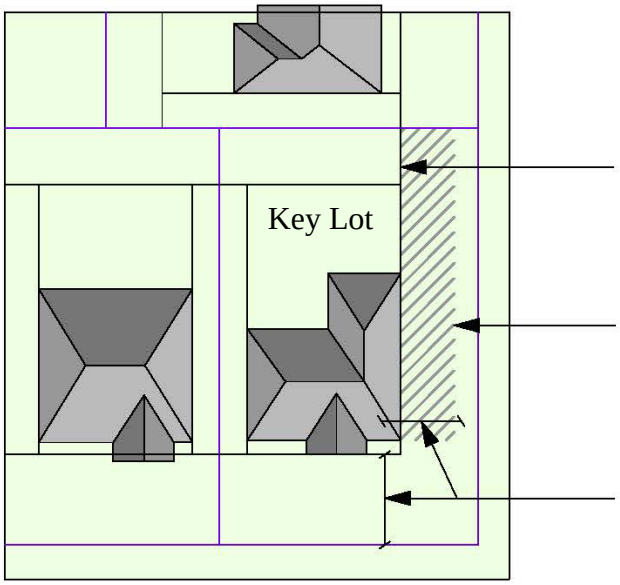
Figure 1. Determining if a lot is a key lot



Lot A: Key Lot; front yard setback required on both street frontages.

Lot B: Key Lot with alley separation; front yard setback required on both street frontages.

Figure 2. Locating fences on key lots



Maximum 8-foot fence shall converge at 45-degrees to the front setback line of the adjoining lot.

Maximum 8-foot-high opaque fence minimum of 15 feet behind curb, but inside yard (outside right-of-way).

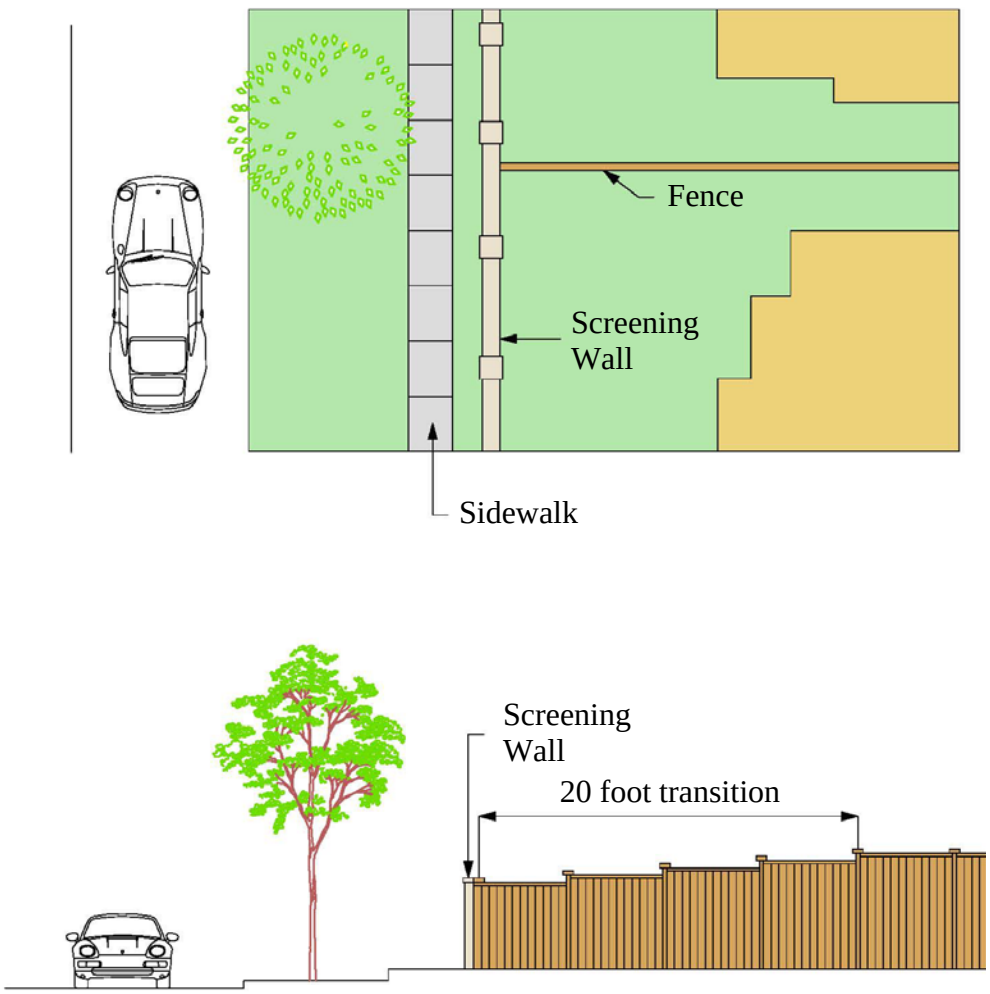
Maximum 3-foot solid fence allowed between property line and front setback line.

(3) Intersection with Screening Walls

(a) Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty feet (20') as depicted in Figure 3.

(b) The DCO may allow less than the twenty feet (20') transition only where unusual terrain and/or lot orientation do not allow for an orderly transition or full compliance with this requirement. Visual depictions of construction demonstrating compliance as near as physically possible to the requirements of this code shall be required to be submitted for review and approval prior to issuance of a permit.

Figure 3. Intersecting with Screening Walls



Section 154.11 Multi-Family and Nonresidential Zoning District Regulations

(a) Fences constructed in multi-family residential and nonresidential zoning districts must meet requirements found in the Comprehensive Zoning Ordinance.

(b) Height restrictions. A fence in a nonresidential zoning district may not exceed eight feet (8') in height and meet the requirements of the Zoning Ordinance as it currently exists or may be amended.

(c) Fences in Industrial zoned districts may also contain the following material, except where adjacent to arterial thoroughfares or highways:

(1) Fence arms

(2) Barbed wire as accessory to other fencing material

(3) Razor wire with special applications

(4) Chain-link

(d) Fences on parcels upon which livestock are kept may contain barbed wire or other similar materials.

Section 154.12 Determining Fence Height and Opacity

(a) Measurement. Fence height is measured to the top of the body of the fence, from the finished grade of the ground. Fence posts including decorative finials or similar elements are permitted to extend a maximum of four inches (4") above the body of the fence. Columns including decorative finials or similar elements are permitted to extend a maximum of twelve inches (12") above the body of the fence.

(b) Elevations. In the event that the fence height has been elevated through the use of a retaining wall, the fence height is measured from the ground level at the highest point as shown in Figure 4. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.

(c) Slopes. In the event that fences are placed at a point where the adjacent grade is higher than the foundation of the main structure, fence height will be measured at the grade adjacent to the fence. In the event that fences are placed at a point where the adjacent grade is below the foundation of the main structure, fence height will be measured from the finished floor elevation of the main structure.

(d) Opacity. Is the degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports and is demonstrated in Figure 5.

Figure 4. Determining fence height

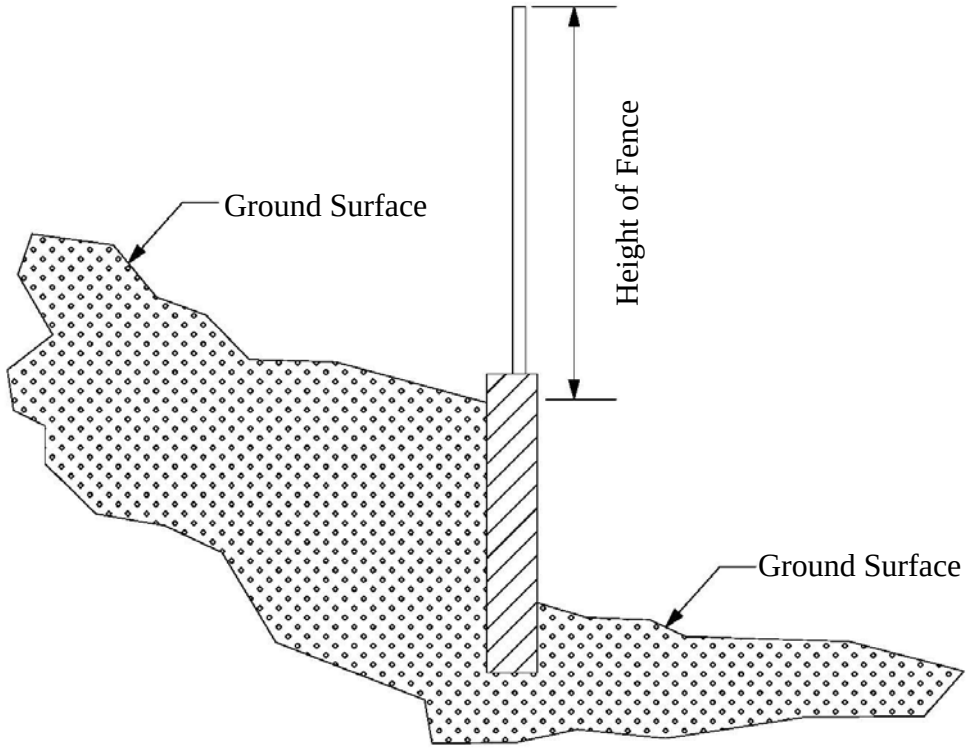
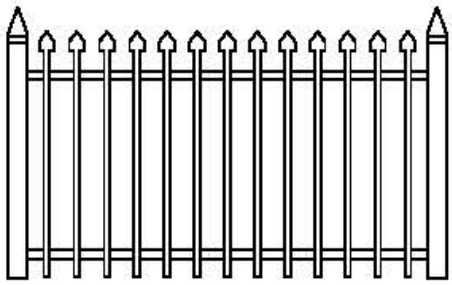
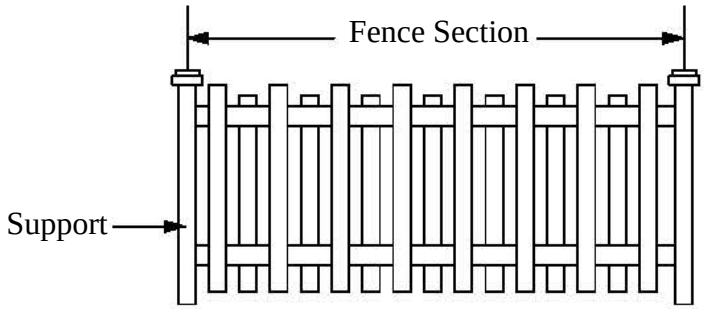


Figure 5. Opacity of fences



Less than 50% opaque.



More than 50% opaque.

Section 154.13 Fence construction

(a) No person shall construct a fence that is not able to structurally support fencing materials as required in the building code as currently adopted and amended.

(b) Gates or other openings in the fence should be at least three feet (3') in width for egress.

(c) A person building a fence shall comply with the requirements of the building code and all other city ordinances with regard to construction, materials, and workmanship.

(d) No portion of a fence may interfere with or alter any drainage swale between lots.

(e) Chain-link fencing shall be a minimum size of eleven (11) gauge or greater.

(f) A person constructing a fence shall use only approved materials and construction methods that ensure uniform construction throughout. Once the person has established a pattern of materials and construction method he or she shall continue such method throughout the entire length of the section from corner post to corner post.

(g) A person constructing or maintaining a fence or wall enclosure around a swimming pool, hot-tub, or spa shall comply with the minimum requirements of the building code and other applicable laws.

Section 154.14 Wooden Fence Standards

(a) All vertical posts on fences over four (4) feet in height shall be galvanized steel with a minimum two and three-eighths inch (2 3/8”) diameter and a minimum fifteen (15) gauge thickness or cedar posts with a minimum dimension of four (4) inches by four (4) inches, and set in a concrete footing.

(b) Picket fences, split rail fences, ranch style or agricultural fences, or other types of decorative fences approved by this Chapter shall be permitted to use wood posts.

(c) Concrete footings shall be a minimum of eight (8) inches in diameter.

(d) For fences less than seven (7) feet in height, posts shall be spaced at a maximum of eight (8) feet on center, set in a concrete footing of no less than twenty-four inches (24") deep.

(e) For fences that are seven (7) feet or greater in height, posts shall be spaced at a maximum of six (6) feet on center, set in a concrete footing of no less than thirty-six inches (36") deep.

(f) Fence posts attached to or supported by other structures (ex: retaining walls) shall be provided with foundation and anchorage to prevent movement of said structure.

(g) All materials shall be securely fastened (i.e., vertical boards to horizontal stringers, stringers to vertical posts, trim board to top rail, etc.) to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism and other sources of decay.

(h) The bottom of the fence shall be designed to prevent contact of the ground to any wooden portion of the fence. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the fence panels or pickets to provide a minimum of two inches between the bottom of the pickets and the ground. A kick board may be used to cover the gap between the bottom of the pickets and the ground. This kick board may have ground contact if treated and must be approved for ground contact.

(i) All wood material shall be stained, pressure treated or adequately sealed to prevent decay.

Section 154.15 Maintenance and Standards for Fences A fence or fences shall be maintained by the owner and/or occupant in compliance with the requirements of this chapter including but not limited to the following maintenance standards:

It is unlawful for a property owner and/or occupant to maintain, suffer or allow a fence on property they own or occupy that does not comply with the requirements of this chapter. In addition to requirements not included in this section, a fence shall be maintained in compliance with the following standards:

(a) A fence shall not lean more than 15 degrees out of vertical alignment.

(b) The owner and/or occupant shall replace broken, damaged, removed or missing parts of a fence with the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made. No permit is required for repairs as defined in this chapter.

(c) A fence shall be maintained in sound structural condition as a whole or be completely removed, including post(s).

(d) Property owners and/or occupants shall maintain fences, including those existing prior to the adoption of this article, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frame, fastenings and other components free from deterioration, termite infestation, rot, rust damage or loosening, and able to withstand at all times the wind pressure for which they were designed.

(e) Property owners and/or occupants shall regularly paint or stain fence supports, gates, structural members and exterior surfaces that are covered with paint or stain to prevent rusting, peeling or blistering surfaces. The painted or stained fence shall be of comparable color in its entirety.

(f) If the DCO determines the extent of repair on any existing fence (materials in noncompliance) is in excess of fifty percent (50%) of the total fence, then the entire fence must be replaced with materials approved by this chapter. A rolling six-month time period shall be used to determine if over fifty percent (50%) of a fence has been repaired.

(g) A fence shall not have symbols, writings or graffiti on it, except those which are permitted as a sign under the City Code of Ordinances or which pertain to the address of the property.

(h) The construction of a fence or wall on the property line shall not preclude the property owner’s responsibility to maintain and keep the area between the property line to the back of curb or edge of the pavement or center of alley, free and clear of debris and high weeds.

Section 156.16 Work or Improvements by City

(a) If the owner of property does not comply with the provisions of this chapter within ten days of written notice of violation, the city may:

(1) Do the work or make the improvements required; and

(2) Pay for the work done or improvements made and charge the expenses to the owner of the property,

(b) Work may be done or improvements made provided that notice has been given

(1) Personally to the owner in writing; or

(2) By letter addressed to the owner at the owner's post office address; or

(3) If personal service cannot be obtained or the post office address is unknown:

(A) By publication at least twice within a period of ten consecutive days; or

(B) By posting the notice on or near the front door of a building on the property to which the violation relates; or

(C) By posting the notice on a placard attached to a stake driven into the ground of the property to which the violation relates, if the property contains no buildings.

Section 156.17 Assessment of Expenses; Lien.

(a) The city does hereby assess the expenses incurred pursuant to section 156.16 against the real estate on which the work is done or improvements made, and charge the owner of the property for the same.

(b) In the event the owner fails or refuses to pay the expense within 30 days after the first day of the month following the one in which the work was done, the DCO shall obtain a lien against the property by filing with the County Clerk of the appropriate county a statement of expenses so incurred.

(c) The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum beginning 180 days after the date of payment by the city.

(d) When the statement is filed, the city shall have a privileged lien on that property, second only to tax liens and liens for street improvements.

(e) For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expenses or a certified copy thereof, is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

Section 154.18 Right of Entry

Whenever it is necessary to make an inspection to enforce this chapter, or whenever the designated city official (DCO) has reasonable cause to believe that there exists in any structure or upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the DCO may enter such structure or property at all reasonable times to inspect such structure or property; provided, however, that if such structure or property is occupied, the DCO shall first present proper credentials and request entry, and if such entry is refused, shall then have recourse to every remedy provided by law to secure entry.

Section 154.19 Appeals

(a) Any person directly affected by a decision of the DCO or a notice or order issued under this Code shall have the right to appeal to the Property Standards Board provided that a written application for an appeal is filed within 30 days after the date of the decision, notice or order has been served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

(b) Appeals shall be heard by the Property Standards Board.

(c) When a quorum by the Property Standards Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(d) The Property Standards Board may adopt, modify or reverse the decision of the DCO by a concurring vote, provided a quorum exists, of the majority of the board members.

(e) Enforcement of any notice and orders of the DCO issued under this code shall remain until reversed or modified by the Property Standards Board.

Section 154.20 Proof of culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter.

Section 154.21 Penalty

If a person and/or owner is found guilty of violating any provision of this chapter, that person and/or owner shall be punished as set forth in Sec. 10.99.

Section 2.

That the Code of Ordinances, City of Carrollton, Texas, is hereby amended by repealing Title 9, Chapter 92, Sections 92.10, 92.11, 92.12, 92.14 and 92.15 in their entirety.

Section 3

That the Code of Ordinances, City of Carrollton, Texas is hereby amended in part by adding an item to be numbered Section 10.99 General Penalty.(A)(2)(t), which said item reads as follows:

Section 10.99 General Penalty.

(A) The conviction of a violation of a provision of this Code or any ordinance, rule or regulation of the city, is punishable as follows:

(2) Not to exceed $2,000.00 if the provisions violated govern fire safety, zoning, or public health and sanitation provision, as follows:

(t) Chapter 154 (Fence Regulations)

[all subsequent portions of 10.99 (A)(2) to be renumbered accordingly]

Section 4

That Subsection 34.040(C)(1) of the Code of Ordinance, City of Carrollton, Texas, is hereby amended to read as follows:

PROPERTY STANDARDS BOARD

Sec. 34.040. Creation; composition; powers and duties.

(C) *Scope and authority of Board.*

(1)

The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of building, electrical, plumbing and mechanical codes as well as the housing code, the commercial property maintenance code, fence regulations ordinance and visibility ordinance, and shall receive and file applications for electrical licenses and notify applicants of the time and place of electrical examinations and the results thereof. The Board shall also hear and decide appeals or orders, decisions or determination as made by the Fire Marshal relative to the application and interpretation of the Fire Code.

Section 5. Penalty

That any owner, occupant, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code as amended, for each act of violation and for each day or part of a day during which the violation is committed, continued or permitted.

Section 6. Severability

That if any section, sub-section, paragraph, clause, phrase, or provisions of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions hereof, other than the part so decided to be invalid or unconstitutional.

Section 7. Savings

That except as herein amended, the Carrollton Code of Ordinances, as amended, shall remain in full force and effect.

Section 8

That this ordinance shall become effective after its passage and approval by the City Council and its publication.

PASSED AND APPROVED this the _____ day of _____, 2013

CITY OF CARROLLTON, TEXAS

_____
Matthew Marchant, Mayor

ATTEST:

_____
Ashley Mitchell, City Secretary

APPROVED AS TO FORM:

_____
Regina Edwards,
1st Asst. City Attorney

APPROVED AS TO CONTENT:

_____
Brett L. King,
Building Official