ORDINANCE NO. 2022- 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUERO CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE 11 SUPPLEMENTAL STANDARDS, SECTION 11.103 FENCING AND WALLS B.4.b. MATERIALS; MAKING DETAILED FINDINGS RELATED THERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Cuero ("City") has a Buildings and Standards Code that regulates the construction and use of buildings and structures in the City of Cuero; and

WHEREAS, said ordinance is in need of amendment for allow for an updated building regulations; and

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

SECTION ONE. That the City Council of the City of Cuero, Texas does hereby amend **TITLE IX, CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE 11 SUPPLEMENTAL STANDARDS, SECTION 11.103 FENCING AND WALLS (B).(4)(b). MATERIALS ARTICLE 9.02 UNIFIED DEVELOPMENT CODE, PART 4 BUILDINGS AND STANDARDS, ARTICLE 11 SUPPLEMENTAL STANDARDS, DIVISION 11.100, SECTION 11.103(B)(4)(b)**. The amended ordinance shall read as follows:

TITLE IX, CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE 9.02 UNIFIED DEVELOPMENT CODE, PART 4 BUILDINGS AND STANDARDS, ARTICLE 11 SUPPLEMENTAL STANDARDS, DIVISION 11.100 SECTION 11.103(B)(4)(b):

Section 11.103 Fencing and Walls;

B. All Uses;

4. Materials;

(b) Scrap lumber, plywood, tree branches, tree trunks, sheet metal, plastic, fiberglass sheets, barbed wire (unless as excepted by subsection E.3., Materials, below), spikes, nails, other sharp metal points or instruments on tops or sides, welded wire, agricultural fencing, and chicken wire are not permitted.

If requested to vary from this regulation, on an individual basis, the City Manager or his designee can administratively approve each individual case.

SECTION TWO. All ordinances or parts of ordinances not consistent or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION THREE. That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such vividness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION FOUR: The City Secretary of the City is hereby directed to engross and enroll this ordinance in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION FIVE. This ordinance shall take effect and be in full force from and after the date of its passage after the required two (2) readings, as provided by the Home Rule Charter of the City of Cuero, Texas.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE ORDINANCE BE ADOPTED: AYES: ___ NAYES: __ MOTION CARRIED THIS 10th DAY OF JANUARY, 2022.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE ORDINANCE BE ADOPTED: AYES: _____ NAYES: _____ MOTION CARRIED THIS _____ DAY OF _____, 2022.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, THIS _____ DAY OF _____, 2022.

_____

SARA POST MEYER
MAYOR

ATTEST:

_____

JENNIFER ZUFELT
CITY SECRETARY

APPROVED AS TO LEGALITY:

_____

JAMES K. CRAIN, III
CITY ATTORNEY