

**CITY OF TODD MISSION
GRIMES COUNTY, TEXAS**

ORDINANCE NO. 2026-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TODD
MISSION, TEXAS ADOPTING REGULATIONS PERTAINING TO
FENCING WITHIN THE CITY OF TODD MISSION; PROVIDING FOR
A PENALTY; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, the City of Todd Mission, Texas (the “City”) is a Texas general law municipality;
and

WHEREAS, the City Council believes it is in the best interest of public safety and the health,
safety and welfare of the public to adopt regulations on fencing within the City;

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

Section 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of
fact as if expressly set forth herein.

Section 2. The City Council of the City of Todd Mission, Texas, adopts Ordinance No. _____ as
set out in attached Exhibit “A”.

Section 3. Any person, firm, corporation, or organization violating the terms of this ordinance
shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$500.00
per offense. Each day that any violations of, or failure to comply with, this article is committed or
permitted to continue shall constitute a separate and distinct offense under this section. This penalty
shall be in addition to all other remedies available at law or equity.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or
part of this ordinance or the application of the same to any person or circumstance shall for any
reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall
not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any
part or provision hereof other than the part declared to be invalid or unconstitutional; and the City
Council of the City of Todd Mission, Texas, declares that it would have passed each and every part
of the same notwithstanding the omission of any and every part of the same notwithstanding the
omission of any such part thus declared to be invalid or unconstitutional, or whether there be one
or more parts.

Section 5. This Ordinance shall be in full force and effect from and after its date of passage, in
accordance with law.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2026.

CITY OF TODD MISSION

Stephen Mensing, Mayor

Attest:

Julie Lunsford, City Secretary

Exhibit List

A – Fencing Ordinance

EXHIBIT "A"
FENCING

A. Purpose and Intent.

The purpose of these regulations is to ensure safe fencing within the City to protect and secure the public health, safety, and welfare of the public of the City.

B. Definitions.

The following terms and phrases shall have the following meanings when used in this ordinance:

Fence shall mean a structure serving as a barrier, boundary, or enclosure, made of approved materials.

Screening Fence shall mean a Fence of solid or nearly solid materials that serves to block a view.

C. Materials and Constructions Standards

- (1) The following materials are permitted as construction materials for Fencing: wood, wrought iron, masonry, stone, vinyl, chain link, composite, and metal pipe and tubing.
- (2) The following materials are not permitted for Fencing: plywood, scrap metal, scrap wood, pallet wood, corrugated metals, or any materials typically used for roofing or siding of a permanent structure.
- (3) Barbed wire or fencing charge with electricity is prohibited except for agricultural use in order to contain agricultural animals.

D. Construction Standards

- (1) Finished side must face outward toward adjoining properties or public right-of-way.
- (2) Fencing must be plumb, structurally sound, and regularly maintained.
- (3) Chain link fences must have knuckle salvage tops with no exposed sharp edges.

E. Emergency Portals required

- (1) The primary purpose of this subsection is to provide access to all sides of each building located in the City so that firefighters and emergency personnel can enter the building, place ladders, fight fires, or otherwise conduct emergency operations as necessary. If such access is blocked due to fences or walls, there must be at least one emergency portal.
- (2) An emergency portal may be either: (i) a gate or door with a key box complying with the International Fire Code, or (ii) a breachable fence segment or gate. A segment or gate is considered breachable if it is primarily made of wood or wood substitute or wrought iron.

F. Location Restrictions

- (1) Fencing shall not encroach on public land, easements or rights-of-way without express approval from the City.

- (2) Any boundary fence shall be constructed immediately along the property line or as close as practicable to the property line. Common fences may be constructed along the property line as agreed to by adjacent property owners. The City shall not enforce or mediate any civil disputes arising from property line fencing.

G. Maintenance Required; City right to Enforce

- (1) Any person owning or controlling a fence shall maintain it in good repair so as not to endanger any person or property.
- (2) Shall the City identify any fencing needing maintenance, requiring removal or repair, or deemed unsafe, notice shall be provided to the owner.
- (3) Owner shall be provided at least thirty (30) days to bring the fence back into conformity with this code.
- (4) Failure to comply with notice of violation may result in removal by the City at the owner's expense and a lien against owner's property.

H. Permit Required

- (1) For fences over eight (8) feet in height and fences with masonry columns must receive a permit from the City that includes an inspection.
- (2) No fence under eight (8) feet and containing approved materials needs be permitted.
- (3) Permit must include:
 - i. A site plan;
 - ii. Material description; and
 - iii. Structural Design.

I. Penalty

- (1) Violations of this ordinance shall be considered a misdemeanor subject to fine in an amount not to exceed \$500.00 per offense. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section.
- (2) Violations of notice for those fences needing maintenance, requiring removal or repair, or deemed unsafe shall be, in addition to a fine as stated above, subject to City abatement and lien.
- (3) Any existing fence constructed prior to this ordinance shall be considered prior, non-conforming. Any additions, modifications, or alterations to a prior, non-conforming fence shall trigger the requirement to come into conformity with this Code.