

BUILDING AND STANDARDS MEETING
Monday, January 4, 2010

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Building and Standards Commission of Bedford, Texas, met at Bedford City Hall, 2000 Forest Ridge Drive, Bedford, Texas, Monday, January 4, 2010 at 6:30 p.m. for a planning work session, followed by the meeting at 7:00 p.m.

MEMBERS PRESENT

Randy Youngs (Chairman)
Wilma E. Clemmons
Ron Owens (Vice Chair)

STAFF PRESENT

Russell Hines, Building Official
Tommy Peterson, Code & Inspections Manager
Charlotte Nadin, Development Department Secretary

(The following items were considered in accordance with the official agenda posted on the 30th day of December, 2009.)

CALL TO ORDER

Chairman Randy Youngs called the meeting to order at 7:33 p.m. There was no public audience in attendance. The first item of business was the election of officers. Ron Owens made the motion to maintain the current officers, Randy Youngs as Chair and Ron Owens as Co-Chair, until the next meeting when additional commissioners would be present. Ms. Clemmons seconded. The vote was unanimous. Chairman Youngs declared the motion approved.

APPROVAL OF MINUTES

The second item of business was the minutes from the Building and Standards Commission meeting on November 18, 2008. After a review of the minutes, Chairman Youngs asked if there was a motion regarding the minutes. Ron Owens made the motion to approve the minutes as written. Ms. Clemmons seconded. The vote was unanimous. Chairman Youngs declared the motion approved.

OLD BUSINESS

There being no old business, new business was addressed.

NEW BUSINESS

Chairman Youngs addressed the only item of new business:

The only item of business tonight is for the City staff to discuss the proposed Fence Ordinance. Russell Hines, Chief Building Official, stepped forward with the introduction of the Fence Ordinance.

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Russell explained that the City didn't currently have an ordinance specifically for fences that regulated the construction or maintenance of a fence within the city. He stated that there were various ordinances that addressed fences as a structure. Whether it is substandard and should be replaced, it is required in the administrative section of our current 2000 International Building Codes that a fence is to be issued a permit. The staff will be introducing this ordinance, with the grace of the council, to be adopted into Chapter 22 which is regulated under "Buildings and Building Regulations." Under that there are administrative provisions in Chapter 22 that require all ordinances be regulated by permitting. The fences that will be installed and maintained will fall under the requirement to be permitted.

Russell mentioned that the ordinance contained definitions, maintenance, height, construction requirements, and such items as garbage and refuse containers and construction sites, as well, which require fences. He mentioned that he and the commission had reviewed the proposed Fence Ordinance in the work session and suggestions had been made at that time. He then began a summary review of the proposed fence ordinance and definitions with the commission. He started by going over the definitions and stated he would highlight those things discussed in the work session and would consider suggested changes as he moved forward.

He reviewed the definitions of Fence, Decorative Fence, Height, Masonry, Permanent, Temporary, Yard with the commissioners commenting on possible word clarification. Commissioners Youngs and Owens asked if illustrations would be included and Russell stated that there would be diagrams and illustrations made available to contractors and the general public.

Russell reviewed Section 22-554. Height and Construction Requirements. We've addressed the maximum and minimum heights, setbacks required, transparency issues, etc. which will fall into the category of interpretations. Site triangles, identified distance necessary not to obstruct vision, all coinciding with the current Zoning ordinance. There was no conflicting wording between the two ordinances. He brought to their attention that the fences adjacent to the right of way had to be placed with the smooth side facing out with vertical support posts required to be on the inside, so as not seen from public right-of-way or where it is not standing out so much. There were steel posts now, no wooden posts would be allowed.

He pointed out that under the ordinance 7.1 through 7.5 gives direction on minimum requirements of a wooden fence. Section 7.2 looks at the size of stringers and manner to secure fences. It has provisions that any wooden fence must be treated to make it weather resistant to prolong the life and integrity of fence. Incompatible districts, stand alone fences, and masonry fence sections, already exist in our Zoning Ordinance. Russell felt there also needed to be a section addressing this in the new fence ordinance and how fences adjacent to residential areas were reviewed. He noted that engineered drawings with a stamp sealed design, had to be submitted and approved for masonry fences before a permit would be allowed. The section on Opaque fences screening auto storage is also in our Zoning Ordinance and we've carried it over into the fence ordinance to give it a better place to reside. Fences to screen mechanical units, generators, air conditioning and ventilation units on the roof from public view, were also reviewed.

Russell read the section on maintenance and structural integrity summarizing conditions for fence replacement, such as if a fence is 15 degrees off of vertical alignment, if fifteen percent of the pickets are damaged, rotted, missing or beyond repair, or in this damaged condition it surrounds a swimming pool. The damaged area must be removed and repaired or replaced with comparable materials. Fences are not allowed in right-of-way areas. There would be no checkered, incomplete fence line. A permit is required if fifty percent or more of the length of the existing fence needs to be replaced. No permit

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would be required to replace a gate or one fence panel. Repair or replacement of an existing fence must meet all requirements of this chapter.

There is also a section looking at the smooth side of the fence facing the right-of-way, if a resident chose to put one side of the fence up facing the other way, they could do that. We would hope they would care about the aesthetics of our community as much as we do. It will take time for portions of the fence to be replaced and may take years to meet the current ordinance. Fences constructed prior to the adoption date of the Fence ordinance shall comply with this section entitled "Maintenance". Under a section titled "Construction Prohibited", fences shall not be allowed in a public easement. Construction of a fence near a creek or water runoff area shall not be allowed without prior written consent of the City Engineer.

Russell mentioned that if a fence is electrically charged above ground it is not allowed by ordinance. Barrier (Dog barriers) radio transmitted wires are allowed if buried. Spikes, nails, barbed wire, and other sharp objects are not allowed unless approved by "specific use" or other administrative manner such as the Zoning Ordinance. Fences must be repaired with comparable materials. Existing barbed wire can only be repaired with existing like materials. A fence cannot restrict access or visibility to fire hydrants, wells, or utility meters. Fences shall not have murals, graffiti, or advertising.

Wilma Clemmons had a question about political signs on fences. Russell stated that the city doesn't regulate political signs in any form or fashion. We are not allowed to.

There is a list of fence materials included. The materials have to be approved by the building official as part of the permitting process and must meet the intent of the code. Fence materials should prevent (be impervious to) rust, corrosion, or rotting of fence. Masonry materials are also listed.

Regulations of temporary fencing were address next. A question was raised about use of a temporary fence not less than 4 feet in height around a swimming pool enclosure during construction. A temporary fence could not be used as a permanent fence around a swimming pool enclosure. The International 2000 Building Code and International Residential Building code requirements for swimming pools address this item. The public swimming pools fall under state laws and he cited the chapters covering the state's regulation. He also mentioned that the pools are regularly monitored by the Tarrant County Health Department.

Russell asked if the commission had any questions for him.

Ron Owens asked about the enforcement of this ordinance.

Russell stated that the code and inspections department would enforce the ordinance. The code inspectors were 74% proactive code enforcement this past calendar year of 3,000 complaints in which 2,882 of those were handled by code, 980 were called in as complaints by the citizens. The public would be made aware of the new ordinance through the web site, advertising in water billing and through the Homeowners Association. They would approach it by educating the citizens to the new ordinance and giving them a reasonable time to comply. Considering the economy the code officers consider where they are financially and give them a reasonable time frame to make repairs. If it is a safety issue requiring a barrier around a pool, then we would take a different approach on that. They are given a time frame and if they can't meet it, then they talk to us about it. It is rare that the code officers have to issue a citation.

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Commissioner Youngs asked if the businesses would be made aware of this ordinance and its requirements. Russell pointed out that some of the screening requirements were not new and had been in place for some time. As an example, Russell stated that an auto storage facility would have to go through an SUP to meet the requirements.

The Chairman stated he felt the code officers were doing an excellent job and trusted them to make clarifications and keep open communications with the public to keep the fences repaired.

There was no public present. No citizens to speak for or against. The Chairman asked if there were any additional questions for Russell from the commission. Ron Owens asked if a citizen was belligerent and did not want to comply, what the procedure would be. Russell stated that the code officers explain why the regulations are there and that the fine part doesn't come in until far down the road. It is rare that citations are issued because someone flat out refuses to do it. It happens, but it is rare.

Ms. Clemmons questioned fences that back up to Harwood and the right-of-way. If a fence needed to be repaired and the homeowner wouldn't repair it, could the city replace the fence and put a lien against the property? Russell replied that the City Attorney has advised against that. If someone can't afford to get it fixed, we've waited as long as six months for someone to follow through. We don't like to do that, but we understand.

The Chairman called for additional questions.

Russell stated that the staff wanted the commission to review the ordinance and make suggestions that we could then give to the council with a recommendation to adopt the new fence ordinance with your suggested alterations to some definitions.

Randy asked that Russell get back to the commission with the ordinance and the changes made before it was presented to the council so they would have a chance to review it prior to its presentation to the council.

Randy Youngs called for any public comment. With no citizens in attendance the Chairman stated it would be up to comments made by the commission.

The Chairman called for any questions. There being none, a motion was called for by the Chairman.

MOTION:

Ron Owens made the motion to accept the fence ordinance with the changes discussed, added or corrected as needed, and take it to the City Council for approval as we have amended it.

Wilma Clemmons seconded the motion.

For clarification the Chairman repeated the wording as stated by Ron Owens.

Ayes: Commissioners, Youngs, Owens, Clemmons.

Nays: None

Abstentions: None

Chairman Youngs declared the motion approved.

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ADJOURNMENT

Chairman Youngs asked if there was other business to be brought before the board. There was no further business, therefore the chairman called for a motion to adjourn.

Ron Owens made the motion. Wilma Clemmons seconded. The vote was unanimous.

The Chairman adjourned the meeting at 8:30 p.m.

Chairman Randy Youngs

Date