

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2023-13**

**AN ORDINANCE AMENDING SECTION 26-38  
“CONSTRUCTION OF FENCES”, CHAPTER 26 “BUILDING  
AND BUILDING REGULATIONS”, OF THE CODE OF  
ORDINANCES, CITY OF KERRVILLE, TEXAS; BY  
CLARIFYING WHAT “SUBSTANTIAL REPAIRS” MEANS;  
PROVIDING FOR AN EFFECTIVE DATE; AND  
PROVIDING OTHER MATTERS RELATED TO THE  
SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City staff recommends that City Council adopt this Ordinance which will amend Section 26-38 of the City's Code of Ordinances (“Section 26-38”); and

**WHEREAS**, said amendment will clarify what the term “substantial repairs” means, which is used in Section 26-38 as a standard for when repairs to a fence requires a permit from the City; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the amendment provided for herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-38 with new language indicated by blue, underline (added) as follows:

**“Sec. 26-38. – Construction of fences.**

It shall be unlawful for any person, firm, or corporation to erect, construct, or to place or to have erected, constructed, or placed or to make substantial repairs, suffer, or permit a fence or any part of a fence of permanent construction without first obtaining a fence permit from building official. Such permit is subject to the submission of an application and the payment of a fee and any fence constructed without first being issued the required building permit will be subject to an additional fee. For purposes of this section, “substantial repairs” is defined as where 50% or more of the entire fence located on a property is being repaired or replaced. An owner shall not make repairs in smaller sections to avoid the 50% replacement threshold. “Fence” is defined as any wall, berm, or structure more than two and one-half feet in height erected, constructed, placed, or maintained

for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property."

**SECTION TWO.** The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

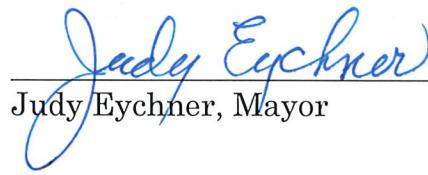
**SECTION THREE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**SECTION FOUR.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION FIVE.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the 11 day of April, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 25 day of April, A.D., 2023.



Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon

Shelley McElhannon, City Secretary