

## Memorandum

TO: Planning and Zoning Commission  
FROM: Bradley Dushkin  
Senior Planner  
RE: Proposed text amendments to the Code of Ordinances regarding fence maintenance and dumpster screening requirements  
DATE: June 1, 2016

The Code Enforcement division within Planning and Development Services has received many complaints from homeowners concerning residential fences that have fallen into disrepair. Currently the Code of Ordinances is silent on the matter of residential fence maintenance, which leaves no recourse for the city to take on the subject. In response, staff reviewed the fence maintenance ordinances from many peer cities and has proposed the attached ordinance for Round Rock. It addresses which fences are subject to the regulations, what constitutes a violation, and enforcement.

In summary, the ordinance will only apply to fences which are visible from the street and/or certain public facilities like schools and parks. The ordinance will not apply to those fences that are in a shared side or rear yard and only back up to another residential lot. It addresses leaning fences, painted fences, rotted fences, and fences with missing parts. Finally, it establishes a 30 day timeframe for a homeowner to fix a fence in violation.

This ordinance will give Code Enforcement officers the legal footing they need to require a homeowner to repair a dilapidated fence that is negatively affecting neighborhood quality.

Staff has been in touch with residents regarding the proposed amendment. Joe Brehm, the city's Community Engagement Administrator, sent a notice to neighborhood leaders informing them of the ordinance and public hearing. Comments staff has received from the public in response are included in the packet. Some comments also discuss a proposed amendment regarding trash containers, but that ordinance is not subject to P&Z review; it will be heard by City Council on June 23.

Additionally, staff is proposing an amendment to clarify the requirements for dumpster screening. Currently the Code gives the developer a choice between a masonry wall around three sides with an opaque gate, or the planting of shrubs. This was not the intent of the ordinance when it was written in 2012; the intent is to provide both of those features around each dumpster pad. This amendment will bring the Code in line with the original intent of the regulation.

## **ORDINANCE NO. O-2016-**

AN ORDINANCE AMENDING CHAPTER 46, SECTIONS 46-134, 46-135, SECTION 46-136, SECTION 46-137 AND SECTION 46-138, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING FENCE REQUIREMENTS AND MAINTENANCE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,  
S:

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That Chapter 46, Section 46-134(c), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-134. – SF-R (Single-family-rural lot) district.**

(c) *Density and development standards.* All development within the SF-R (Single-family-rural) district shall conform to the density and development standards described in this subsection.

#### **(7) Fence Requirements and Maintenance:**

a. These regulations shall apply only to fences that:

- 1) face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
- 2) are adjacent to a public drainage facility and are visible from a public street.

b. Fences are not required in the SF-R district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

- 1) A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.
- 2) A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more.
- 3) A fence shall not have any missing posts, panels, or pickets.

1           4)    Painted fence components shall be regularly maintained to prevent rusting,  
2            peeling, or blistering surfaces.

3  
4           5)    If the city determines a fence is unsafe, dilapidated or a public nuisance, or  
5            otherwise in violation of this chapter, it shall be repaired, replaced or demolished within 30  
6            days upon first notification of non-compliance. Repairs shall be made with materials  
7            comparable in composition, color, size, shape and quality to the original fence. Products  
8            not intended to be used as fencing are prohibited from being used in the repair of a fence.

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10           II.

11           That Chapter 46, Section 46-135(c), Code of Ordinances (2010 Edition), City of  
12           Round Rock, Texas, is hereby amended to read as follows:

13           **Sec. 46-135. – SF-1 (Single-family-large lot) district.**

14           (c)    *Density and development standards.* All development within the SF-1 (Single-family-large lot)  
15           district shall conform to the density, development and special standards described below.

16  
17           (7)    *Fence Requirements and Maintenance.*

18           a.    These regulations shall apply only to fences that:

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20           1)    face a public street, a public park, a public recreation facility, a school, a library, or  
21            a government office; or

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23           2)    are adjacent to a public drainage facility and are visible from a public street.

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25           b.    Fences are not required in the SF-1 district. However, the owners of fences subject to this  
26           section shall maintain fences in a safe condition and in good repair, with all components free  
27           from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to  
28           withstand the wind load for which they were designed. In addition, the following regulations  
29           shall apply:

30  
31           1)    A fence shall not be out of vertical alignment more than one (1) foot from the  
32           vertical measured at the top of the fence, with the exception of fencing measuring four (4)  
33           feet or less in height, which vertical alignment shall not be more than six (6) inches from  
34           the vertical measured at the top of the fence.

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36           2)    A fence shall not have any broken, loose, damaged or rotted components having  
37           a combined total area of twenty (20) square feet or more.

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39           3)    A fence shall not have any missing posts, panels, or pickets.

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41           4)    Painted fence components shall be regularly maintained to prevent rusting,  
42           peeling, or blistering surfaces.

43  
44           5)    If the city determines a fence is unsafe, dilapidated or a public nuisance, or  
45           otherwise in violation of this chapter, it shall be repaired, replaced or demolished within  
46           fifteen (15) days of notification of non-compliance. Repairs shall be made with materials  
47           comparable in composition, color, size, shape and quality to the original fence. Products  
48           not intended to be used as fencing are prohibited from being used in the repair of a fence.

III.

That Chapter 46, Section 46-136(c), Code of Ordinances (2010 Edition), City of

4 Round Rock, Texas, is hereby amended to read as follows:

5 Sec. 46-136. – SF-2 (Single-family-standard lot) district.

7 (c) *Density and development standards.* All development within the SF-2 (Single-family-standard lot)  
8 district shall conform to the density, development, and special standards described below.

**(14) Fence Requirements and Maintenance.**

a. These regulations shall apply only to fences that:

- 1) face a public street, a public park, a public recreation facility, a school, a library, or a government office; or
- 2) are adjacent to a public drainage facility and are visible from a public street.

b. Fences are not required in the SF-2 district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

1) A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.

2) A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more.

3) A fence shall not have any missing posts, panels, or pickets.

4) Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.

5) If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within fifteen (15) days of notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

IV.

That Chapter 46, Section 46-137(c), Code of Ordinances (2010 Edition), City of

46 Round Rock, Texas, is hereby amended to read as follows:

1      **Sec. 46-137. – MH (Manufactured Housing) district.**

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3      (d) *Density and development standards.* All development within the MH (Manufactured Housing) district shall conform to the density, development and special standards described in this subsection.

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5      (9) Fence Requirements and Maintenance.

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7      a. These regulations shall apply only to fences that:

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9      1) face a public street, a public park, a public recreation facility, a school, a library, or  
10      a government office; or

11

12      2) are adjacent to a public drainage facility and are visible from a public street.

13

14      b. Fences are not required in the MH district. However, the owners of fences subject to this section shall maintain fences in a safe condition and in good repair, with all components free from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to withstand the wind load for which they were designed. In addition, the following regulations shall apply:

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16      1) A fence shall not be out of vertical alignment more than one (1) foot from the vertical measured at the top of the fence, with the exception of fencing measuring four (4) feet or less in height, which vertical alignment shall not be more than six (6) inches from the vertical measured at the top of the fence.

17

18      2) A fence shall not have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more.

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20      3) A fence shall not have any missing posts, panels, or pickets.

21

22      4) Painted fence components shall be regularly maintained to prevent rusting, peeling, or blistering surfaces.

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24      5) If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within fifteen (15) days of notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

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26      **V.**

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28      That Chapter 46, Section 46-138(c), Code of Ordinances (2010 Edition), City of

29

30      Round Rock, Texas, is hereby amended to read as follows:

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32      **Sec. 46-138. – TF (Two-family) district.**

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34      (c) *Density and development standards.* All development within the TF district shall conform to the density, development and special standards described in this subsection.

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36      (7) Fence Requirements and Maintenance.

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38      a. These regulations shall apply only to fences that:

1           1)    face a public street, a public park, a public recreation facility, a school, a library, or  
2           a government office; or

3           2)    are adjacent to a public drainage facility and are visible from a public street.

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5  
6           b. Fences are not required in the TF district. However, the owners of fences subject to this  
7           section shall maintain fences in a safe condition and in good repair, with all components free  
8           from deterioration, dilapidation, rot, rust, loosening, or leaning. Fences shall be able to  
9           withstand the wind load for which they were designed. In addition, the following regulations  
10           shall apply:

11           1)    A fence shall not be out of vertical alignment more than one (1) foot from the  
12           vertical measured at the top of the fence, with the exception of fencing measuring four (4)  
13           feet or less in height, which vertical alignment shall not be more than six (6) inches from  
14           the vertical measured at the top of the fence.

15  
16           2)    A fence shall not have any broken, loose, damaged or rotted components having  
17           a combined total area of twenty (20) square feet or more.

18  
19           3)    A fence shall not have any missing posts, panels, or pickets.

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21           4)    Painted fence components shall be regularly maintained to prevent rusting,  
22           peeling, or blistering surfaces.

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24           **VII.**

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26           A.    All ordinances, parts of ordinances, or resolutions in conflict herewith are

27           expressly repealed.

28           B.    The invalidity of any section or provision of this ordinance shall not

29           invalidate other sections or provisions thereof.

30           C.    The City Council hereby finds and declares that written notice of the date,

31           hour, place and subject of the meeting at which this Ordinance was adopted was posted

32           and that such meeting was open to the public as required by law at all times during which

33           this Ordinance and the subject matter hereof were discussed, considered and formally

34           acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government

35           Code, as amended.

1           READ and APPROVED on first reading this the \_\_\_\_\_ day of  
2 \_\_\_\_\_, 2016.

3           READ, APPROVED and ADOPTED on second reading this the \_\_\_\_\_ day of  
4 \_\_\_\_\_, 2016.

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8           ALAN MCGRAW, Mayor  
9           City of Round Rock, Texas  
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11          ATTEST:  
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13  
14          SARA L. WHITE, City Clerk  
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## **ORDINANCE NO. O-2016-**

**AN ORDINANCE AMENDING CHAPTER 46, SECTION 46-195, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING LANDSCAPING; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

**TEXAS:**

1.

12 That Chapter 46, Section 46-195(i)(3), Code of Ordinances (2010 Edition), City of  
13 Round Rock, Texas, is hereby amended to read as follows:

**Sec. 46-195. - Landscaping.**

(i) *Screening.*

(3) *Dumpster and trash receptacles.* All dumpsters, trash receptacles, and refuse storage containers shall be located within an enclosure providing screening by means of one or both the following landscape elements.

a. A decorative masonry wall (minimum six feet in height) on three sides and a gate on the fourth side. The gate shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match material used on the principal building located on the same lot.

b. Small shrubs shall be arranged as foundation planting around the perimeter of the pad area except the side where the gate is located. One small shrub shall be planted at each end of and every three linear feet in a three-foot wide landscape area. The landscape requirements of this subsection do not apply when the enclosure is an architectural extension of a principal building.

11.

33           A.     All ordinances, parts of ordinances, or resolutions in conflict herewith are  
34     expressly repealed.

35           B.     The invalidity of any section or provision of this ordinance shall not  
36     invalidate other sections or provisions thereof

C. The City Council hereby finds and declares that written notice of the date, place and subject of the meeting at which this Ordinance was adopted was posted that such meeting was open to the public as required by law at all times during this Ordinance and the subject matter hereof were discussed, considered and fully acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and APPROVED on first reading this the \_\_\_\_\_ day of  
, 2016.

READ, APPROVED and ADOPTED on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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ALAN McGRAW, Mayor  
City of Round Rock, Texas

**ATTEST:**

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SARA L. WHITE, City Clerk

## Bradley Dushkin

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**From:** James Buchanan  
**Sent:** Monday, May 16, 2016 11:09 AM  
**To:** Bradley Dushkin  
**Subject:** Re: Round Rock Fence Maintenance Ordinance

Thank You Bradley! James Buchanan here. In our minds, only two thing needs to be added/changed in wording on fence ordinance revisions. First, please add "CHURCHES OR PLACES OF WORSHIP" to Sec. 46-134. -SF-R ... (7), a.,1) and generalize (7),a.,2) to read " OR are visible from a public street".

There is a Church just around the corner from my home that has its attendants looking at totally dilapidated fences, on two private properties that border the Church parking lot, every time they come there! Just an example. The other item, about visibility, gives the Code more strength. In other words it would basically allow Code Enforcement to request repair, removal, if ANY part of a fence visible from any public roadway. Not just those parts of fencing that face the road. Make sense? I hope so! Please let me know your thoughts, and do you know anything about revised Trash and Recycle Can Policy? Joe Brehm, Rick, and Rex are aware of our concerns about those as well. Let me hear from you again, please Sir, and Thank You,  
You are welcome to email, or call me at  
James C. Buchanan

On Monday, May 16, 2016 10:28 AM, Bradley Dushkin wrote:

Mr. Buchanan:

I would like to inform you that the city's proposed fence maintenance ordinance will be heard by the Planning and Zoning Commission on Wednesday, June 1, 7pm, at City Hall Council Chambers. The ordinance will apply primarily to fences facing the public right-of-way, but also to those facing schools, libraries, parks, and government offices, as well as those that face drainage ways and which are visible from the street.

I have attached a draft copy of the ordinance for your reference. If you think changes should be made, please attend the P&Z meeting and suggest them to the Commissioners.

I've been in touch with Rick and Rex in Code Enforcement and Joe Brehm to keep them in the loop, but I can be your primary point of contact as the ordinance goes through the adoption process.

Please let me know if you have any questions.

Regards,

**Bradley Dushkin**

Senior Planner

City of Round Rock

301 W Bagdad, Suite 210

Round Rock, Texas 78664

512-671-2728

E-TrakIt – check the status of your application or permit

CityView – online GIS portal where you can view zoning, utility, tax info, and more for every property in the City

What's going on downtown? – Keep up with the latest

Please let us know how we're doing – Take our development survey to provide feedback

## Bradley Dushkin

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**From:** James Buchanan  
**Sent:** Thursday, May 19, 2016 2:53 PM  
**To:** Joe Brehm  
**Cc:** Bradley Dushkin  
**Subject:** Re: Ordinances  
**Attachments:** Ord Amend Sec 32-22 and 32-23- Residential and Commerical Refuse (00355099xA08F8).doc; Ord. Amending Chapter 46-134, 135, 136, 137 and 138 re. Fence Requirements and Maintenance (00355142xA08F8).docx

Hello Gentlemen. Jim Buchanan here, attempting to summarize the "changes and additions" that I and my Neighbors would like to see put forth in the upcoming City Council meetings regarding "Residential Fencing" and "Refuse Container" Ordinances and or Codes. Feel free to forward this note wherever you believe that it may have impact, and please print it so that, in the event that my business prevents me from attending Council meetings, our words can be heard through You.

Under Fencing, Sec 46-135 SF 1 and other categories, lines 7,a,1 and 2... regarding dilapidated fencing being "visible from schools", etc. please consider adding "CHURCHES OR PLACES OF WORSHIP" to 7,a,1 and changing the word "AND" to "OR" in line 7,a,2 regarding visibility points for non conforming fences. That way, if a damaged-dilapidated fence is visible FROM THE STREET at all, that issue can be addressed by Code Enforcement, using their best judgement as to what is an actual "problem". Our current Codes are hobbled, as you know, in regard to "jurisdiction". Please broaden the scope of that language a bit if possible.

Under Refuse Containers 32-22 "storage of containers" being kept "within six feet of the residence" is an improvement, but does not encourage storing cans completely "out of sight from the street" which is of course our goal. Realizing that compromise and practicality are key here, we believe that the City should make every effort to encourage citizens to store their cans PREFERABLY behind their gates or fences or in garages, and where that is not possible, at least off to either side of the residence. So, changing "within six feet of the Residence, and NOT ON DRIVEWAYS OR IN FRONT OF GARAGES" might have a positive Property Value and Aesthetic effect.

If the Refuse Container Ordinance changes that are proposed currently, and which are appreciated, are all that we can hope for, then is it not possible to encourage citizens to VOLUNTARILY store their containers not only six feet from their dwelling but as close to "out of sight from the street" as possible? It seems to us the FLYERS in regular mail, and PROMINENT, REPETITIVE mention of this idea in the NEWSFLASH letter that accompanies our Water Bills may have a very positive effect, especially when the positive aspects of compliance are stressed; those being, in a nutshell, increased Property Values, Improved Aesthetics, increased Personal and Civic Pride, and a Safer, Cleaner Community.

\*\*\*IMPROVING OUR CITY IMAGE ENCOURAGES GROWTH!\*\*\*

\*\*\*INCREASED PROPERTY VALUES EQUALS INCREASED TAX INCOME FOR THE CITY!\*\*\*

All too often, across the Nation, cities seem to follow a pattern of Growth, successive Suburban Expansions, followed by Urban Decay. Why should a fine town like Roundrock, with improvements being made to the Core of the City as we speak, allow any of its Residential or Commercial sectors "fail"? We have a fantastic Opportunity to do the Right Thing and to become a Model of Success for others to follow.

James C. Buchanan & Neighbors, Meadow Lake, Roundrock.

On Wednesday, May 18, 2016 3:18 PM, Joe Brehm wrote:

Hello Mr. Buchanan,

Attached are the proposed ordinances dealing with trash cans and fence maintenance. They have been approved by the City Attorney's Office and will be undergoing the Council approval process. The fence one will be going to Planning & Zoning on June 1, then both will be going to Council on June 23 (the trash one doesn't need to go to P&Z since it isn't part of the zoning ordinance). The trash can ordinance language states:

(c) *Collection by city.* The city or its contractor will collect refuse from residential customers once weekly and it shall be the duty of any person owning, occupying, managing, operating, leasing or renting any residential premises to place the refuse containers at the curb on the street prior to 7:00 a.m. on the day established for collection, but no earlier than 5:00 p.m. the day prior to the established collection day. Refuse containers shall be removed no later than 7:00 a.m. on the day after the collection day. Ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber, which cannot conveniently be placed in the refuse containers as described herein, shall be tied or stacked in compact bundles; provided, however, that tree limbs shall be cut into lengths not exceeding three feet and shall not exceed six inches in diameter. Leaves and grass clippings shall be placed in containers or plastic bags.

(c) *Storage of containers.* Refuse containers shall be stored within six (6) feet of the residential structure and entirely out of the public right-of-way when not placed on the curb on the street for collection.

(d) *Recycling containers.* The requirements set forth in Section 32-22 (a), (b), and (c) pertaining to refuse containers shall also apply to recycling containers.

While the language does not state the can has to be kept out of sight it does need to be within six feet of the house and out of the right-of-way. We hope this will create a cleaner look for our neighborhoods. We invite you to attend the City Council meeting on June 23<sup>rd</sup> to speak to the Council if you like. The meeting takes place here at City Hall (221 E. Main St.) at 7pm.

Please feel free to contact myself or Bradley Dushkin from the Planning Department if you have any questions.

Thank you sir,

Joseph Brehm

Community Engagement Administrator

City of Round Rock, Texas

512-341-3148

## Bradley Dushkin

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**From:** James Buchanan  
**Sent:** Thursday, May 19, 2016 3:25 PM  
**To:** Joe Brehm  
**Cc:** Bradley Dushkin  
**Subject:** addendum

Hello once again. Just noticed that I overlooked a "loophole" that exists in the proposed Fencing Ordinance changes. Sections 46-136,137,138.

There is already at least one resident taking advantage of the fact that in all the sections of that Ordinance, "demolition" of fences is an option to repair, replace.

"COMPLETE DEMOLITION, INCLUDING POSTS, HARDWARE, GATES, ETC TO GROUND LEVEL" might be how that should read.

One neighbor of mine left six or seven posts sticking up along a Public Waterway, in View from the Street, AND adjacent to a Church, for the past few years and Code Enforcement says that nothing further can be done!

Please attach this addendum to my other notes, if you would be so kind! Thanks Gentlemen!  
James C. Buchanan

## **Bradley Dushkin**

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**From:** qyn\_gregg  
**Sent:** Sunday, May 22, 2016 2:54 PM  
**To:** Bradley Dushkin  
**Subject:** Proposed Fence Repair Ordinance

I do not have time to attend either meeting concerning the proposed fence repair ordinance, but would like to offer a suggestion. Some people have allowed trees to grow in place of fence pickets. When the tree grows the fence line is broken and fence pickets become lose and break off. Some people would like to remove the trees from their fence line and put in new pickets, but tree removal has become quite expensive. Anyway Round Rock could assist with the tree removal for those property owners who truly cannot afford to remove these trees, who are usually senior citizens, would be helpful.

Thank you for your time.

Sent from my Verizon Wireless 4G LTE Smartphone

**From:** Joe Brehm <[jbrehm@roundrocktexas.gov](mailto:jbrehm@roundrocktexas.gov)>  
**Date:** May 25, 2016 at 9:44:32 AM CDT  
**To:** Brad Wiseman <[bwiseman@roundrocktexas.gov](mailto:bwiseman@roundrocktexas.gov)>  
**Subject:** Proposed Ordinance Comments

Hello Sir,

I've had a few additional comments from neighborhood leaders come in that I wanted to share with you.

*Egger Acres: Joe, just a note to say we are 100% behind the proposed trash can and fence maintenance ordinances. These have been needed in our area for a very long time. No one should have any issues with either ordinance.*

Harlin Magee (Forest Ridge Neighborhood Watch Captain) would like to see the hours for the trash cans loosened up just a little. *"I would prefer that if my neighbors did not get home until late in the evening, that they were allowed to put their refuse containers at the curb much earlier than 5:00 p.m. on the preceding day, even before noon."*

*Rolling Ridge Neighborhood Association: Great info! We are working on getting a group of volunteers together and copying your "clean-up" idea for our neighborhood. However, I did not exactly know how to approach a neighbor that has several sections of fence missing. We've asked them before but got no response. We are willing to do the repairs for free, they just need to purchase a few posts and pickets. Anyway, these proposed changes are great and would tremendously help and encourage neighborhood leaders in trying to keep our neighbors looking decent.*

Thank you sir,

Joseph Brehm  
Community Engagement Administrator  
City of Round Rock, Texas  
512-341-3148

## Bradley Dushkin

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**From:** GRRWNA  
**Sent:** Monday, May 23, 2016 12:31 PM  
**To:** Bradley Dushkin; 'Kerry Fehlis'  
**Cc:** wpeckham; Craig Morgan; whitfield\_gmail; Brad Wiseman  
**Subject:** RE: City of RR Proposed Ordinance on Trash Can Placement

Bradley,

Thanks for the explanation. This will help us look at the concerns the neighbors have. Most do not have a problem with the ordinances as long as we can clean up some issues.

Will talk to you soon.

Mike

On May 23, 2016 12:27:16 PM Bradley Dushkin wrote:

Mike,

The genesis of these ordinances is the numerous complaints received by our Code Enforcement officers from people worried about the state of their neighborhood and the effect it has on their home value, coupled with the fact that most of our peer cities have similar ordinances on the books while we don't. We tried to come up with common-sense regulations that don't go too far but still give our officers the legal clarity they need to do their job. They also represent a middle ground compared with what other cities have enacted.

Ultimately these are a vehicle for our Code Enforcement officers to go after the habitual offenders, such as someone who leaves their trash cart out an extra 3 or 4 days *every week*, or someone whose front fence has been half-destroyed for months or years on end. Code Enforcement will happily work with homeowners to find a resolution before serious legal recourse is undertaken, as they currently do for issues like debris or cars parked in yards. I want to assure you they won't be out in their trucks waiting on the clock to strike a certain time, and then citing people up and down the block. The ordinances will exist to provide legal backup for our officers for the worst-case situations.

Regarding the fence maintenance issue, the ordinance only applies to those fences facing the right-of-way and some public facilities. This essentially means that very few, if any, shared fences between yards will be subject to the regulations. We aren't attempting to regulate the backyard fences, only the front ones, so hopefully this will prevent any wrangling between homeowners.

I'm glad to hear you'll be attending the meetings. We came up with ordinances that could be loosened or tightened by the Planning and Zoning Commission and City Council based on public input. The more input received, the better the ordinances can address the needs and desires of the community.

Regards,

**Bradley Dushkin**

Senior Planner

City of Round Rock

301 W Bagdad, Suite 210

Round Rock, Texas 78664

512-671-2728

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**From:** Mike Freeman  
**Sent:** Monday, May 23, 2016 11:28 AM  
**To:** Bradley Dushkin ; 'Kerry Fehlis'  
**Cc:** wpeckham ; Craig Morgan ; whitfield\_gmail  
**Subject:** RE: City of RR Proposed Ordinance on Trash Can Placement

Bradley,

First off, I am investigating what is driving these 2 ordinances. Obviously the vocal minority has gained a foothold but the majority is about to step into the game. Many in the Greater Round Rock West area oppose these ordinances entirely and almost everyone opposes them as they are currently written including me. Both of these ordinance need some serious work. I will be at the P&Z meeting and have already contacted several city council members and the Mayor.

On the garbage can ordinance the window needs to be opened. Need to allow a minimum of 24 hours prior to collection day as 5 pm on the day before is too restrictive. In my neighborhood Monday is the collection day and many people put their cans out on Sunday morning or even Saturday afternoon as they are out of town on Sunday.

The most work needs to be done on the fence ordinance as we are dealing with several issues here. First we have many people here in our neighborhood that are elderly and many of those are on a fixed income and cannot afford to have repairs done all the time. Another example is Bill and Joe live next door to each other. The fence between them is leaning 1 ½ ft off center. Bill claims the fence belongs to Joe and Joe feels the fence belongs to Bill and both refuse to pay for the repairs. Who gets cited? I can get even further into the weeds at this point but I prefer to wait.

I am going to encourage the P&Z committee and city council to table this for a while until many of these issues can be addressed.

Sincerely,

Mike Freeman

*Mike Freeman*

*President / Communications Director*

**Greater Round Rock West Neighborhood Association**

got neighbors?  
sure you do! [grrwna.org](http://grrwna.org)

**From:** Bradley Dushkin [mailto:[bdushkin@roundrocktexas.gov](mailto:bdushkin@roundrocktexas.gov)]

**Sent:** Monday, May 23, 2016 9:51 AM

**To:** 'Kerry Fehlis'

**Subject:** RE: City of RR Proposed Ordinance on Trash Can Placement

Hi Kerry and Mike,

It will absolutely be acceptable to keep the carts out of view, such as behind a fence or in the garage. That would actually be preferable, but we felt it was too strict have that in the ordinance. Not everyone has a garage, and many residents don't have the mobility to pull it over grass and behind a side fence, so this will allow them to place the carts up by the side of the house or at the top of the driveway. The key is that the carts are out of the right-of-way; the exact storage location is secondary. They may still be in view of the street, though.

I recommend you attend the Planning and Zoning Commission meeting on June 1 and suggest any changes, if necessary, to the Commissioners.

Regards,

**Bradley Dushkin**

Senior Planner

**City of Round Rock**

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**From:** Kerry Fehlis

**Sent:** Sunday, May 22, 2016 4:07 PM

**To:**

**Cc:** Bradley Dushkin <[bdushkin@roundrocktexas.gov](mailto:bdushkin@roundrocktexas.gov)>

**Subject:** City of RR Proposed Ordinance on Trash Can Placement

Hi Mike,

I think the requirement that cans be placed within 6 feet of the home is too strict. It should also be acceptable to place the cans in the backyard, behind a fence. I think the city should also allow petitions for exemptions when tasteful landscaping (plants, trees) are used to hide the cans from view.

Thanks, Kerry

**From:** Mike Freeman

**Sent:** Sunday, May 22, 2016 10:21 AM

**To:**

**Subject:** City of Round Rock Proposed Ordinance Changes

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## CITY of ROUND ROCK PROPOSED ORDINANCES

Dear Neighbors,

The City of Round Rock has been working on some ordinance changes based on feedback they have received from our neighborhood leaders and residents. Specifically, there were two issues the Code Enforcement Division was asked to investigate but lacked the ability to resolve because the City did not have the appropriate language in their ordinances to do so. Those two items were trash cans being left in the street or sidewalk all week long and fence maintenance/repair (fences leaning severely, missing entire sections, being repaired with chicken wire, etc.).

Below are the summaries of the 2 ordinances. Please review them and email your feedback to me at :

Thank You

Mike Freeman  
President  
Greater Round Rock West  
Neighborhood Association

#### Trash Can Placement

A resident may place refuse containers at the curb on the street prior to 7:00 a.m. on the day established for collection, but no earlier than 5:00 p.m. the day prior to the established collection day. Refuse containers shall be removed no later than 7:00 a.m. on the day after the collection day. Also, refuse containers shall be stored within six (6) feet of the residential structure and entirely out of the public right-of-way when not placed on the curb on the street for collection.

#### Fence Maintenance

Establishes vertical alignment measures to address leaning fences (cannot measure more than one foot from vertical); cannot have any broken, loose, damaged or rotted components having a combined total area of twenty (20) square feet or more; not have any missing posts, panels, or pickets; shall be regularly maintained to prevent rusting, peeling, or blistering surfaces; If the city determines a fence is unsafe, dilapidated or a public nuisance, or otherwise in violation of this chapter, it shall be repaired, replaced or demolished within fifteen (15) days of notification of non-compliance. Repairs shall be made with materials comparable in composition, color, size, shape and quality to the original fence. Products not intended to be used as fencing are prohibited from being used in the repair of a fence.

The fence maintenance ordinance will be heard by the Planning & Zoning Commission on June 1, then both ordinances will be considered by the City Council on June 23rd. Please feel free to attend either of these meetings to relay any feedback for the proposed ordinances. If you have any questions about the ordinances please feel free to contact Mr. Bradley Dushkin, the City's Senior Planner at [bdushkin@roundrocktexas.gov](mailto:bdushkin@roundrocktexas.gov) or (512) 671-2728.

The text of both ordinances can be read at the links below.

[CLICK --> Trash Can Ordinance](#)

[CLICK --> Fence Ordinance](#)

Greater Round Rock West Neighborhood Assn., P.O. Box 1928, Round Rock, TX 78680

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Sent by :

## Bradley Dushkin

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**From:** Terri Waggoner  
**Sent:** Monday, May 23, 2016 4:22 PM  
**To:** Bradley Dushkin  
**Subject:** Re: YES Fences and Trashcans

When is the P&Z agenda posted? If its the beginning of the meeting, I could chime in. I can't stay past 7:45. My HOA is ineffective at really enforcing someone to repair fences.

I think the garbage can should be two days later, but I will chime in.

Thank you,

Terri

On Monday, May 23, 2016 3:24 PM, Bradley Dushkin wrote:

Thanks for the input, Terri. We've been receiving a lot of input on these proposed ordinances with people on both sides of it. I recommend you attend the Planning and Zoning Commission (June 1) and City Council (June 23) meetings if you wish to speak on the record to the decision makers. Bring the photo, too, and we can project it onto the TVs while you speak. The fence ordinance will be presented to both bodies, but the trash ordinance will only be presented to Council.

Regards,

**Bradley Dushkin**

Senior Planner

City of Round Rock

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**From:** Terri Waggoner!  
**Sent:** Monday, May 23, 2016 3:14 PM  
**To:** Bradley Dushkin  
**Subject:** YES Fences and Trashcans

I sent this to my HOA on February 28, 2016, again on March 26, 2016 and April 27, 2016.

No response other than them laughing at the picture. I'm even now volunteering on the board but have been unable to get it fixed through Associa.

1709 e Mesa - Their fence repair looks ridiculous and their dog head sticks out still. You should show this at your meeting!!! This is visible from the front of the house.

Thank you for trying to beautify our town. This isn't the city overstepping, it's keeping our neighborhoods from deteriorating.

Thank you.

Full support.

And when my neighbors don't put their trash can away, I drag it in the middle of their driveway so they can't drive in or back out without moving it. That gets it put away 90% of the time.

Terri Waggoner-Toledo