

Title 14 ~~(RESERVED)~~FENCES AND SIGNS

CHAPTER 14.04 FENCES, WALLS, AND HEDGES

14.04.010 Fences, walls, and hedges.

Fences, walls, hedges, screen plantings and similar regulated objects provide privacy and promote security. Tall fences are appropriate in some locations and for some purposes, but inappropriate where they interfere with public safety and neighborliness. Excessive heights between properties inhibit the enjoyment of light and air and, in residential zones, can create the same confining effect as a building directly against the property line.

All fences, walls, and hedges are subject to the following standards:

A. *Materials.* No one may construct fences or walls of or containing material(s) that can do bodily harm, such as barbed wire, broken glass, or any other hazardous or dangerous materials. For barbed wire and electric fence exceptions, see 14.04.030.

B. *Placement.* Fences and walls may be erected directly up to common property lines. An exception to this rule may be required when the placement would prevent the use of adjacent property or right-of-way, or prevent the safe use of a driveway or alley. In such cases, the city may require the fence or wall to be set back a minimum distance from the driveway, right-of-way, alley or property line.

Hedges and screen plantings may be planted in locations where their growth does not encroach on public rights-of-way. Encroachment on private property is commonly a private civil matter; the city will not become involved in such disputes unless it deems there is a significant safety concern.

C. *Height Limitations.* Figure 3-1 illustrates the regulations. See also definitions of "yard" in Chapter XXXXXX

1. Front yard: three feet.

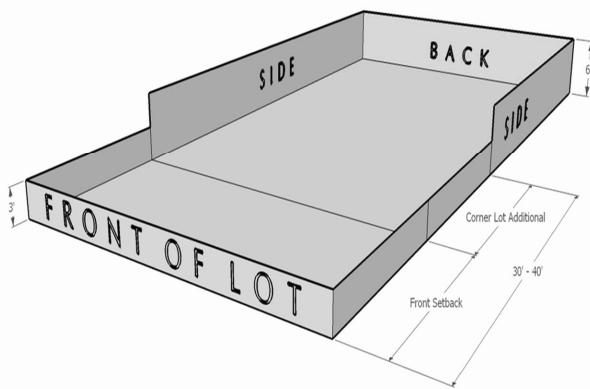
2. Side yard: six feet.

3. Rear yard: six feet.

Commented [CM1]: Borrowed.

4. Corner lot: three feet for a distance of 40 feet along the street-side yard when that street is a collector or arterial; otherwise 30 feet. This is to provide a clear sight triangle of 30 feet by 30 feet or 30 feet by 40 feet at intersections.

Figure 3-1



D. Measuring Height.

1. Generally, height is measured from the adjacent ground upward.
2. When fences are built on top of retaining walls, or one lot is markedly higher than an adjacent lot, height shall be measured from the highest adjacent grade, except that a fence or wall may not be higher than eight feet above the lowest adjacent grade.
3. Below-Grade Lots. On lots that are not generally level with the adjacent street, height may be measured from the top of the adjacent curb, or, where curbs are absent, from the crown of the adjacent street. Exercise of this exception shall be at the discretion of the city.
4. Lots on Collector Streets. Because of heavier traffic volumes and greater speeds, the same exception allowed in the preceding subsection may apply to lots on collector streets. Exercise of this exception shall be at the discretion of the city.

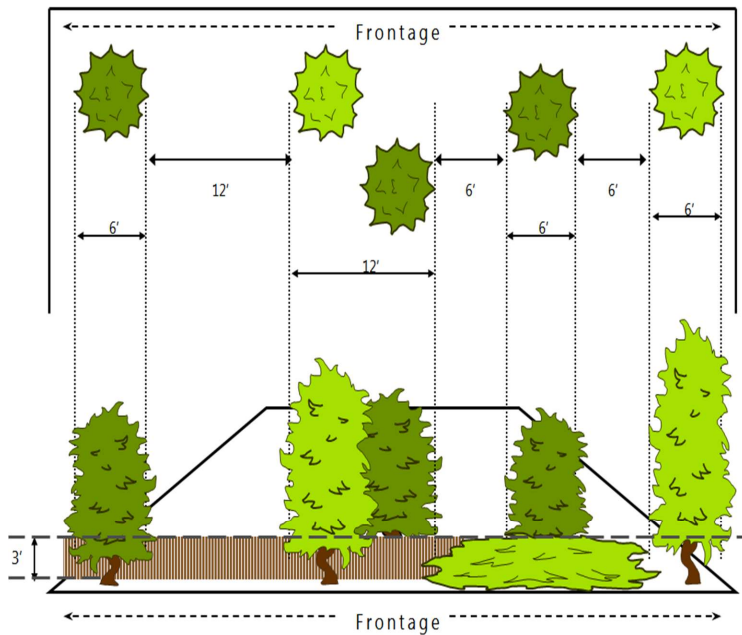
E. Allowances.

1. A hedge or a screen planting is defined as vegetation that has the purpose or effect of obscuring or blocking casual viewing through it and is six feet or more in diameter or width. Nonpyramidal trees are not considered to be such vegetation.

Individual bushes, trees, hedges, and similar vegetation, or groupings of such, that have the effect of substantially inhibiting visibility above the height limitation for the yard in which they are located are permitted if the total blockage of the frontage is 50 percent or less and there are six-foot gaps for every 12 feet of grouping (see Figure 3-2). This allowance does not extend to the sight triangle area in subsection (C)(4) of this section.

Figure 3-2. Illustration of Blockage and Gapping (in Plan view and Perspective view).

Note the fence and low hedges in between that do not exceed the 3' height limit.



Blockage = $6 + 12 + 6 + 6 = 30$ feet
 = 30 feet blockage on a 60-foot-wide lot
 = 50% blockage: **Allowed**; and the 6-in-12 gapping standard is met.

2. Entryway or gate arbors are permitted in front yards provided they are no more than eight feet tall, six feet wide, six feet deep, and are no less than 15 feet from a property corner or driveway, including those on adjacent lots.

3. The city planner may grant a special allowance for fences, walls, hedges, or screen plantings that exceed the height limits or location requirements of this chapter for the circumstances listed below. The process used for granting a special allowance will be

administrative and include consultation with the police department and/or public works department, and notification of adjoining neighbors, whose interests will be considered.

a. Lots with unusual shapes or in unique situations, where it is shown that public safety is not decreased.

b. Fences or walls surrounding tennis courts, swimming pools, schools, or other special facilities, not including residences, where it is shown that the normal use or level of protection requires a greater height for safety or other reasons.

4. Security fences may be constructed up to 10 feet high in commercial and industrial areas, provided they are a see-through, chain-link type and set back a distance equal to their height in front yards and street-facing side yards, plus any necessary accommodations for sight distance on corners.

F. General Safety Provisions.

1. Recognizing that the best intentions and most careful crafting of regulations do not account for all variables, the city can either disallow or require the elimination or mitigation of fences, walls, hedges, screen plantings, and similar that it finds deleterious to public health or safety, or at odds with the purpose of this chapter.

2. Property owners aggrieved by a decision made under this section may appeal the decision to the **planning commission**, which may reverse, uphold or modify staff's decision based on its evaluation of the evidence presented.

Commented [CM2]: Planning Commission or Hearings Officer?

14.04.020 Clear vision at intersections.

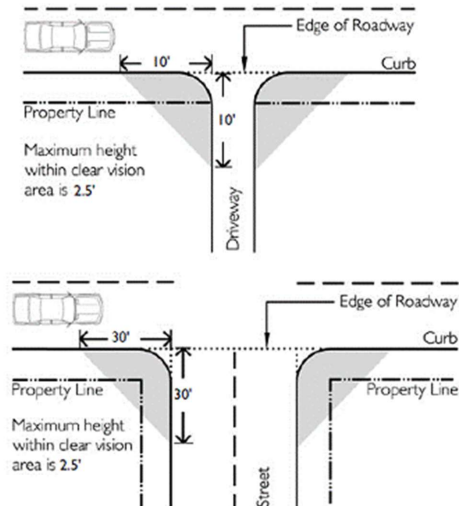
The purpose of this section is to maintain clear vision areas at intersections in order to protect the safety and welfare of the public in their use of city streets.

A. No person shall maintain or allow to exist on property which they own or which is in their possession or control trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of city streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole, except when the height of the obstruction does not exceed two and one-half feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight feet above the grade. Open wire fencing that does not obscure sight is allowed to a maximum height of six feet.

D. The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all corner lots shall be that area within a 30-foot radius from where the lot line and the edge of a street intersect. The clear vision area for all driveways shall be that area within a 10-foot radius from where the driveway and the edge of a street intersect.



E. Modification of this computation may be made by the city engineer after considering the standards set forth in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area.

F. The provisions of this section relate to safety. They shall not be modified by variance and are not subject to appeal.

8.04.030 Barbed Wire and Electric Fences.

A. No person may construct or maintain a barbed-wire fence or allow barbed-wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than six feet high.

B. No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person.

Commented [CM3]: From the BMC Chapter 8. Not consistent with the BDC (below)

3.2.400 - Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements . All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.4 - Conditional Use Permits or Chapter 4.2 - Site Design Review.

1. All private fences constructed in the public right-of-way shall require a zoning approval by the City of Boardman to construct the fence within the right-of-way. This approval will be through a Type I ministerial procedure consistent with 4.1.300.

B. Dimensions.

1. The maximum allowable height of fences and walls is six (6) feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code.

2. The height of fences and walls within a front yard setback shall not exceed four (4) feet, in Residential or Commercial districts (except decorative arbors, gates, etc.) or six (6) feet in Industrial and Light Industrial Districts as measured from the grade closest to the street rightof-way.

3. Landscaping walls to be built for required buffers shall comply with Section 3.2.200.

4. Fences and walls shall comply with the vision clearance standards of Section 3.1.200.

C. Materials . All fences shall be constructed of materials suited to provide fences of standard and acceptable visual characteristics of the surrounding neighborhood.

1. Acceptable materials shall include; chain link fencing, redwood or cedar fencing, composite fencing materials, formed plastic fencing, split rail fencing, painted picket fencing, concrete or plaster filled PVC fencing, decorative wrought iron or metal fencing, masonry block or brick or a combination of decorative masonry block or brick and decorative wrought iron or metal.

2. Unacceptable materials shall include; pallet panels, steel farm fencepost, chicken wire, rabbit wire or other farm related fencing, undecorated plywood, undecorated pressboard, undecorated chipboard, scrap iron, two or three wire barbed wire fencing, electric fencing materials of any type, or materials inconsistent with the acceptable list of materials in 3.2.400 (C)(1).

3. Use of Barbed Wire: the use of barbed wire in fencing materials may be allowed for security purposes within the Industrial and Light Industrial zones and will be subject to Conditional Use approval in all other land use districts within the City. The Conditional Use Permit shall follow the Type III procedure identified in 4.1.500 and be required to submit the information consistent with the provisions in Chapter 4.4.

D. Vision Clearance. All fencing shall meet the requirements of vision clearance at any street intersection in accordance with Figure 3.1.200(N).

E. Maintenance . For safety and for compliance with the purpose of this Chapter, walls and fences shall be maintained in good condition, or otherwise replaced by the owner.

Commented [CM4]: From the BDC. Not consistent with the BMC (just above).

CHAPTER 14.08 SIGNS

Commented [CM5]: Intent is to move BDC provisions to the BMC and update as the current provisions are out of date.

CHAPTER 14.12 GARAGE OR YARD SALE SIGNS

14.12.010 Definitions.

A "garage sale" or "yard sale" means any sale displaying goods for sale, offering to sell used goods, or offering services such as car washes within the city limits by any individual or group of individuals from any private residential, commercial or industrial property.

14.12.020 Compliance.

A. Garage or yard sale signs shall be in compliance with residential sign requirements as set forth in this Title Chapter 14.08, off premises directional signs for such garage sale and similar residential temporary sales, shall have express written owner's permission of property upon which it is located.

B. Garage sale signs shall not be placed on Main Street between North Front Street and South Front Street in the public right-of-way. Signs may be placed in the right-of-way on all other streets within the city boundaries as long as they do not interfere with properly posted signage, vehicle traffic, pedestrian traffic or any other legal usage of the right-of-way.

C. All signs must be removed within two hours of termination of the garage sale.

14.12.030 Owner presumption.

In the enforcement of the ordinance codified in this chapter it shall be a presumption an address or telephone number listed on any garage sale sign shall be that of the individual responsible for posting the sign. In addition, any sign directing the public by right-of-way arrows or other directional signs or phrases to a particular property shall be presumed to have been erected by the owner or occupant of the property.

14.12.040 Penalties.

Any garage sale sign placed in violation of the provisions of the ordinance codified in this chapter shall be immediately removed by the city. As soon thereafter as is reasonable, the city shall notify the owner or the owner's representative the sign has been removed, the reason, and if not claimed within twenty-four (24) hours the sign will be deemed abandoned and subject to disposal by the city.

Commented [CM6]: Current BMC provisions moved from Chapter 8. Need to update and assure consistency with other Sign requirements.

Commented [CM7]: Confirm consistency.