

### Sec. 17.74.40. Fences and retaining walls.

Fence and retaining wall height shall be measured from the finished grade upon which the fence is constructed to the top of the fence or retaining wall.

#### A. ~~Fences~~—Residential/Parks and Open Space zoning districts.

1. Fences on ~~e~~C~~orner~~ ~~l~~L~~ots~~. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a ~~f~~F~~ront~~ ~~y~~Y~~ard~~. The height of a fence or retaining wall in a front yard shall not exceed four feet.
3. Fences—Side and rear yards abutting streets. The height of a fence, retaining wall, or a combination of the two in a side or rear yard abutting a public right-of-way shall not exceed six feet above the grade of the right-of-way.
4. Fences—Side and rear yards abutting other lots. The height of a fence, or retaining wall, ~~or a combination of the two~~ in a side or rear yard abutting other lots shall not exceed eight feet, ~~above the grade of the right-of-way.~~ The combined height of a fence with a retaining wall may exceed eight feet in height in accordance with the following:
  - a. The total combined height of a fence and retaining wall shall not exceed 10 feet with the fence or retaining wall not exceeding a total individual height of eight feet.
  - ~~a.~~b. The total combined height of a fence and retaining wall shall not exceed 12 feet with the fence or retaining wall not exceeding a total individual height of eight feet, provided that the fence is setback a minimum of two horizontal feet from the retaining wall.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the ~~clear~~-vision clearance area. Deciduous trees separated by at least 15 feet may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of six feet outside the ~~clear~~-vision clearance area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

#### B. ~~Fences~~—Commercial/Industrial zoning districts.

1. Fences on ~~e~~C~~orner~~ ~~l~~L~~ots~~. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the ~~clear~~-vision clearance area as specified in Section 17.74.30.
2. Fences in a ~~f~~F~~ront~~ ~~y~~Y~~ard~~ (specific to Ccommercial zoning districts). The height of a fence or retaining wall in a front yard shall not exceed four feet.

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3. Fences in a front yard (~~specific to industrial zoning districts~~). The height of a fence or retaining wall in a front yard shall not exceed six feet. Front yard fencing in the I-2 and I-3 zoning districts shall be placed behind the required landscape buffer that is required in accordance with Section 17.90.130.G.
  4. Fences—Side and ~~R~~rear ~~Y~~yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed eight feet. Fencing in the I-2 and I-3 zoning districts shall be placed behind the required landscape buffer that is required in accordance with Section 17.90.130.G. The combined height of a fence with a retaining wall may exceed eight feet in height in accordance with the following:
    - a. The total combined height of a fence and retaining wall shall not exceed 10 feet with the fence or retaining wall not exceeding a total individual height of eight feet.
    - ~~a.~~b. The total combined height of a fence and retaining wall shall not exceed 12 feet with the fence or retaining wall not exceeding a total individual height of eight feet, provided that the fence is setback a minimum of two horizontal feet from the retaining wall.
  5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the ~~clear~~-vision clearance area. Deciduous trees separated by at least 15 feet may grow to any height.
- C. *Fence Regulations for Recreation Areas associated with Community Service Uses.* Any recreational court may be enclosed by a wire fence not exceeding 12 feet in height provided that no part of the court fence is within 20 feet of any ~~street~~ public right-of-way.
- D. *Fence Regulations for Swimming Pool/Hot Tub Areas.* A swimming pool, hot tub, or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than four feet and not more than eight feet in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing ~~with a height~~ of not less than four feet and not more than eight feet in height. The fence or railing shall not have any openings, holes, or gaps ~~larger than four inches square~~ that allow passage of a 4-inch diameter sphere, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device.
- A dwelling unit and/or an accessory building structure may form part of the enclosure. If a dwelling or structure serves as part of the enclosure and where doors, gates, or windows provide direct access to the pool or hot tub through that wall, an alarm shall be installed that produces an audible warning when the window, door, or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm.
- E. *Fence Regulations for Stormwater Detention Facilities and Human-Made Wetlands.* A stormwater detention facility or human-made wetlands, which is designed for a water depth greater than 18 inches, shall be enclosed with a black vinyl coated chain link fence not less than six feet and not more than eight feet in height.
- F. *Wire Fences.*
1. Barbed wire fencing may be permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface and does not extend over a public right-of-way. The maximum combined height of the fence with barbed wire shall not exceed eight feet.
  2. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits, except that a battery-charged fence as defined in ORS 195.870(1)(b) and which meets the standards of ORS 195.870(2) is permitted on properties which are both not used for residential use and located in the following zones: Industrial Park (I-1), Light Industrial (I-2), and General Industrial (I-3).

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G. Fence and Retaining Wall Design Standards.

1. Front yard fencing shall not have a galvanized metal finish, except for barbless hog wire framed with wood.
2. Fencing shall not consist of polyethylene or plastic mesh, unless permitted through a trade permit, grading permit, or temporary use permit.
3. Retaining walls that exceed two feet in height shall be constructed with an architectural grade finish covering the entire portion of the retaining wall that is visible from the public right-of-way. For purposes of this section, an "architectural grade finish" means that (1) the visible materials consist only of natural or artificial stone, stamped concrete, or broomed concrete, and (2) the color of the visible materials is gray, brown, or tan.
4. Retaining walls and fences shall not have high intensity primary colors, metallic colors, day-glow colors, and highly reflective colors.
5. Retaining walls shall not consist of creosote-treated railroad ties, tires, or refuse.

H. Building Code Requirements. The following are building code requirements for fences and retaining walls:

1. Fences in excess of seven ~~(7)~~ feet in height require a building permit, ~~in accordance with Title 15.~~
- ~~1-2.~~ Retaining walls regardless of height that support a building surcharge or a walking surface or retaining walls exceeding four feet in height but not supporting a building surcharge or a walking surface, requires a building permit and engineered plans.

(Ord. No. 2021-03 , § 6(Exh. F), 5-17-2021)