

ORDINANCE NO. 285

AN ORDINANCE REGULATING THE LOCATION AND HEIGHT OF FENCES AND RETAINING WALLS WITHIN THE CITY OF TROUTDALE AND REPEALING ORDINANCE NUMBER 209.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

SECTION 1 - DEFINITIONS

CORNER LOT: A parcel of land which abutts two or more intersecting streets.

FENCE: A barrier consisting of wood, metal, or masonry arranged in such a way as to obstruct or obscure vision, or to enclose an area.

FINISHED GROUND SURFACE: The ground surface of a yard, which has been surfaced with concrete, rock, or other similar material, or which has been graded in preparation for surfacing or planting.

FRONT YARD: A yard extending across the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

HEIGHT OF A FENCE AND/OR RETAINING WALL: The height of a fence and/or a retaining wall is defined as the total height of its exposed vertical surface. The exposed vertical surface measurement is determined in one of the two following ways:

1. When the fence or retaining wall does not abutt two or more intersecting streets: The exposed vertical surface is determined by measuring from the top of the fence and/or retaining wall to the finished ground surface. This measurement shall be made one foot from the base of the fence and/or retaining wall to the finished ground surface.
2. When the fence or retaining wall does abutt two or more intersecting streets: The exposed vertical surface is determined by measuring from the top of the fence and/or retaining wall to the adjacent sidewalk.

LOT: A plot, parcel, or area of land owned by or under the lawful control of one district ownership.

REAR YARD: A yard extending across the full width of the lot between the most rear building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest part of the building.

RETAINING WALL: A structure composed of wood, metal, masonry, or other material, designed to impede the movement of earth, water or other material.

SIDE YARD: A yard between any building and the side lot line, the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the building.

YARD: An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from thirty inches above the ground upward.

SECTION 2 - CONFORMITY WITH ORDINANCE

Following the effective date of this ordinance, no fence or retaining wall shall be constructed, enlarged, re-located, or structurally altered in the City except when in conformance with the provisions of this ordinance.

SECTION 3 - FENCE REGULATIONS FOR RESIDENTIALLY ZONED PROPERTY

- A. FENCES ON CORNER LOTS: Any fence or retaining wall, constructed upon or adjacent to any property line that abutts two or more intersecting streets, shall not exceed three feet in height from the intersection to a point fifteen feet back from the curb return. However, when a fence is located on or adjacent to a retaining wall the requirements of Section 3 D shall apply.
- B. FENCES ALONG FRONT YARDS: The height of a fence or retaining wall shall not exceed three feet, unless the fence would be located on or adjacent to a retaining wall, in which case, the requirements of Section 3 D shall apply.
- C. FENCES ALONG REAR YARDS: The height of a fence or a retaining wall shall not exceed six feet, unless the fence would be located on or adjacent to a retaining wall, in which case, the requirements of Section 3 D shall apply.
- D. FENCES LOCATED ON OR ADJACENT TO A RETAINING WALL: When a fence is located on or adjacent to a retaining wall, which has an exposed vertical surface greater than three feet, the fence shall not exceed three feet in height.

SECTION 4 - FENCE REGULATIONS FOR RECREATIONAL AREAS

- A. Any recreational court may be enclosed by a wire fence not exceeding twelve feet in height provided that no part of the court fence is within twenty feet of any street.

SECTION 5 - SWIMMING POOL FENCES

- A. A swimming pool, or other man-made outside body of water, which has a minimum depth of three and one-half feet shall be enclosed with a fence not less than four feet and not more than six feet in height. The fence shall not have any openings, holes or gapes therein larger than six inches square, except for doors or gates. The fence gates shall be equipped with a self-closing, self-catching device. The dwelling unit and/or accessory building can be used as part of the enclosure.

SECTION 6 - BARBED WIRE FENCING

- A. Barbed wire fencing may be permitted for property zoned Community Service, Commercial, and Industrial 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.

- B. Standard barbed wire fencing may be used to enclose property which is zoned Agricultural or Suburban-Residential.

SECTION 7 - ELECTRICALLY CHARGED OR SHARP POINTED FENCING

- A. No electrically charged or sharp pointed fencing (other than barbed wire fencing) shall be constructed or maintained within the City limits.
- B. Electrically charged fencing may be permitted within the perimeter of the lot, if the lot is completely enclosed with fencing, and the property is Agricultural or Suburban-Residential.

SECTION 8 - NON-CONFORMING FENCING AND PENALTIES

Any fencing constructed after the effective date of this ordinance and not conforming to the requirements of this ordinance shall be classified as non-conforming and shall be brought into conformance within six months following written notification of any violation.

Any person, firm or corporation who fails to comply with this ordinance, following written notification of said violation, shall be subject to a fine of not more than \$250.

SECTION 9 - PERMIT REQUIREMENT

No person shall construct, enlarge, re-locate or structurally alter any fence or retaining wall, or cause or direct such work, without first obtaining a permit from the Building Division.

SECTION 10 - VARIANCE PROCEDURE

- A. The Planning Director may permit and authorize a variance from the requirements of this ordinance only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.
1. A variance shall be made only when all of the following conditions and facts exist:
 - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
 - c. Due to the size, shape, topography or location of the site or the location of existing buildings or other conditions, compliance with applicable requirements can only be achieved with practical difficulty or hardship.
 2. A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place.

The Planning Director may impose whatever reasonable requirements he feels will fulfill the intent of this ordinance.

- B. Variance Request Fee. The applicant shall pay a \$25 fee when applying for a variance to the requirements of this ordinance.
- C. Notification of Adjacent Property Owners. The Planning Division shall provide written notification of the variance to all property owners of each lot adjoining and across any street from subject property. The notice shall identify when the variance will be acted upon and inviting anyone in receipt of a notice to testify if they so desire.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 10th DAY OF April, 1979.

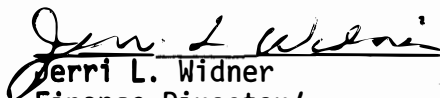
YEAS: 4

NAYS: 0



R. M. Sturges, Mayor

ATTEST:



Jerri L. Widner
Finance Director/
City Recorder