

	<b>Engineering/Projects Section: Administrative Rule No. 402</b>  <b>Fences</b>
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Adopted: July 1994

Revised: March 2001

The basis for the height restrictions in the fence ordinance was the following:

1. **FRONT YARD:**
  - a. To maintain the openness of front yards and yet allow the front yard to be fenced in order to constrict someone in or out of the front yard.
  - b. And to have continuity in the height for front yards. It is not the intention of the ordinance to allow the front yard fence to create privacy or restrict vision of the front yard.
2. **SIDE/BACK YARD:**
  - a. To create privacy and yet limit the height of a side and back yard fence to a standard privacy height. It was decided that a six foot height was adequate to create privacy.

**DISCUSSION:** Clarification is needed on where the measurement of the height of the fence is to be made. The policy for measurement should reflect the intent of the ordinance. Front Yard: Since the front yard fence is to simply contain or keep out, the height should be measured simply at the location of the fence. The adjacent right of way or yard has no bearing on containing or restricting access (if the front yard fence is below a steep slope, then the fence can be located far enough from the toe of the slope to prohibit jumping the fence from the top of the slope). Side/Back Yard: The intention of this fence is to provide privacy at a six foot height. The height of the adjacent ground does relate to the privacy provided by the fence. Therefore, the height measurement should be taken from the average height of the adjacent ground if the alley or adjacent yard is above the property to be fenced.

**POLICY:**

**Front yard measurement:**

The front yard height is to be measured at the ground level immediately adjacent to the fence.

**Side/Back yard measurement:**

The side and back yard fence height is to be measured from the average height of the highest ground level adjacent to the fence.

Amendment No. 1 to Fence Policy - July 1994. Per City Attorney, Jim Nugent, Section 12.30.040 MMC applies to all fences constructed in a yard even if no permit is required per Section 12.30.020.

Additionally, per the City Building Division, any kind of enclosure is construed to be a fence unless it structurally works as a retaining wall or is part of a building, per code definition.

**APPLICATION:** Fence height restrictions shall apply throughout the yard even if no permit is required. Definition of a fence shall follow the Building Division rule in that all enclosures or walls are fences unless it acts as retaining wall. Enforcement of the height restriction for fences that do not require a permit shall be in accordance with the Penalty Section 12.30.060.

Amendment No. 2 to Fence Policy – March 2001. Fence encroachment permits for fence construction or reconstruction on City right-of-way shall be reviewed and approved by the City Engineer.

**Recommended by:**



Steve King, City Engineer

**Approved by:**



Bruce T. Bender, Director of Public Works