

Electrically Charged Fencing Standards

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COMMUNITY DEVELOPMENT Planning 541-917-7550 Building 541-917-7598

9.360 Purpose. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

9.370 Materials. Fences and walls shall not be constructed of or contain any material that will do bodily harm, such as electric or barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as follows:

- (1) Barbed wire is permitted on top of a 6-foot-tall fence in commercial, industrial, and mixed-use zones except MUC and MUR. The total height of the fence and barbed wire is limited to 8 feet. Barbed-wire-only fences are prohibited except as allowed in subsection (2).
- (2) Correctional Institutions and High Security Areas. Concertina wire or barbed-wire only fences may be used around correctional institutions and high security areas provided that the fences are posted at 15-foot intervals with clearly visible warnings of the hazard.
- (3) Large Animal Containment. Where cattle, sheep, horses or other livestock are permitted or existed when the property was annexed to the City, barbed wire is permitted within 6 inches from the top of a fence at least 4 feet tall that is used to contain or restrict large animals. Fences for this purpose must meet the standards in AMC 6.10.
- (4) Electrically charged fences are permitted in the LI and HI zones. See Electric Fences handout or Section 9.370(4) of the Development Code.
 - (a) The fence is located outside the front setback and required landscaping, buffering or screening; and
 - (b) The electrically charged fence shall not exceed 10 feet in height; and
 - (c) The electrically charged fence shall be a pulsed charge system, and not a continuous charge system.
 - (d) No electric fence shall be installed or used unless it is completely surrounded by a perimeter non-electrical fence or wall that is not less than 6 feet tall; and
 - (e) Warning signs stating, "Warning, Electric Fence" shall be posted at intervals not less than 50 feet; and
 - (f) When property lines are shared with a residential zoning district, the following additional standard shall be met:
 - i. A solid fence or wall between 6 and 8 feet tall shall be placed at the shared property line(s); and
 - ii. Warning signs shall be posted at intervals of not less than 25 feet.
 - (g) The fence shall be tested and approved by a State of Oregon approved testing laboratory; and
 - (h) The fence shall be installed and used accordance with the Oregon Electrical Specialty Code, the listing, and the manufacturer's installation instructions; and

- (i) Electrical permits and inspections shall be required for the installation. Work must be performed by a licensed Oregon electrician.
- (j) In addition to the Fire Department access requirements in the Oregon Fire Code, the following additional standards are required for properties protected by an electric fence:
 - i. Each vehicle gate shall open automatically using a sensing device approved by the fire department. This automatic operation shall be supplemented by the installation of a Knox electric switch (with dust cover) to be installed in an approved location.
 - ii. The gate opening equipment shall be equipped with a battery back-up in the advent of power failure (both ingress & egress sides).
 - iii. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon activation of automatic or manual fire department access for ingress or egress through the gate.
 - iv. The vehicle gate shall provide a means for the fire department to egress from the site.
 - v. A pedestrian type gate shall be installed immediately adjacent to all vehicle access gates.

[Ord. 5751, 3/9/11]

Standards. Fences and walls shall meet the following standards. If a fence or wall is used to meet required screening, it shall meet the provisions in Section 9.385. Fences in the flood fringe (100-year) floodplain must also meet the standards in Article 6, Section 6.125.

Standards in Residential, MUR and MUC zones (See also standards for ALL fences, in 5-10, below):

- (1) Fences in front setbacks. Fences shall be no taller than 4 feet in required front setbacks unless allowed below.
 - (a) Properties listed on the National Register of Historic Places may have front yard fences taller than four feet if the fence is appropriate to the building style and scale, and is approved by the Landmarks Advisory Commission.
- (2) Corner properties, which by definition have two front yards, may have a fence no taller than six feet in the front yard adjacent to the street that does not contain the main door entrance when the fence does not extend in front of the building and one of the following conditions is met
 - (a) If the adjoining street is improved with sidewalks and a planter strip, the fence may be on or behind the property line.
 - (b) If the adjoining street is improved with sidewalks but no planter strip, the fence is located a minimum of three feet from the sidewalk.
 - (c) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located ten feet from the face of the curb.
 - (d) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.
- (3) Interior Setbacks.
 - (a) Fences in a residential zone in Article 3 or in the MUR or MUC zone may have fences up to six feet tall in the interior setbacks except that a single-family use or zone that shares an interior property line with a multiple-family, commercial or industrial use or zone may have a fence up to eight feet tall along the property line.

Standards in Commercial, Industrial, HD, CB, ES, LE, MS, PB, WF, and TD zones:

- (4) Fences in front setbacks. Fences shall be no taller than 6 feet in required front setbacks. six-foot fences containing barbed wire on top or fences taller than 6 feet are not permitted in the front setback.

Standards for ALL fences:

- (5) In no instance or zone shall a fence exceed 8 feet except when permitted in 9.370. Fences over seven feet tall require a building permit prior to construction. Fences over six feet tall shall meet building setbacks, except when permitted along property lines in Sections 9.370(4)(d) or permitted in required setbacks in 9.380(3)(a).
- (6) In no instance shall a fence extend beyond the property line.
- (7) All fences shall meet the Clear Vision Area standards in Section 12.180.
- (8) Measuring Fence Height. Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm. Fence height includes the height of the fence, wall, or picket and does not include the posts, or arbors and trellises at entrance gates.
- (9) Maintenance. Every fence, whether required or not, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

9.385 Screening. Whenever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions and the vision clearance standards in Section 12.180:

- (1) Opacity. In order to be “sight-obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be an evergreen species that will meet the standards year-round within two years of planting.
- (2) Height. Fences and walls will be a minimum of six feet tall. Hedges will be of a species capable of attaining a height of at least six feet within two years of planting, given their age, height and health when planted.
- (3) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

9.390 Non-conforming Fences. Existing fences that were constructed legally and/or that were in place at the time the property was annexed to the City that do not meet the current fencing standards shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.

CLEAR VISION AREAS

12.180 Clear Vision Area. A clear vision area must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2 and 8 feet shall be established in the clear vision area. Visibility is not considered impeded by a fence where materials are 35 percent or less of the surface area of that portion of the fence above 2 feet. Fence posts spaced at 8 feet or more apart are not counted as part of the fence surface area. Height measurements shall be made from the top of the curb or, when no curb exists, from the established street center line grade.

[Ord. 5689, 3/12/2008]

- (1) The clear vision area provisions do not apply to the following:
- (a) a public utility pole,
 - (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
 - (c) another plant species of open growth habit that is not planted in the form of a hedge and that is planted and trimmed to leave at all seasons a clear and unobstructed cross-view,
 - (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
 - (e) an official warning sign or signal,
 - (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
 - (g) existing or new buildings that meet the minimum setbacks.

[Ord. 5689, 3/12/2008; Ord. 5886, 1/6/17]

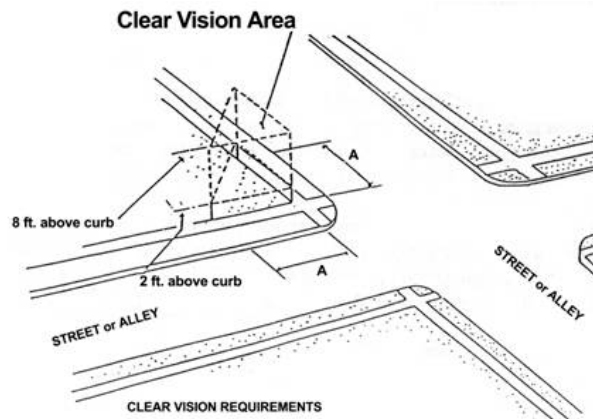
- (2) A clear vision area consists of a triangular area
- (a) For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12-4 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 6). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. [Ord. 5886, 1/6/17]

TABLE 12-4. Measurements for establishing clear vision areas.

| Type of Intersection | Measurement Along Each Lot Line or Drive Edge |
|---|---|
| Controlled Intersection (stop sign or signal) | 20 feet |
| Uncontrolled Intersection | 30 feet |
| Residential District driveways | 15 feet |
| Alley (less than 25 feet) | 20 feet |

[Ord. 5886, 1/6/17]

*When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.



- (b) For non-residential local streets and driveways and all intersections involving collector and arterial streets, the clear vision area shall be a triangular area providing the sight distance specific in the Table 12-5 below. [Ord. 5886, 1/6/17]

TABLE 12-5. City sight distance requirements.

| Posted Speed (mph) | Sight Distance (ft) ⁽¹⁾ | | |
|-----------------------|------------------------------------|--------------------------|----------------------------|
| | 2-3 Lane Stop Control | 4-5 Lane Stop Control | 2-5 Lane Signal Control |
| 20 | 200 | 225 | 225 |
| 25 | 250 | 275 | 300 |
| 30 | 300 | 350 | 375 |
| 35 | 350 | 400 | 475 |
| 40 | 400 | 450 | 575 |
| 45 | 450 | 500 | 700 |
| 50 | 500 | 550 | 850 |
| 55 | 550 | 625 | 1,000 |
| 60 | 600 | 675 | 1,150 |

- (1) Measured along the center of the approaching travel lanes, as observed from a point 15 feet back from the edge of the closest vehicle travel lane. [Ord. 5886, 1/6/17]