

ORDINANCE NO. 577

AN ORDINANCE AMENDING GENERAL ORDINANCE 521 AND ZONING AND DEVELOPMENT ORDINANCE NO. 540 AS THEY PERTAIN TO THE CONSTRUCTION OF FENCES AND WALLS, CLEAR VISION AREAS, TREES, BUSHES, HEDGES OR OTHER VEGETATION, ESTABLISHING PROCEDURES FOR FENCE AND WALL CONSTRUCTION APPROVAL, AND DECLARING AN EMERGENCY

WHEREAS, public notice of the proposed text amendments were provided in accordance with subsection 3.020 of Article 3 of the Zoning Ordinance 20 days prior to the Planning Commission meeting of October 2, 1995; and,

WHEREAS, the Planning Commission of the City of Willamina held a public hearing on October 2, 1995 and found that the proposed text amendments to the zoning ordinance are consistent with the goals and policies of the City of Willamina Comprehensive Plan; and,

WHEREAS, the City Council of the City of Willamina held a public hearing on Oct. 12, 1995 and found that the proposed text amendments to the zoning ordinance are consistent with the goals and policies of the City of Willamina Comprehensive Plan and determined that it is necessary to amend the development code to meet community needs; now, therefore:

The City of Willamina, Oregon, ordains as follows:

Section 1. Section 7 (f) of General Ordinance 521 regarding nuisances affecting the public safety shall be amended to read:

- (f) No person in charge of property that abuts upon a street or public sidewalk shall permit:
  - (1) Trees, bushes or other vegetation to interfere with street or sidewalk traffic. Such plantings, including those on the adjoining parking strip, shall be kept trimmed to a height of not less than eight (8) feet above the ground.
  - (2) Dead or decaying trees to stand that are a hazard to the public or to persons or property on or near the property.

Section 2. Section 7 (h) of General Ordinance 521 regarding nuisances affecting the public safety shall be amended to read:

- (h) No person shall construct or maintain a fence with unsafe materials including, but not limited to, barbed wire, electric fencing, broken glass and/or spikes.

All fences shall exhibit good workmanship and be constructed of materials commonly used in the fence building industry.

No person shall begin construction of a fence or wall without first applying for and obtaining a fence construction approval form from the City Recorder. This form shall be displayed on the construction site.

An applicant for an approval form shall file with the City Recorder a plan showing:

1. location of the proposed fence or wall on the property in relation to the property lines, streets, driveways, intersections and alleyways.
2. property boundaries
3. proposed fence or wall dimensions
4. construction materials to be used
5. Such other information as the City shall find reasonably necessary

It is the responsibility of the person in charge of property to determine boundaries. The City takes no responsibility for determining the proper location of the fence or wall.

Section 3. Article 4, Section 1.040 (A) of Zoning and Development Ordinance 540 regarding accessory uses in the Single Family Residential Zone (R-1) shall be amended to read: Fence, subject to the provisions of Section 10.080 (Supplemental Provisions).

Section 4. Article 4, Section 2.040 (A) of Zoning and Development Ordinance 540 regarding accessory uses in the Two-family Residential Zone (R-2) shall be amended to read: Fence, subject to the provisions of Section 10.080 (Supplemental Provisions).

Section 5. Article 4, Section 3.040 (A) of Zoning and Development Ordinance 540 regarding accessory uses in the Multiple-Family Residential Zone (R-3) shall be amended to read: Fence, subject to the provisions of Section 10.080 (Supplemental Provisions).

Section 6. Article 4, Section 10.060 (A) of Zoning and Development Ordinance 540 regarding Establishment of Clear-Vision Areas shall be amended to read:

- A: A clear vision area shall be maintained on the corner of all property at the intersection of two (2) streets or a street and a railroad, alley or driveway. A clear vision area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the ground. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the ground.

Section 7. Article 4, Section 10.060 (B) (1-2) of Zoning and Development Ordinance 540 regarding distance used to establish Clear-Vision areas shall be amended to read:

1. In a residential zone 30 feet, or at intersections including an alley or a private driveway, 10 feet.
2. In all other zones, where front and sideyards are required, the minimum distance shall be 15 feet, or at intersections including an alley or a private driveway, 10 feet.

Section 8. Section 10.080 of Zoning and Development Ordinance 540 regarding Supplementary Provisions and General Exceptions shall be amended to read:

Fences, Walls and Hedges in residential zones:

- A. Height location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of a clear vision area. A fence, wall, or hedge may not exceed six (6) feet in height without approval of a variance. No sight-obscuring fences over four (4) feet in height shall be located between the front of a building and the front property line.
- B. Construction material: Fences or walls constructed of unsafe materials, including but not limited to, barbed wire, electric fencing, broken glass, and/or spikes shall generally be prohibited. All fences shall exhibit good workmanship and be constructed of materials commonly used in the fence building industry.
- C. Swimming pool requirements: All swimming pools shall be enclosed by a locking fence of six (6) feet height. A dwelling may be used to meet part of the enclosure requirement. No swimming pool and the fence which encloses it shall be located within a clear vision area.
- D. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six (6) feet in height nor violate provisions of the clear vision area.
- E. No person shall begin construction of a fence or wall without first applying for and obtaining a fence construction approval form from the City Recorder. This form shall be displayed on the construction site.

An applicant for an approval form shall file with the City Recorder a plan showing:

- 1. location of the proposed fence or wall on the property in relation to the property lines, streets, driveways, intersections and alleyways.
- 2. property boundaries
- 3. proposed fence or wall dimensions
- 4. construction materials to be used
- 5. Such other information as the City shall find reasonably necessary

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Section 9. Severability. Any ordinance or part of any ordinance in conflict herewith is hereby repealed and in the event any part or section of this ordinance shall be declared unconstitutional, it shall not effect any other portion or part hereof.

Section 10. Emergency. The Council desires and deems it necessary for the preservation of the health, peace and safety of the city of Willamina that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 30th day of November, 1995.

AYES: Councilors Alger, Branson, Eddy, Goff, Greb, Jenne

NAYS: None

Submitted to and approved by the Mayor on the 30th day of November, 1995.

*Twila D. Wise*  
Mayor

ATTEST:

*L. Chasene Brown*  
City Recorder