

ORDINANCE NO. 4776

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING CERTAIN CHAPTERS, INCLUDING AMENDING TITLE 10, CHAPTER 31, ADDING LANGUAGE REGARDING PERMISSIBLE FENCING FOR SCHOOLS; AMENDING TITLE 10, CHAPTER 34, ADDING LANGUAGE REGARDING PERMISSIBLE FENCING EXCEPTIONS FOR SCHOOLS; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HERewith.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;

SECTION 1. Amendments to Nampa City Code – more specifically that Title 10 Chapter 31 AND Title 10, Chapter 34 are hereby amended. These revisions and amendments to Nampa City Code are set forth fully in Exhibit A which is attached hereto and incorporated by reference herein.

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law. This ordinance may be published by summary.

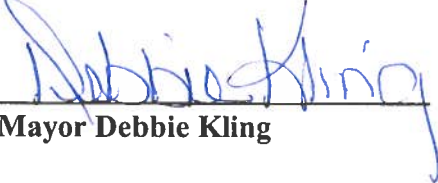
SECTION 3. Severability. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 4. Savings Clause. The provisions of Nampa Code described in Section 1 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution, and punishment, against those who violate said provisions prior to the effective date of this ordinance.

SECTION 5. Conflicts. All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 18th DAY OF DECEMBER 2023.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 18th DAY OF DECEMBER 2023.



Mayor Debbie Kling

Attest:



City Clerk

EXHIBIT A

The following three pages of text amendments for Title 10, Chapters 31 and 34

Chapter 31

SPECIFIC AREA PLANS

10-31-4.H.7.e: Fencing: Fencing is prohibited for non-residential uses, except under the following conditions:

10-31-4.H.7.e.i: Screening of mechanical or maintenance related equipment or trash receptacles. Materials used for screening shall be durable materials that match the building's façade. Materials shall include, but are not limited to brick, masonry, stone, textured masonry block, wood, or iron.

10-31-4.H.7.e.ii: Chain link is prohibited in all instances.

Exception: School yards may be fenced with chain link where appropriate, to provide for student safety. The chain link fence may be built up to a height of six feet (6') to enclose the area not defined as front yard. Fencing proposed in the area defined as the front yard shall meet the standards listed in 10-34-10.A.7.a.

...

10-31-4.H.8.g: Fences and Walls: Fencing is prohibited for non-residential uses, except under the following conditions:

10-31-4.H.8.g.i: If desired, fencing along Ten Mile Creek shall be an open vision style fencing.

10-31-4.H.8.g.ii: Screening of mechanical or maintenance related equipment or trash receptacles. Materials used for screening shall be durable materials that match the building's façade. Materials shall include, but are not limited to brick, masonry, stone, textured masonry block, wood, or iron.

10-31-4.H.8.g.iii: Chain link is prohibited in all instances.

Exception: School yards may be fenced with chain link where appropriate, to provide for student safety. The chain link fence may be built up to a height of six feet (6') to enclose the area not defined as front yard. Fencing proposed in the area

[defined as the front yard shall meet the standards listed in 10-34-10.A.7.a.](#)

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Chapter 34

DESIGN REVIEW

10-34-10.A.7.a: Fencing/Screening: Fencing of anything other than mechanical or maintenance related equipment or stored inventory or trash receptacles is prohibited. Trash receptacles shall be screened with durable materials as found on the related building's facade. Exception: Shall be added to screen or secure outside storage of inventory, screen or secure storage facilities, as defined in section 10-1-16, and to screen areas of the property that are not landscaped or are left to gravel.

Fencing shall be ornamental in design and constructed with at least two materials, or one material with two variations in texture, design or color that complement the primary wall façade. Fencing shall not be an extension of a wall façade that gives the appearance of a fortification or extensive plane. Rather, fencing should provide attractive visual interest, complement the character of the structures and provide necessary screening (if applicable). Some examples include, but are not limited to: stacked stone masonry with mortared cap; textured block wall and cap with color variation; wrought iron with finials; iron fence with a stone base; wrought iron with wood slats; cable railing with large dimension wood posts; modern metal fence with a patina; unique pattern or design; etc.

Fencing constructed with materials such as chain link, chain link with slats, corrugated metal, typical residential wood or vinyl fencing and long expanses of solid single material fencing with no variation or visual interest are not permitted in areas that are visible from the right-of-way.

[10-34-10.A.7.a.i: Fencing Exceptions:](#)

Typical residential wood or vinyl fencing may be used as privacy fencing for multi-family projects along the sides and rear of the development. Fencing proposed along the right-of-way shall meet the standards listed above.

School yards may be fenced with chain link where appropriate, to provide for student safety. The chain link fence may be built up to a height of six feet (6') to enclose the area not defined as front yard. Fencing proposed in the area defined as the front yard shall meet the standards listed above.

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10-34-10.B.6.a: Fencing/Screening: Fencing/screening shall be used to screen mechanical units, maintenance related equipment, stored inventory, areas left to gravel and trash enclosures. Landscaping treatments can be used in lieu of fencing as approved by City Staff.

The use of chain link and chain link with slats along any street frontage shall be prohibited. Wing walls or wing fences shall be constructed out of other appropriate fencing materials or materials that match the proposed building finishes.

Fencing shall be ornamental in design and constructed with at least two materials, or one material with two variations in texture, design or color that complement the primary wall façade. Fencing should provide attractive visual interest, complement the character of the structures and provide necessary screening (if applicable). Some examples include, but are not limited to: stacked stone masonry with mortared cap; textured block wall and cap with color variation; wrought iron with finials; iron fence with a stone base; wrought iron with wood slats; cable railing with large dimension wood posts; modern metal fence with a patina; unique pattern or design; etc.

Fencing constructed with materials such as chain link, chain link with slats, corrugated metal, or typical residential wood and long expanses of solid single material fencing with no variation or visual interest are not permitted in areas that face a roadway, customer parking, or main drive aisle, that are visible from the right-of-way, or can be viewed by an adjacent non-industrial property.

10-34-10.B.6.a.i: Fencing Exceptions:

School yards may be fenced with chain link where appropriate, to provide for student safety. The chain link fence may be built up to a height of six feet (6') to enclose the area not defined as front yard. Fencing proposed in the area defined as the front yard shall meet the standards listed above.

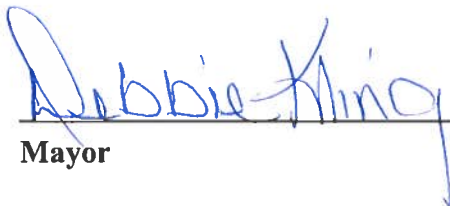
**ORDINANCES OF THE CITY OF NAMPA
NOTICE OF ADOPTION AND SUMMARY OF
ORDINANCE NO. 4776**

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 10 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 10 CHAPTERS 31 AND 34 ADDRESSING FENCING STANDARDS FOR SCHOOLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.


Section 1: The ordinance amends the specified Nampa City Code provisions contained in Title 10, Chapter 31 and 34 of Nampa City Code. The amendments are contained more fully in Exhibit A which is attached to the ordinance and incorporated by reference therein. The following is a general description of the content of the applicable Title and Chapters: Title 10 Chapter 31 addresses exceptions to the general prohibition of chain link fencing. Title 10, Chapter 34 addresses exceptions to provisions requiring certain fencing types, permitting additional fencing types, and providing exceptions to required fencing types.

Sections 2 through 5: Provide that this ordinance shall be in full force and effect from and after its passage, approval and for publication according to law; provide for severability and savings clauses and repeal conflicting ordinances, resolutions, and orders.

Ordinance No. 4776 shall be effective on its date of publication, which shall be on the 26th day of December 2023. Ordinance No.4776 was passed by the Council and approved by the Mayor on the 18th day of December 2023. The full text of the Ordinance is available at Nampa City Hall, 411 3rd Street South, Nampa, Idaho 83651. The Mayor and City Council approved the foregoing summary on the 18th day of December 2023, for publication on the 26th day of December 2023 pursuant to Idaho Code § 50-901A.


Mayor

Attest:


City Clerk

STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. 4776 and provides adequate notice to the public as to the contents of such ordinance.

DATED this _____ day of _____ 2023.

Todd Lakey, Attorney for City of Nampa