

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 3032

AN ORDINANCE amending Union Gap Municipal Code Title 11 Chapter 20 *Fences on Street Rights-of-Way*.

WHEREAS, periodic updates are necessary to maintain compliance with the current Washington State Building Code 2018 Edition; and,

WHEREAS, the City wishes to remain in compliance with the Washington State Building Code & Residential Code current edition.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. Union Gap Municipal Code (UGMC) Title 11 Chapter 20 Fence, Wall and Hedge Standards.

Title 11 Chapter 20 of the Union Gap Municipal Code, is hereby amended as follows:

Chapter 11.20 – FENCE, WALL AND HEDGE STANDARDS

11.20.010 - Height.

1. Front Yard: Fences in the front yard may be placed on or behind the property line. However, no fence shall exceed four feet in height within the required front yard setback area. In residential districts, (R1, R2, R3, R4) six feet shall be the maximum height in the front yard behind the required setback. In all other districts, eight feet shall be the maximum height in the front yard behind the required setback.
2. Side Yard: In the side yard: fences and walls may be placed on or behind the property line. In residential districts, six feet shall be the maximum height; provided, that no six-foot street side yard fence (corner lot on street side) shall extend past the front corner of the dwelling into the front yard or be located within the Vision Clearance Area in accordance with UGMC 17.05.040. In the commercial and industrial districts, eight feet shall be the maximum height.
3. Rear Yard: Fences in the rear yard may be placed on or behind the property line. In the residential districts, six feet is the maximum fence height in the rear yard. In the commercial and industrial districts, eight feet shall be the maximum height.

4. Fences over six feet in height: all fences over six feet in height shall meet the provisions of the Washington State Building Code.

11.20.020 – Fences, Walls and Shrubs on right-of-way.

Fences and shrubs on right-of-way are restricted to right-of-ways with an eighty foot width only and as follows:

1. Fences and Shrubs on right-of-way are allowed only, where the right-of-way is eighty feet in width. Please contact the City of Union Gap for information on location of the eighty foot right-of-ways.
2. Fences on the city right-of-way shall not be placed closer than ten feet to the street pavement. Shrubs exceeding twenty-four inches in height shall not be planted on city right-of-way within ten feet of any street pavement and shall not be permitted to have branches or limbs projecting closer to the pavement than ten feet.
3. Walls and trees are not allowed to be placed on right-of-way.

11.20.030 - Hazards prohibited.

Fences, trees, shrubs and other objects shall not be located on city right-of-way in such a manner as to create a traffic hazard or any other threat to the health and safety of the general public, regardless of distance from the pavement.

11.20.040 - Grandfather clause.

Fences, trees, shrubs and other objects in existence on city rights-of-way as of May 29, 1984, and not constituting traffic or other safety hazards that are not in conformance with the requirements of this chapter, as amended, shall be permitted to remain but shall not be replaced if removed or destroyed and shall not be enlarged or permitted to grow in such a manner as to increase the amount of encroachment on the city right-of-way.

11.20.050 - Permits.

1. No fence shall be erected, moved, added to, or reconstructed without a permit therefor, issued by the building official.
2. No permit shall be issued by the building official, except in conformity with the provisions of this title.
3. Fence permits shall be subject to a Class (1) review.
4. Permit fees shall be in accordance with UGMC 18.80.020.
5. Note: The City of Union Gap offers diagrams to assist in the design and permitting

11.20.060 - Removal for city purposes.

The city may require the owner of a fence, tree, shrub or other object on the right-of-way to remove it at any time the city needs to use the right-of-way. If the owner fails to do so, the city may remove it at the owner's expense.

11.20.070 - City not liable.

If it becomes necessary to remove all or part of any fence, tree, shrub or other object from a city right-of-way, the city shall be under no obligation to reimburse the owners of the property for any loss or damage resulting from such removal and the city shall not be responsible for damage done to such items by city snow removal or other equipment.

11.20.080 - Violations—Penalties.

Every person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor.

Section 2. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date.

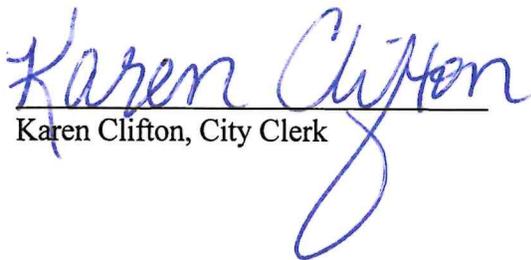
This Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

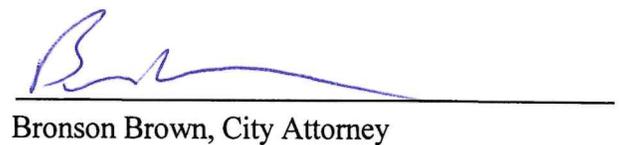
ORDAINED this 14th day of November, 2022.


John Hodkinson, Mayor

ATTEST:

APPROVED AS TO FORM:


Karen Clifton, City Clerk


Bronson Brown, City Attorney