

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING SECTIONS 5.24.010, 5.24.020, AND 18.04.080 TABLE 4.04; AND SUBSECTIONS 18.02.180A, 18.04.060C, AND 18.40.060C OF THE OLYMPIA MUNICIPAL CODE RELATING TO URBAN AGRICULTURE.

WHEREAS, the Land Use and Environment Committee directed staff to collaborate with Sustainable South Sound's (SSS) Local Food Systems Program to modify current City policies regarding urban agriculture; and

WHEREAS, The City and SSS held a public meeting on April 25, 2012, to hear community concerns and ideas about potential changes to the Olympia Municipal Code (OMC); and

WHEREAS, the Olympia Planning Commission held a public hearing on October 29, 2012, to accept public input regarding the proposed changes to the OMC; and

WHEREAS, there is public support for less restrictive regulations related to urban agriculture; and

WHEREAS, the Olympia City Council determines that the proposed amendments are consistent with the Growth Management Act, the Comprehensive Plan, the County-wide Planning Policies, and the City's development regulations; and

WHEREAS, the Ordinance is supported by the Agenda Item Summary and attachments associated with this Ordinance, along with documents on file with the City of Olympia; and

WHEREAS, this Ordinance is adopted pursuant to RCW 36.70A and Article 11, Section 11, of the Washington Constitution;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 5.24.010. Olympia Municipal Code Section 5.24.010 is hereby amended to read as follows:

5.24.010 Defined

A. As used in this chapter, "garage sale" means any event, other than a sales activity operated in conjunction with a regularly licensed commercial or retail operation, which, except for agricultural sales, is advertised by any means whatsoever as a place or location at which members of the public may purchase identifiable or tangible personal property. Included in the definition of garage sales are yard sales, patio sales, rummage sales, estate sales, or other similar sales, as well as agricultural sales.

B. As used in this chapter, "residential premises" means a single family dwelling, duplex, triplex, or fourplex.

C. As used in this chapter, "apartment premises" shall mean any combination of living units in excess of four units under a single ownership.

Section 2. Amendment of OMC 5.24.020. Olympia Municipal Code Section 5.24.020 is hereby amended to read as follows:

5.24.020 Restrictions

A. Unlawful conduct. It is unlawful for a person to conduct more than two garage sales per calendar year on a residential premises, excluding agricultural sales.

B. It is unlawful for a person to conduct more than one garage sale per calendar month on an apartment premises, excluding agricultural sales.

C. It is unlawful for a person to conduct a garage sale which exceeds four consecutive days, excluding agricultural sales.

D. It is unlawful for a person to conduct a garage sale on any premises less than four months after such a sale has previously been conducted on the same premises, excluding agricultural sales.

E. It is unlawful to conduct a garage sale before the hour of 8 a.m. or after the hour of 8 p.m.

F. It is unlawful to display goods at a garage sale on a public street, sidewalk, alley or other public place or any portion thereof.

G. No offsite signage is allowed for agricultural sales.

Section 3. Amendment of OMC 18.02.180A. Olympia Municipal Code Subsection 18.02.180A is hereby amended to read as follows:

18.02.180 Definitions

A. DEFINITIONS - SPECIFIC.

Abandon. To cease or suspend from developing or maintaining a building or use for a definite period of time.

Abandoned Activity. A business or activity with no reported sales or activity for a period of twelve (12) months, except temporary closures for repairs, alterations, or other similar situations. Land and/or buildings not in use for such period are considered vacant and unoccupied and may be subject to review including land use approval prior to renewal of use.

Abutting. Two or more parcels or buildings sharing a common boundary of at least one point.

Access. Safe, adequate, and usable ingress/egress (entrance/exit) to a property or use.

Accessory Dwelling Unit. See Dwelling, Conventional.

Accessory Structure. A structure detached from the principal building located on the same lot and customarily incidental and subordinate to the principal building. Any part of the main building which shares a common wall and roof is considered a part of that building. A building or portion thereof is not considered attached if the attachment is by a covered breezeway. (See also Subordinate.)

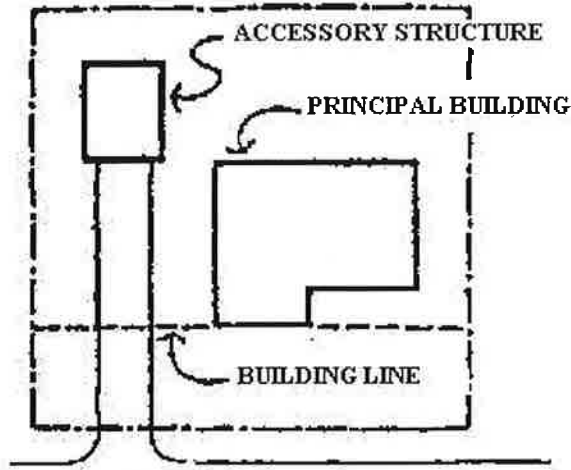


FIGURE 2-1

Accessory Use. A use of land or a portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use, such as: garage sales; merchandise displays outside of a business; community oriented outdoor activity associated with schools, churches, and other non-profit organizations; and temporary contractor offices on a construction site.

Action. A decision made by the review authority(s) on a land use application, including any findings, environmental determination and conditions of approval.

Adult Day Care Home. See Dwelling, Assisted Living.

Adult Entertainment.

a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human male genitals in a discernibly turgid state, even if completely opaquely covered; or

b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis

on the depiction, description, simulation of, or relation to, the following specified sexual activities:

- i. Human genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse, or sodomy; or
- iii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; provided, adult entertainment and specifically the "depiction, description, simulation of, or relation to" sexual activities described above, shall not be construed to include any form of actual sexual conduct as defined in this section.

- c. Any exhibition, performance, or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Adult-Oriented Business. Shall mean the following businesses:

- a. Adult arcade. An establishment containing any individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines are used to show films, motion pictures, video cassettes, slides, or other photographic reproduction of sexual conduct, or adult entertainment.

- b. Adult cabaret. A night club, bar, restaurant, theater, or auditorium, or similar commercial establishment, whether or not alcoholic beverages are served, which presents adult entertainment.

- c. Adult motel. A hotel, motel, or similar commercial establishment which:

- i. Offers sleeping accommodation to the public for any form of consideration and, as a significant purpose of its business, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of or description of sexual conduct or adult entertainment and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America; or

- ii. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

- iii. Allows a tenant or occupant of a sleeping room to sub_rent the room for a period time that is less than ten (10) hours.

- d. Adult motion picture theater. A commercial establishment or drive-in theater where a significant portion of the films, motion pictures, video cassettes, slides, or similar photographic reproductions are characterized by the depiction or description of adult entertainment or sexual conduct and are not rated G, PG, PG-13, NC-13, NC-17, or R by the Motion Picture Association of America and are shown for any form of consideration.

- e. Adult book store. A business having as a significant portion of its volume of trade the display, barter, rental and/or sale of books, printed matter, video tapes, discs or cassettes, films, pictures or other material or paraphernalia distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual conduct or adult entertainment, as defined herein. For purposes of this ordinance, "portion of its volume or trade" means that portion of the store's display space devoted to such material, or that portion of its gross receipts received from the sale of such material, whichever is greater.

f. Other adult entertainment facility. Any commercial establishment to which any patron is invited or admitted and where adult entertainment is presented as a substantial part of the premises' activity, including but not limited to escort agencies, seminude or nude modeling studios, or similar establishments.

Affected Party. Any individual, partnership, corporation, association, or public or private organization of any character, significantly affected by or interested in an action before the Review Authority, including any party in a contested case.

Affordable Housing. Housing affordable to households with an income not greater than 80 percent of the median income for Thurston County as determined by the U.S. Department of Housing and Urban Development. Affordable housing should cost no more than 30 percent of gross household income (including utilities).

Agriculture. The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including, but not limited to, storage, harvesting, feeding or maintenance of equipment and onsite sales of agricultural products, but excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land or structure designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as a means of vehicular or pedestrian access to a property.

Alteration. Any change, addition or modification in construction or occupancy.

Amendment. The action whereby the content of this title is revised, including additions, deletions, or clarification of language, maps, or diagrams.

Amusement Activity. An indoor, covered or outdoor facility or building that contains various devices for entertainment, including coin or token-operated machines, rides, booths to conduct games or the sale of souvenir items.

Ancillary Structure, WCF. Any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

Animals. Any living organism except a plant, fungus, virus, or bacterium. (See also Pet, Traditional.)

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment, including the accessory use of the premises as a kennel or a place where animals or pets are boarded for compensation.

Animal Kennel. See Kennel.

Animal Unit. One thousand pounds of live weight of any given livestock species or any combination of livestock species. For additional information, see the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook.

Antenna. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array. A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element. Any antenna or antenna array.

Antenna Support Structure. A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support structures do not include any device used to attach antennas to an existing building. Types of support structures include the following:

Guyed Structure. A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice Structure. A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole Structure. A style of freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

Anti-Climbing Device. A piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

Apartment. See Dwelling, Conventional.

Apparel and Accessory Stores. Stores primarily engaged in selling new or used clothing, shoes, jewelry, and related articles for personal wear and adornment and stores which rent clothing such as costumes or formal wear.

Applicant. Owner(s) or lessee(s) of property, including their agent(s) who submit an application for development, including person(s) who have contracted to purchase property.

Application Content Lists. That document entitled "City of Olympia Project Permit Application Content Lists" approved and adopted by the City Council setting forth the required content for project permit applications to be "completed" as that term is used in RCW 36.70B.080.

Arcade. A covered walk with shops along one side and a line of arches or columns on the other side.

Archaeological Sites. Any site or location of prehistoric or historic significance including, but not limited to, burial sites, camp sites, rock shelters, caves and their artifacts, implements and remains of preexisting native Americans.

Architectural Elements. Components that are part of a building, such as windows, doors, materials, details, and structural membrane.

Articulation. The giving of emphasis to architectural elements of a building (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.

Ash, Incinerator. Particulate or solid residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial and industrial establishments, if the ash residues:

- a. Would otherwise be regulated as hazardous wastes under RCW 70.105; and
- b. Are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), 42, U.S.C. Section 6910, et seq.

ASR. The Antenna Structure Registration Number as required by the FAA and FCC.

Attached Structure. Any structure that has an enclosed interior wall(s) and covered roof in common with another structure sufficient to constitute an occupiable room (i.e., seven feet wide or more). A structure connected to another structure only by a covered passageway is not considered attached. (See Detached Structure; note that structures conforming with neither definition must conform with requirements of this title for both types of structures.)

Auction. See Swap Meet.

Auditor. The Auditor of Thurston County, Washington.

Automobile Rental Agencies. This includes businesses primarily engaged in short-term rental or extended-term leasing of passenger cars, hearses, limousines, and the like, without drivers. Finance (equity or full-payout) leasing of automobiles is classified with Motor Vehicle Sales.

Automobile Wrecking. The wrecking, dismantling, or salvage of motor vehicles or trailers, or the storage of, sale of or recycling or disposal of dismantled, partly dismantled, or wrecked motor vehicles or their parts. (See also Junk or Salvage Facility.)

Awning. A structure affixed to a building which extends over windows, sidewalks or doors, principally as protection from sun and rain.

Section 4. Amendment of OMC 18.04.060C. Olympia Municipal Code Subsection 18.04.060C is hereby amended to read as follows:

C. ANIMALS/PETS.

Pets and other animals are allowed in all residential districts subject to the following requirements:

1. ~~All Districts, Except RMH. a. Quantity. Traditional Pets.~~ No more than a total of three (3) traditional pets, such as dogs, and cats, as well as potbelly pigs, hens, and untraditional pets (e.g., potbelly pigs and rabbits) four (4) months of age or older, shall be permitted per dwelling unit. Song birds or other traditional pet birds (e.g., parrots) are permitted. The keeping of racing and performing pigeons is permitted as a conditional use. (Traditional pets are defined as a species of animals which can be ~~house-broken~~ housebroken, or walked on a leash, or are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)

~~b. Birds. Song birds or other traditional pet birds (e.g., parrots) are permitted. Fowl, such as roosters, ducks and geese, are prohibited. [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]~~

2. Fowl

a. Lots one acre or less are allowed up to five ducks or female chickens. Lots greater than one acre are allowed one additional duck or female chicken for every additional one thousand square feet of lot area beyond one acre, up to ten ducks or female chickens.

b. Chickens and ducks shall be confined within a suitably fenced area large enough for appropriate exercise.

c. Suitable sanitary structures (coops) shall be provided and must be designed to protect fowl on all sides from weather, predators and to prevent rodents. The size and setbacks of structures must conform to 18.04.080 TABLES: Residential Development Standards.

d. Roosters, geese and turkeys are prohibited.

~~3.~~ Other Animals.

a. Swine, other than potbelly pigs, and non-miniature goats, are prohibited.

b. Rabbits of breeding age are permitted with the following conditions:

i. Lots of one-quarter acre or less are allowed up to five rabbits.

ii. Lots greater than one-quarter acre are allowed one additional rabbit for every additional one thousand square feet of lot area beyond one-quarter acre, up to ten rabbits.

iii. Rabbits must have a minimum 3.5 square feet of hutch space per rabbit.

iv. Structures housing rabbits must be designed to protect rabbits on all sides from weather, predators and to prevent other rodents. The size and setbacks of structures must conform to 18.04.080 TABLES: Residential Development Standards.

c. Miniature goats, commonly known as pygmy and dwarf, are permitted with the following conditions:

i. Lots between five thousand square feet and one acre in size are allowed up to two miniature goats.

ii. Lots greater than one acre are allowed one additional miniature goat for every additional one thousand square feet of lot area beyond one acre, up to six miniature goats.

iii. Miniature goats shall be confined within a suitably fenced area, large enough for appropriate exercise.

iv. Structures housing miniature goats must be designed to protect them on all sides from weather and predators and to prevent rodents. The size and setbacks of structures must conform to 18.04.080 TABLES: Residential Development Standards.

d. The keeping of other ~~agricultural animals and pets~~, which are not specifically prohibited in this section, is permitted, provided that:

i. There shall be no more than one ~~(1)~~ animal per acre, in addition to those ~~the~~ permitted animals/pets permitted in 1.a. and 1.b. referenced above; and

ii. Such animals shall be confined within a suitably fenced area, large enough for appropriate exercise, which shall be located no closer than fifty ~~(50)~~ feet from any property line; and

iii. The keeping of such other animals does not constitute a nuisance or hazard to the peace, health or welfare of the community in general and neighbors in particular.

iv. Structures housing such other animals must be designed to protect them on all sides from weather and predators and to prevent rodents. The size and setbacks of structures must conform to 18.04.080 TABLES: Residential Development Standards.

~~2.—RMH District. Not more than three (3) dogs and cats, four (4) months of age or older, shall be permitted per dwelling unit. Farm animals are prohibited.~~

Section 5. Amendment of OMC Section 18.04.080 Table 4.04. Olympia Municipal Code 18.04.080 Table 4.04 is hereby amended to read as follows:

18.04.080 TABLES: Residential Development Standards

TABLE 4.04

RESIDENTIAL DEVELOPMENT STANDARDS

DISTRICT	R1/5	R4	R-4CB	RL1	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS	
MAXIMUM HOUSING DENSITY (in units per acre)	1/5	4	4	4	8	12	24	30	24	30	---	---	12	---	18.04.080(A)	
MAXIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	4	4	4	8	12	13	18	18	24	---	---	12	---	18.04.080(A)(2)	
MINIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	---	---	2	4	6	7	10	8	18	---	---	5	---	18.04.080(B)	
LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum	One acre; reduced to 12,000 SF if associated with a drainage dispersal	minimum	2,500 SF cottage	2,000 SF cottage	1,600 SF cottage	1,600 SF cottage	1,600 SF cottage	1,600 SF minimum, cottage	1,600 SF minimum, cottage	1,600 SF minimum, cottage	2,000 SF = zero lot	1,600 SF = zero lot	1,600 SF minimum, cottage	1,600 SF minimum, cottage
		3,000 SF average = townhouse		3,000 SF average = townhouse	4,000 SF minimum, average = townhouse	1,600 SF minimum, average = townhouse	1,600 SF minimum, average = townhouse	1,600 SF minimum, average = townhouse	3,000 SF lot 1,600 SF minimum, average = townhouse	2,400 SF minimum, average = townhouse	2,000 SF average = townhouse	2,000 SF average = townhouse	2,000 SF = zero lot	2,000 SF = zero lot	2,000 SF = zero lot	2,000 SF = zero lot
		5,000 SF = other		4,000 SF = zero lot	3,000 SF average = townhouse	2,400 SF average = townhouse	2,400 SF average = townhouse	2,400 SF average = townhouse	2,400 SF average = townhouse	2,500 SF = mobile home	2,500 SF = mobile home	2,500 SF = mobile home	2,500 SF = mobile home	2,500 SF = mobile home	2,500 SF = mobile home	2,500 SF = mobile home
				5,000 SF = dispersal	townhouse	townhouse	townhouse	townhouse	townhouse	townhouse	home park	home park	duplex	duplex	duplex	duplex

required
 area required; may double as tree tract or critical areas buffer.
 for cottage developments
 for cottage developments
 home park
 home park
 for mobile home park
 SF/space for mobile home park
 porches or balcony areas

LEGEND

- SF = Square Feet
- RL1 = Residential Low Impact
- R-4 = Residential - 4
- MR 7-13 = Mixed Residential 7-13
- MR 7-13 = Mixed Residential 7-13
- Zero Lot = A Lot with Only One Side Yard
- = No Regulation
- R 6-12 = Residential 6-12
- RM 18 = Residential Multifamily - 18
- RMU = Residential Mixed Use
- UR = Urban Residential

Section 6. Amendment of OMC 18.40.060C. Olympia Municipal Code Subsection 18.40.060C is hereby amended to read as follows:

C. Fences/Hedges, Walls and Site Perimeter Grading. It shall be the responsibility of property owners to ensure fences are within property lines. "Fences" as used in this section includes walls and similar above-grade unenclosed structures forming a continuous or nearly continuous line or row exceeding six feet in length. Also see definition, OMC 18.02.180.F. For this section only, any portion of a special purpose lot, tract or parcel, such as a stormwater or tree tract, which is within ten feet of any public street right-of-way shall be a "front yard," and all other yards shall be defined as if such tract were a buildable lot.

1. Fences, when located within a required yard, shall not exceed the following height limits:

- a. Front yard = 48" (4'-0");
- b. Side yards = 72" (6'-0");
- c. Rear yards = 72" (6'-0");
- d. Clear Sight Triangle = 30" (2'-6").

For purposes of this section, a front yard shall not exceed ten feet in depth, regardless of any other provision found in this Title.

2. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade.

3. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within twenty (20) feet of a street right-of-way nor obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).

4. Front yard fences, of common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of twenty-five (25) percent unobstructed, i.e., must provide for visibility through the fence.

5. Fence pillars, posts, and similar features may project a maximum of two (2) feet above maximum fence height.

6. Site Perimeter Grading. Within required yard areas, no single retaining wall (nor combination of walls within five horizontal feet) shall exceed a height of 30 inches as measured from the lowest adjacent grade, nor shall any modification of grades or combination of retaining walls result in grade changes exceeding 30 inches within five feet of a property line nor 60 inches within 10 feet of an existing or proposed property line.

7. An administrative exception may be approved by the Department to exceed maximum fence height and other provisions of these standards under where all of the following conditions exist.

a. Variation of existing grade on either side of the fence results in a fence lower than the maximum height as measured from the highest point of grade within five (5) feet of either side of the fence; or other special circumstances relating to the size, shape, topography, location, or surroundings of the subject property warrant an exception to permit a fence comparable with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

b. The special conditions and circumstances do not result from the actions of the applicant;

c. Granting of the exception will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;

d. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated; and

e. The exception is the minimum necessary to provide the rights and privileges described above.

f. Rear and side yard fences for legally established agricultural uses may be permitted to a maximum height of eight feet from the ground; provided, at a minimum, the portion of the fence above six feet is composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

g. Front yard fences surrounding a defined garden bed may be permitted to a maximum height of eight feet from the ground and shall be composed of a fence material that is of a deer fence-type design.

Examples of deer fence designs include wire with rectangular openings generally four inches by four inches in size. Additionally, the eight-foot fences shall not be constructed of chain link or chicken wire.

Applications for additional fence height or other exceptions shall include a letter or form explaining the exception sought and its purpose of; and fence illustrations and plan drawing that depicts proposed fence location and height, other structures, landscaping, and proposed grades in relation to existing grades.

[NOTE: A building permit is required for all fences exceeding six (6) feet in height. Fences and hedges may exceed maximum heights if located outside of required yards. But see Design Guidelines.]

8. Hedges. Hedges are allowed in all required yard areas subject to the following maximum height limits:

- a. Front yard = 48" (4'0")
- b. Side yard = Unlimited
- c. Rear yard = Unlimited

[Note: Clear Sight Triangle = 30" (2'-6"), see Section 18.40.060.(C)]

9. Barbed and/or razor wire fences. No person or persons being the owner of or agent for or in possession and control of any property within the city limits shall construct or permit to exist any fence around or in front of such premises, consisting wholly or partially of barbed and/or razor wire, except to provide security at a government-owned property or privately owned utility where security for the property is mandated by law; provided that the provisions of this section shall only extend to fences that are within ten (10) feet of a street or alley or other public place within the City.

910. Electric fences. It is unlawful to erect or install or maintain any electric fence within the city limits except for low-voltage, solar fences installed atop a 6-foot non-electric fence for the purposes of protecting farms or agricultural animals. "Electric fence" means any fence with above-ground electric conductors carrying electric current supplied by batteries, commercial power or any other source of electricity, erected for the purpose of retaining or excluding any animals, livestock, or persons.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 9. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: