

ORDINANCE NO. 38

ORDINANCE FOR FENCING STANDARDS WITHIN THE CITY OF MAYWOOD PARK

A. Purpose.

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. 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, 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.

B. Types of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material. Electric fences and barbed wire fences are not permitted.

C. General Provisions.

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence which is, or has become, dangerous to the public safety, health, or welfare shall be considered a violation of this Ordinance.
2. Link fencing shall be constructed in such a manner that no barbed ends shall be at the top.
3. The provisions of this Ordinance apply to all fences built from the date of this Ordinance except for General Provision No. 1, which applies to all existing and future fences in the City of Maywood Park.

D. Specific Fencing Requirements.

Fencing of Lots. Fences are generally allowed along property lines. Along the side, rear, and front property lines, a fence may be up to six feet high without requiring a building permit. Fences, including footings, should not extend onto or over a neighboring property line.

1. Fencing shall not exceed six feet in height in a Residential Development District when measured from grade unless:

(a) There is a grade difference between two sites which would make a six-foot high fence inadequate to provide for privacy. Such fence shall be no higher than six feet above the highest grade within five feet of the common boundary line.

(b) To provide added security to non-residential use.

E. Fencing of Swimming Pools or Other Man-Made Bodies of Water.

Any man-made swimming facility which has a depth of 18 inches or more shall be completely enclosed by fencing (a dwelling or accessory building may be used as part of the enclosure). The fencing shall be a minimum of five feet in height incapable of being crawled under, with no gaps therein larger than two inches in any dimension except for door and gates. All gates or door openings shall be equipped with an automatic closing and automatic latching device combined with a lock, which must be locked when the facility is not in use. Doors of any dwelling forming part of the enclosure need not be provided with the automatic locking and latching devices. A pool or other recreational man-made body of water shall not be filled until the fencing has been constructed.

F. Reference to Other Regulations.

Fences over six feet high require building permits, which can be obtained through the City of Portland, Office of Planning and Development Review.

G. Fines.

Except as otherwise provided, any condition caused or permitted to exist in violation of a provision of this Ordinance shall be deemed a public nuisance, and the City of Maywood Park may enforce this Ordinance by legal action or abatement proceedings. A person convicted under this Section shall be fined no less than \$100.00.

H. Abatement.

The imposition of a penalty does not relieve a person of the duty to abate a nuisance. Upon conviction for a violation under this Ordinance, the City of Maywood Park may order abatement of the nuisance in addition to any fine or other penalty it imposes.

I. Costs.

The City of Maywood Park may impose costs it deems sufficient, if they were incurred for enforcement of any Section of this Ordinance.

BE IT ORDAINED: the City of Maywood adopts this Ordinance for Fencing Standards by virtue of this enactment. The City Council hereby declares an emergency, declaring that this Ordinance is immediately necessary to secure the continued general public health and general welfare of the citizens of Maywood Park, and that this Ordinance is immediately necessary to

conserve, stabilize, and protect the property within the incorporated area of the City of Maywood Park. This Ordinance shall take effect and be in force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 4TH DAY OF DECEMBER, 2001.

**CITY COUNCIL
CITY OF MAYWOOD PARK**

/s/ Mark Hardie
Mark Hardie, Mayor

ATTEST:

/s/ Julie D. Risley
Julie D. Risley, Recorder