

ORDINANCE NO. 2623

AN ORDINANCE AMENDING CHAPTER 18.20 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "RESIDENTIAL ZONES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" is amended as follows:

18.20.120 Fences, Walls, and Hedges:

A. Solid fencing shall not obscure sight at intersection.

B. All corner lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted. See Figure 1.

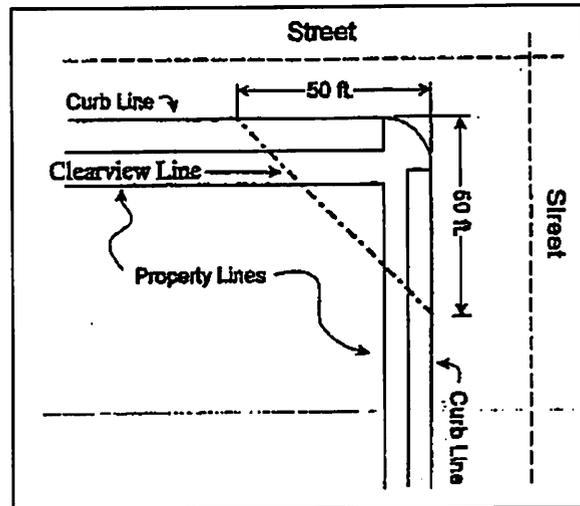


Figure 1

C. Fences and walls and hedges shall not exceed four feet (4') above finished ground level outside of the vehicle sight triangle in any front yard or corner lot exterior side yard, except for the following:

1. In the R-4 Zone, chain link, woven wire, or split rail fences, not to exceed five (5) feet in height are permitted. Fences of other materials and sight-obscuring fences shall not exceed 4'.
2. When one of the frontages of a through lot is a primary or secondary street, sight obscuring fences not exceeding six feet (6') in height may be built inside the property line to within five feet (5') of the sidewalk abutting the primary or secondary street, provided the following requirements are met unless otherwise approved by the Planning Commission:
 - a. The adjacent strip of land between the fence and the back of the adjacent sidewalk shall be improved by the property owner concurrent with the fence installation.
 - b. The property owner shall provide a treatment plan for the strip of land as part of the building permit application process.
 - c. The treatment plan shall provide for minimum treatment with grass, decorative rock, wood, bark, or any combination of such materials or similar materials in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.

- d. Approved landscaping, installed between the fence and the property line shall be permanently maintained in a healthy growing condition. Dead, diseased, and dying material shall be replaced immediately. Planted areas shall be maintained clear of rubbish and debris.
 - e. Fences proposed along Valley Road, Yonezawa Boulevard, Grape Drive, Division Street, and Nelson Road shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials used must be painted or stained. Fences that are not consistent with the conditions specifically stated in this section may be allowed subject to the approval of the Planning Commission.
 - f. Lots contained within subdivisions may not apply for an individual fence permit unless the majority of the lots with arterial street frontage within that subdivision have already legally constructed six foot (6') high fencing along the frontage. If less than the majority of said lots have six foot (6') high fencing, then a subdivision fence pursuant to 18.20.120. K is required.
- D. Fences and walls shall not exceed eight feet (8') above finished ground level in any interior side or rear yard.
- E. Fences along walkways, pedestrian paths, or activity trail links open to the public shall be no more than four feet (4') solid or six feet (6') open in height or a combination of both with a maximum of four feet (4') solid portion starting from the top of the walkway, pedestrian path, or activity trail. Fencing located within the front or exterior side yard setback area may not exceed 4' in height. All fencing materials must be located inside the property line, and a landscaping treatment is required for the exterior side of the fence up to the hard surface pathway. This area shall be maintained by the property owner. The landscaping treatment plan is required in conjunction with the fence permit application and shall include a minimum treatment of grass, decorative rock, wood, bark, or any combination of such materials, or similar materials, in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.
- F. All fences in residential zones shall be constructed of material commonly used in residential fence construction, such as wood, masonry, ornamental iron, chain link, and similar material. Fences of synthetic materials that have the functional equivalence of natural or traditional material may be substituted. Fences shall not be made of tires, or similar salvage materials, not originally designed as structural components of fences or buildings
- G. Electric fences and barbed wire fences shall be prohibited, except in the R-4 Zone where they may be used to contain livestock. Such fences shall not be located within the front yard setback area or along property lines adjacent to other residential and commercial zones and shall be removed when the livestock use has been discontinued. Electric fences shall be posted with permanent signs every fifty feet (50') stating that the fence is electrified. All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the National Electrical Code.
- H. Responsibility of Owners and Occupants:
- 1. It shall be the responsibility of the owner and/or occupant of the property where a fence is erected to maintain the structure in good repair at all times. When a portion of the fence exceeding twenty five percent (25%) of the street frontage is found to be in a deteriorated

condition and/or in need of repair, including, but not limited to, broken or missing structural components, and/or the fence is substantially less than perpendicular to grade, the Building Official, or his or her authorized agent, may order the fencing to be repaired, replaced or removed depending on the condition of the fence. Such order shall be in writing. If the fencing is ordered to be replaced, then new fencing shall meet the current regulations.

2. The provisions of this section shall not apply to fences, walls, or shrubbery owned or maintained by the city, or to fences constructed or maintained by any other governmental body or agency, for which the principal purpose is inherent to public safety.
- I. An installation permit shall be required for the construction, erection, or installation of a fence or wall. All permit applications shall be reviewed and approved by the Building Official and the City Engineer for vehicular and pedestrian safety. Fences and walls exceeding six feet (6') in height are regulated by the State Building Code and require a building permit and associated fees.
 - J. Additional information about fences is contained in MLMC 12.28.
 - K. Subdivision Fencing: Border fences or walls not to exceed six feet (6') in height along streets bordering the subdivision and tapering to no higher than three feet (3') at street intersections and/or subdivision entrances may be permitted for new subdivisions under the following conditions:
 1. The subdivision must be designed for interior street access to all lots abutting the border street(s).
 2. If such a fence is proposed it must be for all or a majority of the arterial street frontage the subject lots abut. Individual fences taller than forty-eight inches (48") on independent lots will not be permitted in the required set back areas.
 3. Fences shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials must be painted or stained.
 4. The fence may be installed along the public right-of-way line provided there is a minimum of five feet (5') of irrigated landscaping between the fence and the street improvements (sidewalk, curb, gutter, street trees). Border fences may not extend into the front yard on corner lots.
 5. A five foot (5') width of landscaping is required between the fence and the abutting arterial, except that if the arterial is SR-17 than landscaping must comply with section 18.57.040. Landscaping for all other arterials must include one of the following landscaping options:
 - a. Deciduous trees planted at an average spacing of twenty-five feet (25'), and a mix of evergreen and deciduous shrubs, spaced no further than 4' apart that do not exceed a height of four feet (4'), and non living groundcover; or
 - b. Deciduous trees planted at an average spacing of twenty-five feet (25'), and live groundcover.
 6. The type and design of the fence and landscaping shall be reviewed and approved by the Planning Commission, and may be concurrent with the subdivision review process. The review shall include the fence material, landscaping, maintenance and the timing of the

installation of fence and landscaping. All applications for subdivision fencing or walls shall be reviewed by the City Engineer for vehicular and pedestrian safety.

7. All landscaping elements, plant materials, and street trees shall be planted or installed by the developer and permanently maintained pursuant to MLMC 18.57.090 by a homeowner's association. In the absence of a homeowner's association, (i.e. if it is disbanded) landscaping shall be maintained by the individual property owner.
8. A homeowner's association, or similar organization, is required and shall perpetually maintain the fence and the landscaping. The developer and/or homeowners association shall provide evidence of such perpetual maintenance. The Community Development Director shall approve the evidence of the homeowners' association,
9. An irrigation system designed for the health of the street trees on arterial streets maintained by the homeowner's association or individual owner shall be required.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on July 26, 2011.



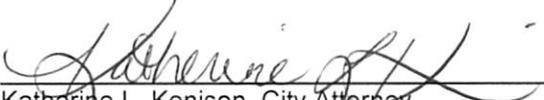
Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney