

FENCE POLICY

PUBLIC WORKS DEPARTMENT

Updated August 29, 2012

BACKGROUND

PAMC Section 12.12.010, *Building on Public Easement – Encroachment Permit*, administered by the Public Works Department, authorizes, by issuance of an encroachment permit, the placement of private infrastructure, including fences, on or in the City right-of-way (ROW) or other public easement when it has been determined that the infrastructure will not interfere with existing or planned City facilities in the ROW or easement and is not otherwise detrimental to the City's best interests and responsibilities.

PAMC Chapter 16.24, *Fences*, administered by the Planning Division, regulates architectural, materials, height, and safety (sightline) issues for fences.

In many residential and commercial areas, the property line is a few feet (distance varies throughout the City) behind the sidewalk. The area between the sidewalk and the property line is, in most cases, ROW or public utility easement (PUE) and is used by the City for sidewalk installation and maintenance; the installation and servicing of utility lines, junction boxes, valves and meters; and street tree maintenance. Many residents have installed fences at the back-of-sidewalk without obtaining an encroachment permit, potentially not realizing that the fence is in City ROW or PUE and may block or hinder access to existing or planned City facilities and generally be detrimental to the City's best interests and responsibilities.

POLICY

Public Works will allow fences constructed of wood or similar easily removed material in the front ROW or PUE and side or back PUE providing they do not appear to interfere with the City's ability to access, install, operate or maintain existing or planned City facilities; they meet the provisions of the PAMC Chapter 16.24, *Fences*, and; the applicant applies for and receives an approved encroachment permit. Fences that are proposed to be constructed of more substantial materials that are not easily removed, such as wrought iron, steel, brick, masonry or concrete block, will not be permitted to be installed in the ROW or PUE even if there is no current conflict with a City facility on the assumption that they could be detrimental to the City's future ability to utilize these areas. The encroachment permit includes conditions providing that if the City needs access to this area the property owner is responsible for removing the fence upon the City's request and for reinstalling it, if they so choose, once the City has completed the work.

Fences in the front ROW or PUE must be placed a minimum of two feet behind the back of new or existing sidewalk. This two foot distance allows the City crews to properly maintain the sidewalk or install infrastructure as needed while reducing or eliminating the need for the property owner to remove and replace the fence due to City work. The two foot distance is measured from the street-side face of the fence to the back of the

sidewalk. Fence footings must not extend more than four inches into the two foot distance between fence and sidewalk. All other details and specifications of the current policy remain unchanged.

Fence Encroachments Proposed in Development Plan Review

During private development plan review, if fences of wood or similar easily removed material are proposed in the ROW or in a PUE, Public Works staff will provide the comment that the applicant must remove the fence, relocate the fence onto private property outside of the ROW or PUE, or obtain an encroachment permit prior to installing the fence. If the property owner chooses to pursue a permit, Public Works staff will route the permit application to the appropriate following groups for review to determine whether there are conflicts between the proposed fence and existing or future city facilities in the ROW or PUE that would be detrimental to the City's best interests or responsibilities:

- PWE Inspector¹
- PWE Storm Drain Engineer²
- PW Ops Sidewalk Supervisor¹
- PW Arborist¹
- Utilities Engineering - WG^{1,2}
- Utilities Engineering - Electric^{1,2}
- Planning Division Current Planning^{1,2}

¹ Fences in ROW

² Fences in PUE

If all plan reviewers report that there are no existing or known future facility conflicts or other reasons to not permit the fence, an encroachment permit will be approved and issued. If any one of the plan reviewers identifies a conflict that cannot be avoided with permit conditions, or other reasons to not permit the fence, the property owner will be informed that the encroachment permit has not been approved and that the fence may not be installed as proposed.

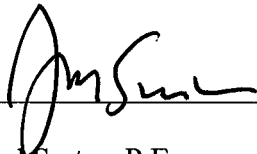
Complaints Regarding Existing Encroaching Fences

When a complaint is received about a fence being located in the City ROW or PUE, Public Works will investigate and take the following actions:

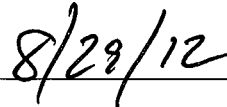
- If Public Works determines that there is not an existing encroachment permit for the fence and that the fence is constructed of materials other than wood or similar easily removed materials, and/or the fence is blocking or hindering access to City facilities³, and/or it does not meet the provisions of the PAMC Chapter 16.24, the owner will be issued an administrative warning to remove the fence within a prescribed time. If the fence is not removed within this time, a minimum \$1,000 administrative penalty fine may be assessed.

- If Public Works determines that there is not an existing encroachment permit for the fence, but that the fence is constructed of wood or similar easily removed materials, and the fence does not appear to interfere with existing or planned City facilities, and it also appears to meet the provisions of the PAMC Chapter 16.24, Public Works will inform the property owner that they need to remove the fence or apply for an encroachment permit. If an encroachment permit is applied for, Public Works will route the application to the appropriate review staff as described above. If the review staff approves the fence, an encroachment permit will be issued. If the review staff does not approve the fence, the property owner will be issued an administrative warning to remove the fence within a prescribed time. If the fence is not removed within this time, a minimum \$1,000 administrative penalty fine may be assessed.

³Fences in the ROW or PUE placed within two feet of the back of sidewalk, and determined to have been installed after 8/28/12, will be found to block or hinder access to City facilities.



J. Michael Sartor, P.E.
City Engineer/Director of Public Works



Date