



**CITY OF TUALATIN**  
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Tualatin, OR 97062-7092  
Planning: 503-691-3026

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# FENCES

## 1. When is a building permit required?

A building permit is NOT required to construct a fence, EXCEPT for the following:

- (a) Fences for swimming pools, ponds, or hot tubs require a building permit.
  - Any unenclosed body of water deeper than 24 inches, which does not have a locking non-collapsible cover must be fenced.
- (b) Fences greater than seven feet in height at any point including associated elements, as measured from the highest adjoining ground surface to the top of the fence panel, require a building permit.
  - Associated fencing elements such as fence posts, post caps, trellises, and arches that exceed six feet in height are considered part of the fence and cannot be used to support flower boxes or trellises.
- (c) A retaining wall that is over 4 feet in height, as measured from the bottom of the footing to the top of the wall, or a retaining wall that supports a surcharge or a fence, requires a building permit. - A retaining wall is a structure that resists the lateral displacement of soil or other materials.
- (d) If your proposed fence falls under a, b, or c above, please contact the Engineering & Building Department for information concerning building permit application procedures, plan check, permit fees, and inspections.

## 2. What kind of fences are allowed in Tualatin?

There are three regulations that apply to all fences in Tualatin:

- (a) Barbed-wire is only allowed at the top of a fence and must be at least 6'6" high off the ground.
- (b) Electrified fencing is prohibited next to any sidewalk or public way or next to any adjoining property line of another person.
- (c) Fences cannot encroach into vision clearance areas at intersections (street, driveway and railroad). (See details in the Vision Clearance Requirements section).

Additional fence regulations are primarily based upon (a) the planning district designation of your property (you may check with the City's Community Development Department if you're not sure what planning district your property is located in), and (b) the type of use that currently exists on your property (such as a retail establishment or a single-family dwelling). Property owners should also be aware of the following special standards:

### **Special standards for fences in residential areas (RL & RML Planning Districts):**

There are special masonry-look design standards for fencing installed approximately parallel with and within 10 feet of any access-restricted property line ("access-restricted" means no vehicular driveway access is allowed to your property across that property line) next to a public street designated as a major or minor

collector, arterial, or expressway in the RL and RML Planning Districts. These special standards are in the Tualatin Development Code (TDC) in Sections 34.330 and 34.340. If you think these standards may apply to your property, please contact the Community Development Department for a more detailed explanation than can be provided in this handout.

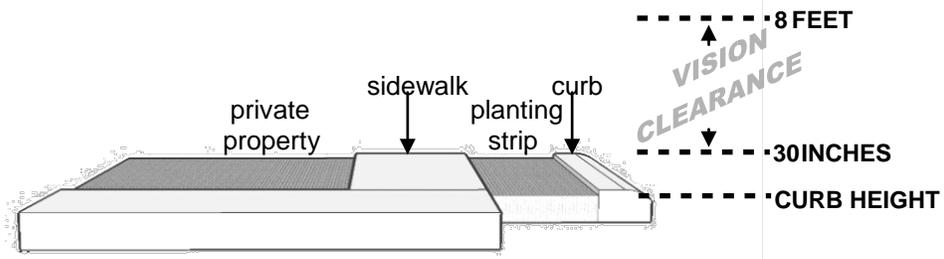
**Special standards for fences in Commercial and Manufacturing Districts and for properties developed as Multi-Family Developments:**

Land use approval (Architectural Review) is required prior to construction or replacement of fencing on any property not currently developed with a single-family dwelling. If you think that Architectural Review may be required for construction of a fence on your property, please contact the Community Development Department for a more detailed explanation than can be provided in this handout.

**3. What are Vision Clearance requirements?**

The City prohibits temporary and permanent physical obstructions, such as a fence, inside vision clearance triangles at intersections (street, driveway and railroad). The purpose of the vision clearance triangle is to maintain a safe line-of-sight for drivers, bicyclists and pedestrians as they approach street, driveway, and railroad intersections.

Fences between 30 inches and 8 feet above curb height are prohibited in vision clearance triangles, as detailed in TDC Section 75.



The length of the legs of a Vision Clearance Triangle at intersecting streets, driveways, and railroads, as detailed in TDC Section 75 must be measured as follows:

Intersection of:

Driveway & Local Street: 10 feet & 10 feet

Driveway & Railroad Tracks: 10 feet & 10 feet

Driveway & Collector/Arterial Street: 10 feet & 25 feet

Local Street & Local Street: 10 feet & 10 feet

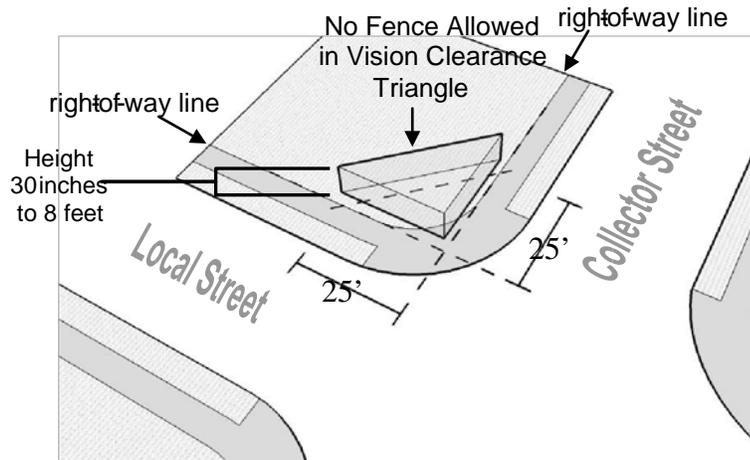
Local Street & Railroad Tracks: 10 feet & 10 feet

Local Street & Collector/Arterial Street: 25 feet & 25 feet

Collector/Arterial Street & Collector/Arterial Street: 25 feet & 25 feet

Collector/Arterial Street & Railroad Tracks: 25 feet & 25 feet

Example:



#### 4. **How do I determine where my property lines are?**

It is the responsibility of property owners to determine the correct location of their property lines, and to ensure that a fence does not encroach onto publicly-owned property or onto a neighbor's property without the neighboring property owner's express permission.

A property owner may contact the County Clerk's office to find out if there are any survey or plat records available for your property, which may help you in locating your property lines. Or if you are unsure or need assistance, there are survey companies and property line locator companies listed in the telephone directory who may be able to serve you. The City is not able to assist property owners in locating property lines or survey monuments.

#### 5. **What if I have a disagreement with my neighbor concerning a fence?**

The Oregon State Bar may be able to refer you to an attorney or legal advisor who specializes in these types of issues, or you may want to contact the Oregon Mediation Association (503-872-9775) to find a referral to a mediation organization. The City is not able to provide dispute resolution services or give legal advice.

#### 6. **Does the City of Tualatin require maintenance of fences?**

The City of Tualatin does have maintenance requirements for fences located within 10 feet of, and approximately parallel with, a property line next to a public street designated as a major or minor collector, arterial, or expressway. Property owners must ensure that these fences are erected in a skilled manner and maintained in a structurally sound condition free from excessive physical decay, cracked, crumbling, peeling, or rusting surfaces, or broken, bent, disfigured, or missing components.

#### 7. **Other things to keep in mind:**

- **Drainage** – It is the responsibility of a property owner to ensure that a fence, or any other grading or development activity on his/her property, does not impede, obstruct, or alter stormwater drainage patterns to the detriment of other properties.
- **Reporting a Fence That Violates City Code Requirements** – Code enforcement complaints may be reported to the City by contacting the Community Development Department. Complaints cannot be made anonymously. You must be willing to provide your name and telephone number in order for the City to take your complaint.
- **Restrictive Covenants** – There may be covenants listed or referenced in your property deed that regulate what type or size of fence you may install on your property. The City is not able to interpret covenants for you or tell you whether or not there are any private restrictions that apply to your

property. If you are unsure or need assistance, there are attorneys and legal advisors listed in the telephone directory who may be able to serve you.

- Utility Easements, Power Poles, Utility Boxes, Meters – Many properties have public utility easements located across one or more portions of the property, in which one or more utility service lines may be located. It is the responsibility of property owners to be aware of where utility easements, service lines, power poles, utility boxes, meters, etc. are located on the property, and to contact the appropriate utility company to find out whether the utility needs you to maintain a minimum clearance and access around their easement or equipment. Utility companies need to have access to your property for maintenance at all reasonable times, and it is important to be aware that utility maintenance work could result in the utility company needing to remove a fence or other obstruction at the property owner's expense.
- Locate Utility Lines Before You Dig – To avoid potentially costly damage to underground utility service lines, such as gas, telephone, cable, water, sewer, or electric, it is recommended that you contact the Utility Notification Center and ask to have utility locates marked before you begin to dig. The Utility Notification Center (1-800-332-2344) can provide you with information about what the colored markings mean and how long it will take.

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The information contained in this handout is intended as a **general guide only**. It is the responsibility of property owners to ascertain whether other regulations, special circumstances, or permit requirements apply to any particular property or development activity. If there is any conflict between this bulletin and City, State, or Federal regulations, the City, State, and/or Federal regulations shall prevail. The City of Tualatin makes no representations or guarantees as to the accuracy, completeness, currency, or suitability of the information provided via this handout, and disclaims any and all liability for any damages that may result from any actions taken by any person as a result of information provided or not provided herein.