

Yreka Municipal Code 16.46.050 (AMMENDED) - Fencing, walls, hedges and screen planting.
EFFECTIVE JULY 16, 2021

- A. **Unless specifically addressed in this chapter**, no fence, wall, hedge or screen planting of any kind shall hereafter be constructed or grown to exceed four (4) feet in height within the area encompassed by the front yard setback as detailed in the zoning code. Nor shall the same exceed six (6) feet in height within the area encompassed by the rear yard setback or the side yard setback to the front yard setback line.

Fence height shall normally be measured from the natural ground level provided however, an alternate measurement may be authorized by the Building Official if special circumstances exist relating to the property.

Non-conforming Fences existing prior to the adoption of this Ordinance, are exempt from these provisions until they require replacement, at which time they shall be required to conform with the provisions of this ordinance.

If a non-conforming fence is damaged or destroyed to an extent of less than 30%, the owner may apply to the Planning Commission for a Minor Conditional Use Permit to replace the damaged portion, subject to the following findings and conditions:

- 1. Approval will not result in obstruction of sight distance so as to create or increase any traffic safety hazard.*
- 2. Fence constructed of material such as chain link or wire mesh, within the front yard setback, shall be maintained clear of all debris, weeds or other vegetation. Landscape plants and grass must be maintained so as to NOT touch or grow through fence.*
- 3. The fence height will not significantly visually obstruct or reduce the openness of the street scene comprised of front yards in the neighborhood.*
- 4. Non-conforming fencing that is removed, or replaced, may NOT be reconstructed. New fencing must conform to the current regulations.*
- 5. A violation of any of these conditions may result in revocation of the Permit.*

B. **Security Fencing - Industrial and Commercial Zones:**

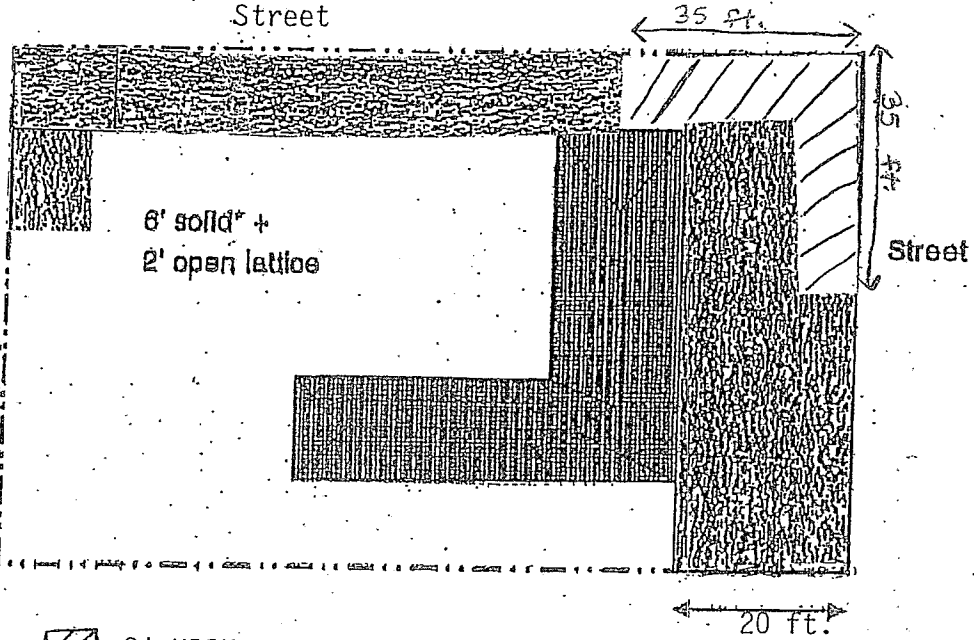
- 1. In M-1, M-2, CH and CT zones an additional two (2) feet above the six (6) foot height limit is permitted for the purpose of wire security fencing. (This does not apply to the front yard setback area.)*
- 2. Fences within the front yard setback in the M-1 Light Industrial Zone: Fences in the front yard setback in the M-1 Light Industrial Zone may be allowed to up to six (6) feet in height, upon obtaining a Conditional Use Permit from the Planning Commission.*
- 3. Fences within front yard setback in the M-2 Heavy Industrial Zone: Fences in the front yard setback in the M-2 Heavy Industrial Zone are allowed up to six (6) feet in height. Corner properties Zoned M-2 Heavy Industrial Zone may have a fence up to six (6) feet within a portion of the front yard setback, provided said fence is at least ten (10) feet back from the front property line, maintaining a clear vision area to adjoining streets.*




- C. ***Corner Lots:*** Notwithstanding the foregoing, as to any corner lot, no such fence, hedge or screen planting shall exceed three (3) feet in height within thirty-five (35) feet from the property corner adjacent to the intersecting streets. The owner of such property *may apply for a Minor Conditional Use Permit* for a greater height by a showing that no hazard exists to vehicular or pedestrian traffic. Such ***Conditional Use Permit*** may be granted by the ***Planning Commission*** provided all provisions of this code are otherwise satisfied and the Director of Public Works, and the Chief of Police concur that no safety hazard is created by the greater height. In the event the ***Planning Commission*** denies the application, the applicant may file *an appeal* with the ***City Council, in accordance with Yreka Municipal Code Section 16.14.030.***
- D. Decorative columns, post caps or similar features not more than one foot in height may be added on top of fences or walls.-Such features ***should*** typically not be less than eight (8) feet apart, and must be consistent with the design and materials of the fence or wall.
- E. Fences or walls in the side or rear yards may not exceed six (6) feet in height, except to allow up to two (2) feet of lattice and framing that is at least fifty (50) percent open to the passage of light and air when viewed horizontally. ***(This does not apply to the front yard setback area.)***
- F. ***Historic District:*** ***Fences within the Historic District must meet the requirements of the Historic District; a separate Historic District Permit is required. Wire or chainlike fences are prohibited. Construction material shall be predominantly wood with a very few wrought iron picket posts. See Historic District rules and regulations for specific details.***
- G. ***Schools and other Government owned property shall be exempt from the fence height restriction in the front yard setback.***
- H. ***Maintenance. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.***
- I. ***In no instance shall a fence extend beyond the property line.***

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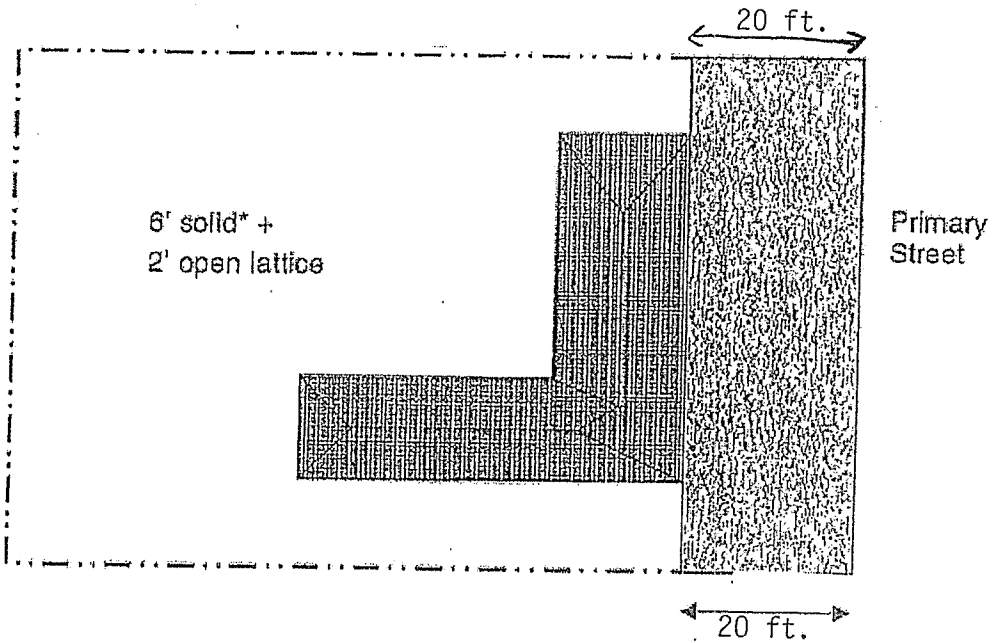
Fence Regulations



Corner Lot
Street



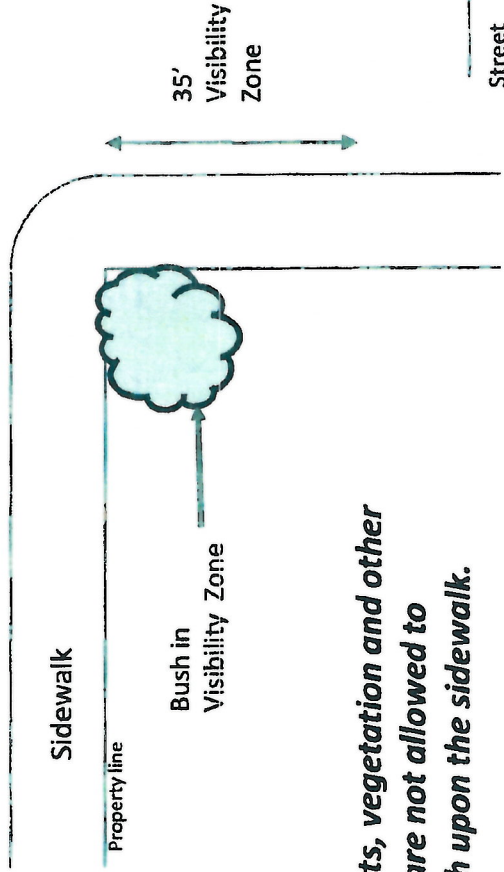
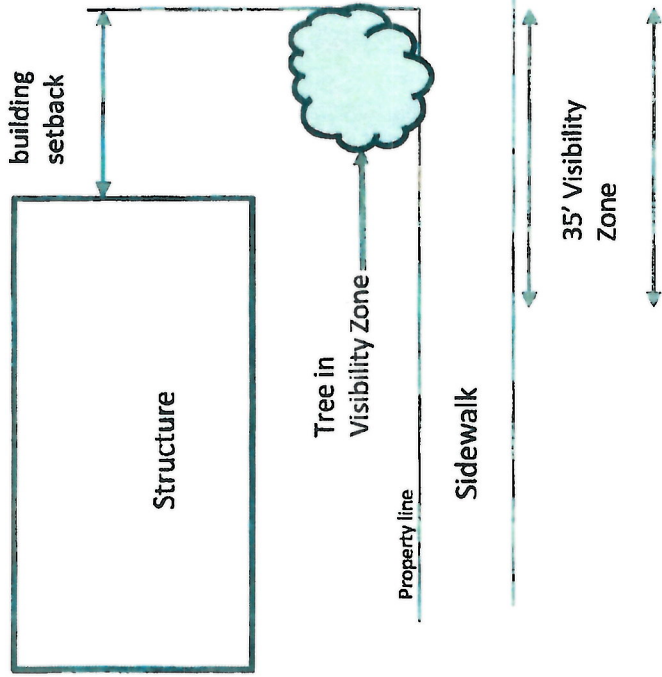
-  3' HIGH
-  4' HIGH
-  6' HIGH; PLUS 2' OPEN LATTICE

Fence Regulations Inside Lot



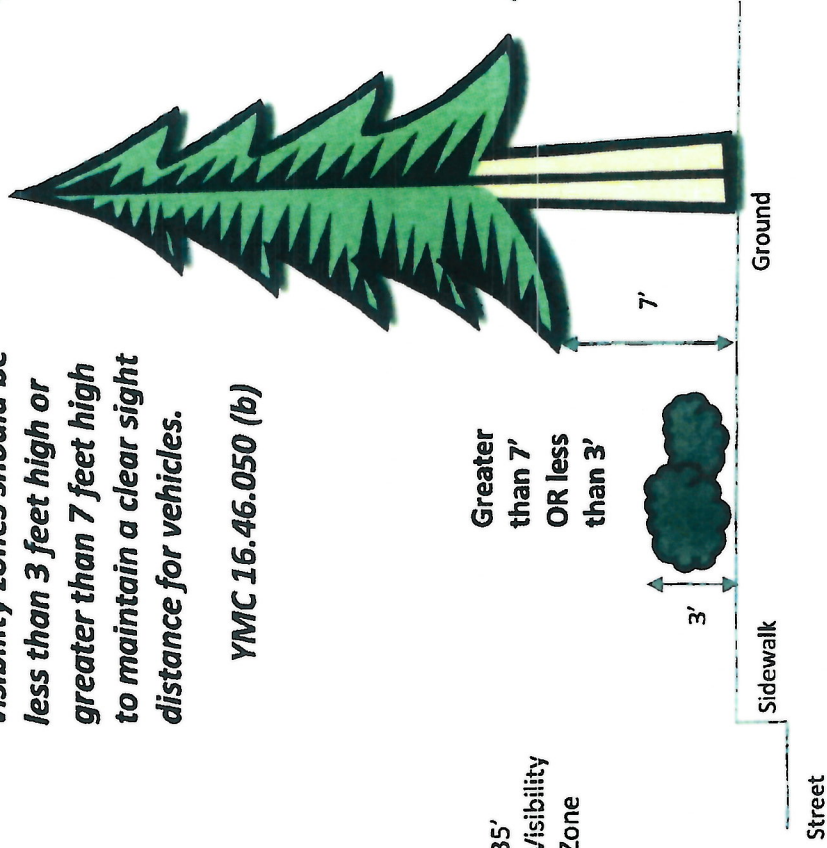
-  4' HIGH
-  6' HIGH; PLUS 2' OPEN LATTICE

City of Yreka Visibility Zones at Intersections



Vegetation, and other obstructions such as retaining walls, in traffic visibility zones should be less than 3 feet high or greater than 7 feet high to maintain a clear sight distance for vehicles.

YMC 16.46.050 (b)



On all lots, vegetation and other objects are not allowed to encroach upon the sidewalk.

ORDINANCE NO. 863

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA
AMENDING SECTION 16.46.050 OF CHAPTER 16.46 OF TITLE 16 OF THE YREKA
MUNICIPAL CODE RELATING TO FENCING, WALLS, HEDGES AND SCREEN
PLANTING AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM CEQA.

BE IT ORDAINED by the City Council of the City of Yreka as follows:

SECTION 1. Chapter 16.46 AMENDED. Section 16.46.050 Chapter 16.46 of the Yreka Municipal Code is hereby amended to provide as follows:

“16.46.050 - Fencing, walls, hedges and screen planting.

- A. *Unless specifically addressed in this chapter*, no fence, wall, hedge or screen planting of any kind shall hereafter be constructed or grown to exceed four (4) feet in height within the area encompassed by the front yard setback as detailed in the zoning code. Nor shall the same exceed six (6) feet in height within the area encompassed by the rear yard setback or the side yard setback to the front yard setback line, ~~Fences constructed within the exterior side yard setback shall not exceed four (4) feet in height.~~

Fence height shall normally be measured from the natural ground level provided however, an alternate measurement may be authorized by the Building Official if special circumstances exist relating to the property.

Non-conforming Fences existing prior to the adoption of this Ordinance, ~~that are deemed by the City to be in safe and good condition~~, are exempt from these provisions until they require replacement, at which time they shall be required to conform with the provisions of this ordinance.

If a non-conforming fence is damaged or destroyed to an extent of less than 30%, the owner may apply to the Planning Commission for a Minor Conditional Use Permit to replace the damaged portion, subject to the following findings and conditions:

- 1. Approval will not result in obstruction of sight distance so as to create or increase any traffic safety hazard.*
- 2. Fence constructed of material such as chain link or wire mesh, within the front yard setback, shall be maintained clear of all debris, weeds or other vegetation. Landscape plants and grass must be maintained so as to NOT touch or grow through fence.*
- 3. The fence height will not significantly visually obstruct or reduce the openness of the street scene comprised of front yards in the neighborhood.*
- 4. Non-conforming fencing that is removed, or replaced, may NOT be reconstructed. New fencing must conform to the current regulations.*

are prohibited. Construction material shall be predominantly wood with a very few wrought iron picket posts. See Historic District rules and regulations for specific details.

G. Schools and other Government owned property shall be exempt from the fence height restriction in the front yard setback.

H. Maintenance. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

I. In no instance shall a fence extend beyond the property line.”

SECTION 2. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION 4. MANDATORY DUTY SAVINGS CLAUSE.

By the use of such words as "shall" and "must" herein the City Council does not intend to create a mandatory duty upon the city. In imposing duties in this ordinance the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause a copy of the full text of this ordinance to be published once in an adjudicated newspaper of general circulation in the City of Yreka within fifteen (15) days after adoption of this ordinance. If the charge for publication of the ordinance exceeds the customary rate charged by the newspaper for publication of private legal notices, the City Clerk is directed to prepare, post and publish a summary of this ordinance as provided in Government Code Section 36933(c)(1).

SECTION 6. CODIFICATION. The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Section 1.