

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Public Comment**

The Planning Commission welcomes public attendance at Planning Commission meetings. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business are encouraged. If you wish to address the Planning Commission, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

- 5. Approval of Minutes**

- a. Consider the Minutes of the February 18, 2026, Planning Commission Meeting.

- 6. New Business**

- a. Receive and Discuss Presentation of TMC Title 17 Zoning Periodic Update Summary.

- 7. Other Business**

- a. TMC 15.20 Fence Code Amendment.

- 8. Adjournment**

**Next Planning Commission Meeting Will Be Held on April 15, 2026**

Planning Commission meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

**TOPPENISH PLANNING COMMISSION**  
**Meeting Minutes**  
**February 18, 2026**

Chairperson Mayer called the meeting to order at 5:30 p.m.

**ROLL CALL AND ATTENDANCE**

Present: Chairperson Janet Mayer, Commissioners Jesus M. Aguirre, and Gabriella Guel.

Absent: Commissioner Benita Polina

Staff: Community Economic Development (CED) Director Andrew Hattori, Permit Coordinator Tami Colley.

Permit Coordinator Colley conducted roll call for each Planning Commissioner to respond to their attendance at the meeting. Chair Mayer, and Commissioners Aguirre, and Guel, responded to their attendance during roll call.

A motion was made by Commissioner Aguirre and seconded by Commissioner Guel to excuse Commissioner Polina's absence

**APPROVAL OF AGENDA**

Commissioner Aguirre moved, seconded by Commissioner Guel, to approve the February 18, 2026, meeting agenda. Motion carried unanimously.

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

Commissioner Aguirre moved, seconded by Commissioner Guel, to approve the minutes from the January 28, 2026, meeting. Motion carried unanimously.

**NEW BUSINESS**

CED Hattori presented TMC 15.20 Fences Amendment discussion. CED Hattori will make draft amendments and bring them to the next meeting for further discussion.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:58p.m.

---

Janet Mayer, Chairperson

---

Andrew Hattori, Community Economic  
Development Director

**Meeting Date:** March 18, 2026  
**Subject:** Receive and Discuss Presentation of TMC Title 17 Zoning Periodic Update Summary.  
**Attachments:** 1. TMC Title 17\_Zoning\_Revisions\_PC Summary  
**Presented By:** Joseph Calhoun, HLA Engineering and Land Surveying  
**Approved for** Andrew Hattori, CED Director  
**Agenda By:**

---

**Discussion:**

The City of Toppenish is currently undergoing efforts to update its Comprehensive Plan in accordance with the Growth Management Act. As a part of the Comp Plan update there may be mandatory updates required by the State that impact our Planning and Development codes. An example would be the recent Accessory Dwelling Unit (ADU) code, would we have not adopted the ADU code we would have been required to include it in the Comp Plan update, or be required to adhere to the relevant RCWs and WACs. The City's consultant working on the Comp Plan update, HLA Engineering and Land Surveying, Inc., has prepared the attached zoning revisions for discussion.

**Fiscal Impact:**

None.

**Recommendation:**

N/A.

**Alternatives:**

## Title 17 - ZONING

### Periodic update summary

#### New Definitions

#### Chapter 17.08

##### DEFINITIONS

##### 17.08.010 Accessory dwelling unit.

“Accessory dwelling unit (ADU)” means dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling, duplex, triplex, townhome, or other housing unit for use as a complete independent living unit for one or more than one persons with provision for living, eating, cooking sanitation and sleeping, meeting the purpose and requirements of TMC 17.94.

##### 17.08.012 Affordable housing.

“Affordable housing” means, unless context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is sixty percent of the median household income adjusted for household size in Yakima County for rental housing and is 80 percent of the median household income adjusted for household size in Yakima County for owner-occupied housing. Household size is as reported by the United States Department of Housing and Urban Development.

##### 17.08.0125 Affordable housing development.

“Affordable housing development” means a proposed or existing structure in which one hundred percent of all single-family or multi-family residential dwelling units within the development are set aside for or are occupied by low-income households at a sale price or rent amount that may not exceed thirty percent of the income for the low-income housing unit.

##### 17.08.012 Antidisplacement policy.

“Antidisplacement policy” means policies, with consideration given to the preservation of historical and cultural communities as well as investments in moderate, low, very low, and extremely low income housing; equitable development initiatives; inclusionary zoning;

community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

#### 17.08.091 Co-living housing.

“Co-living housing” means a type of residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, in which residents share kitchen facilities with residents of other sleeping units in the building.

#### 17.08.120 Dwelling unit.

“Dwelling unit” means one or more rooms in a dwelling or apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes, and having only one kitchen a residential living unit that provides complete independent living facilities for one or more persons that includes permanent provisions for living, sleeping, eating, cooking and sanitation. (Ord. A-580 § 24, 1964).

#### 17.08.150 Dwelling or development, multiple family.

“Multiple family dwelling or development” means a building or residential development containing under one roof three or more dwelling units. The configuration of units can be in a singular building or multiple buildings so long as there are three or more dwelling units on one lot. (Ord. A-580 § 24, 1964).

#### 17.08.151 Emergency housing.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

#### 17.08.152 Emergency shelter.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement.

#### 17.08.153 Extremely low-income household.

“Extremely low-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size within Yakima County as reported by the United States Department of Housing and Urban Development.

#### 17.08.160 Family.

“Family” means an individual, or ~~two or more~~ persons related by blood or marriage, or a group ~~of not more than five~~ persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. (Ord. A-580 § 24, 1964).

**Commented [AF1]:** Zoning Code 2.D - Update to remove limit on number of persons

#### 17.08.161 Gross floor area.

“Gross floor area” means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

#### 17.08.181 Indoor emergency housing

“Indoor emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

#### 17.08.182 Indoor emergency shelter

“Indoor emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

#### 17.08.012 Low-income household.

“Low-income household” means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for Yakima County.

#### 17.08.241 Moderate-income household.

“Moderate-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size within Yakima County as reported by the United States Department of Housing and Urban Development.

#### 17.08.261 Permanent supportive housing.

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be

typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is subject to all of the rights and responsibilities defined in RCW 59.18.

**17.08.321 Substantial compliance.**

“Substantial compliance” means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

**17.08.322 Tandem parking.**

“Tandem parking” means two or more vehicles, one in front of or behind the others with a single means of ingress and egress.

**17.08.323 Transitional housing.**

“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has its purpose facilitating the movement of homeless persons and families into independent living.

**New Housing and Use Requirements**

Use	Requirement
Permanent Supportive Housing and Transitional Housing -	Everywhere residential uses and hotels are allowed
Indoor Emergency Shelter and Indoor Emergency Housing	Everywhere hotels are allowed
Organic Materials Management Facilities	If identified in solid waste management plans
Increased Density Considerations	<p>Zoning designations need to consider all income brackets – higher densities and/or smaller lot sizes are intended to accommodate this requirement.</p> <p>Density bonus required when in an existing building.</p> <p>Considerations for Religious Organizations</p> <p>Co-Living and Affordable Housing</p>

## Chapter 17.28 RESIDENTIAL DISTRICT (R1)

### 17.28.020 Permitted uses.

After June 20, 1964, no building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained in this district except for the following uses:

- A. A single-family dwelling, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC [17.28.035](#);
- B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC [17.28.035](#);
- C. Farming, horticulture or nurseries, provided no retail or wholesale office is maintained on the premises and provided no livestock is maintained on the premises;
- D. Accessory buildings, such as are ordinarily appurtenant to the permitted uses in this district;
- E. In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license;
- F. Special property uses specifically allowed in this district as listed in Chapter [17.56](#) TMC. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 14(1), 1964);-
- G. Accessory Dwelling Units as specified in Chapter 17.94 TMC.
- G.H. [Permanent supportive housing or transitional housing.](#)

### 17.28.030 Area regulations – Lot size and percent of coverage.

- A. Single-Family Dwelling. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than [7,2006,000](#) square feet or average width of less than [60-50](#) feet, nor shall the building, including its accessory buildings, occupy or cover more than [40-60](#) percent of the total lot area.
- B. Two-Family Dwelling. No two-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than [7,0008,200](#) square feet or average width of less than [80-50](#) feet, nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-580 § 14(2)(a), 1964).

## Chapter 17.32 RESIDENTIAL DISTRICT (R2)

### 17.32.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

- A. A single-family dwelling, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC [17.28.035](#);
- B. A two-family dwelling (duplex), limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC [17.32.035](#);
- C. Multiple-family dwellings and apartment dwellings;
- D. Farming, horticulture and nurseries; provided, that no retail or wholesale office is maintained on the premises; and provided, that no livestock is maintained on the premises;
- E. Accessory dwelling unit as specified in TMC 17.94;
- F. In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license;
- G. Special property uses specifically allowed in this district as listed in Chapter [17.56](#) TMC. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. 88-10 § 1, 1988; Ord. A-580 § 15(1), 1964).

~~G-H.~~ [Permanent supportive housing and transitional housing.](#)

### 17.32.030 Area regulations – Lot size and percent of coverage.

- A. Single-Family Dwelling. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than ~~7,2006,000~~ square feet or an average width of less than ~~5060~~ feet, nor shall the building, including its accessory buildings, occupy or cover more than ~~6050~~ percent of the total lot area.
- B. Two-Family Dwelling. No two-family single-story dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than ~~7,0008,200~~ square feet or average width of less than ~~5080~~ feet; nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.
- C. No multiple-family dwellings of three or more residential units shall be erected after June 20, 1964, upon any lot or plot having an area of less than ~~8,0009,200~~ square feet or average width of less than ~~9075~~ feet, nor shall an apartment or multiple-

family dwelling of any type be erected in such a manner as to provide less than ~~2,000~~1,500 square feet of land area for each living unit including the land on which the unit is built. No multiple-family or apartment dwelling, including its accessory buildings, shall occupy or cover more than ~~60-75~~ percent of the total lot area. (Ord. 2020-12 § 1, 2020; Ord. 2008-25, 2008; Ord. A-580 § 15(2)(a), 1964).

C.D. Density restrictions under 50% excess of R2 limitations may not be imposed on developments constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that substantial compliance with TMC standards for its use can be met within the building.

## Chapter 17.40 LOCAL BUSINESS DISTRICT (B1)

### 17.40.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

- A. A single-family dwelling, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.40.035;
- B. A two-family dwelling, limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.40.035;
- C. Multiple-family dwellings and apartment dwellings;
- D. Automobile service stations;
- E. Business or professional offices;
- F. Financial institutions;
- G. Kindergarten and nursery schools;
- H. Medical or dental clinic;
- I. Motels;
- J. Laundry and dry cleaning pick-up station;
- K. Personal service shops;
- L. Retail store or business;
- M. Restaurant;

- N. Self-service laundry and dry cleaning using nonexplosive and nonflammable cleaning fluid;
- O. Veterinary clinic provided all facilities are within an enclosed building;
- P. Florist shop including an area for the growing of flowers and plants for sale through said shop;
- Q. Any other use similar to the above uses as approved by the planning commission;
- R. Special property uses specifically allowed in this district as listed in Chapter [17.56 TMC](#);
- S. Automobile sales agencies, excluding garages and parts distributors; provided, that such agencies are constructed and maintained in a manner in harmony with and not detrimental to existing or reasonably expected future development of the neighborhood in which located;
- [T.](#) In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license.
- [T.U.](#) Accessory dwelling units conforming to the requirement as specified in Chapter 17.94 TMC.
- [U.V.](#) [Permanent supportive housing and transitional housing.](#)
- [V.W.](#) [Indoor Emergency Housing and Indoor Emergency Shelters.](#)

17.40.030 Area regulations – Lot size and percent of coverage.

- A. Single-Family Dwelling. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than [7,2006,000](#) square feet or an average width of less than [60-50](#) feet, nor shall the building, including its accessory buildings, occupy or cover more than 50 percent of the total lot area.
- B. Two-Family Dwelling. No two-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than [8,2007,000](#) square feet or an average width of less than [80-60](#) feet, nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.
- C. Multiple-Family Dwelling. No multiple-family dwelling of three or more units shall hereafter be erected upon any lot or plot having an area of less than [9,2008,000](#) square feet, nor shall any multiple-family dwelling hereafter be erected or altered in such a manner as to provide less than 500 square feet of open, unoccupied lot area for each family unit in such multiple-family dwelling.

No other building, including its accessory buildings, shall occupy or cover more than 75 percent of the total lot area.

## Chapter 17.44

### GENERAL BUSINESS DISTRICT (B2)

#### 17.44.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

1. Agricultural supplies and machinery sales;
2. Amusement parks, drive-in theaters, skating rinks, dance halls and other lawful commercial amusements;
3. Automobile sales agencies, garages and parts distributors;
4. Automobile service stations;
5. Restaurants or taverns;
6. Boat and motor sales and repair;
7. Business or professional offices;
8. Businesses, retail, wholesale or service, catering directly to the consumer;
9. Dry cleaning and laundry;
10. Feed, seed and garden supplies;
11. Financial institutions;
12. Frozen food lockers;
13. Fuel distributors; provided, that all storage tanks for liquid petroleum fuels shall be located underground;
14. Glass sales and installation;
15. Hotels, motels and apartment dwellings;
16. Kindergarten, nursery or vocational schools;
17. Manufacturing clearly incidental to a retail business lawfully conducted on the premises and not prohibited in an "M" district;
18. Medical or dental clinics;
19. Nursery or greenhouse;
20. Outdoor advertising displays;
21. Parking lots or structures;
22. Personal service shops;
23. Pet shops;
24. Plumbing and sheet metal shops;
25. Trailer parks and trailer sales agencies;
26. Undertaking establishments;
27. Veterinary clinic, provided all facilities are within an enclosed building;

- 28. Any other use similar to the above uses as approved by the planning commission;
- 29. Special property uses specifically allowed in this district as listed in Chapter [17.56 TMC](#);
- 30. Accessory uses which are clearly incidental to permitted uses and which will not create a nuisance or hazard, including:
  - a. Living or watchman's quarters for the operator or an employee of the permitted primary use;
  - b. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#);
- [31.](#) In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license. (Ord. 2008-25, 2008; Ord. 88-11 § 2, 1988; Ord. B-120 § 1, 1978; Ord. A-701 § 1, 1972; Ord. A-580 § 18(1), 1964);
- [32.](#) [Indoor emergency shelters and indoor emergency housing](#);
- [31-33.](#) [Permanent supportive housing and transitional housing](#).

## Chapter 17.46

### PROFESSIONAL OFFICE DISTRICT (B3)

#### 17.46.020 Permitted uses.

No building, structure, or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after the date of the ordinance codified in this chapter in this district except for the following uses:

- A. Single-family, [duplex](#) and multiple-family dwellings [or developments](#) as defined in this title consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC [17.46.035](#);
- B. Medical and dental clinics, including establishments dispensing pharmaceutical, optical, and/or orthopedic prescriptions;
- C. Professional office buildings for the use of architects, accountants, engineers, lawyers, administrative services and other offices providing professional services and carrying no merchandise or stock in trade;
- D. Accessory uses which shall be other uses or structures customarily accessory and clearly subordinate to permitted uses set forth in subsections A through C of this section;

- E. Any use or structure not listed and permitted; principal, accessory, or special property uses shall be strictly prohibited from the B3 zone;
- F. In-home day care licensed by the state of Washington for no more than 12 children after obtaining a city of Toppenish business license.
- G. [Permanent supportive housing and transitional housing.](#)

#### 17.46.030 Area regulations – Lot size and percentage of coverage.

Lot size and percentage of coverage:

- A. Single-Family Dwelling. No single-family dwelling in this zone shall hereafter be erected upon any lot or plot having an area of less than ~~7,200~~[6,000](#) square feet or a width of less than [560](#) feet, nor shall the building, including its accessory buildings, occupy or cover more than 50 percent of the total lot area.
- B. Duplexes. No duplex shall hereinafter be erected upon any lot or plot having an area less than ~~8,200~~[7,000](#) square feet or a width of less than [560](#) feet, nor shall any set structure occupy or cover more than 60 percent of the total lot area.
- C. Multiple-Family Dwellings. No multiple-family dwelling of three or more units shall hereinafter be erected upon any lot or plot having an area less than ~~9,200~~[8,000](#) square feet, nor shall any multiple-family dwelling hereinafter be erected or altered in such a manner as to provide less than 1,000 square feet of open, unoccupied lot area for each family unit in such multiple-family dwelling, nor shall any such structure or its accessory buildings occupy or cover more than 60 percent of the total lot area.

No other building, including its accessory buildings, shall occupy or cover more than 70 percent of the total lot area in the professional office district.

## Chapter 17.48

### LIGHT INDUSTRIAL DISTRICT (M1)

#### 17.48.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

- A. Agricultural supplies, machinery and equipment sales;
- B. Automobile and trailer sales and service agencies;
- C. Automobile service stations;
- D. Boat and motor sales, repair and manufacture;
- E. Draying, freighting and trucking yard or terminal;

- F. Dry cleaning and laundry, rug and carpet cleaning, dyeing works;
- G. Feed, seed and garden supplies;
- H. Fuel distributors;
- I. Glass sales and installation;
- J. Nursery or greenhouse;
- K. Outdoor advertising;
- L. Professional, executive and administrative offices;
- M. Research, experimental or testing laboratories;
- N. Restaurants;
- O. Veterinary clinics;
- P. Wholesale businesses, storage buildings and warehouses;
- Q. The manufacturing, processing, compounding, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, cosmetics and toiletries;
- R. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood (except planing mills), yarns and paint;
- S. Uses customarily incidental to any of the above listed uses, or uses of a similar nature when approved by the planning commission, including:
  - 1. Dwellings or shelters for the occupancy of guards, watchmen or caretakers;
  - 2. Dwellings for the occupancy of the operators and employees necessary to the operation of a farm or agricultural use; or
  - 3. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#);
- T. Special property uses specifically allowed in this district as listed in Chapter [17.56](#) TMC.
- U. [Organic materials \(OM\) management facilities as identified in solid waste management plans](#)

## Chapter 17.52

### HEAVY INDUSTRIAL DISTRICT (M2)

#### 17.52.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964 in this district except for the following uses:

- A. Agricultural supplies, machinery and equipment sales;
- B. Automobile and trailer sales and service agencies;
- C. Automobile service stations;
- D. Boat and motor sales, repair and manufacture;
- E. Draying, freighting and trucking yard or terminal;
- F. Dry cleaning and laundry, rug and carpet cleaning, dyeing works;
- G. Fuel distributors;
- H. Nursery or greenhouse;
- I. Outdoor advertising;
- J. Research, experimental, or testing laboratories;
- K. Veterinary clinics;
- L. Wholesale businesses, storage buildings and warehouses;
- M. Any other industrial or manufacturing use similar to those listed when approved by the planning commission;
- N. Uses customarily incidental to any of the above listed uses, including:
  - 1. Dwellings or shelters for the occupancy of guards, watchmen or caretakers;
  - 2. Dwellings for the occupancy of the operators and employees necessary to the operation of a farm or agricultural use; or
  - 3. On-site hazardous waste treatment and storage; provided, that such facilities meet state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#);
- O. Special property uses specifically allowed in this district as listed in Chapter [17.56](#) TMC.
- P. [Organic materials \(OM\) management facilities as identified in solid waste management plans.](#)

#### 17.56.030 Churches, fraternal organizations, lodges, grange halls and clubs.

Special property use permits may be issued for churches, fraternal organizations, lodges, grange halls and clubs; provided, that the following requirements are met and also

providing that such uses are specifically excluded from M1 and M2 districts of the zoning ordinance:

- A. The proposed location of the plan for entrances and exits will not create traffic hazards on public streets;
- B. The proposed use will not be detrimental to principal uses permitted in the district for which the special property use permit is requested;
- C. Churches may exceed the height limit of the district in which they propose to locate by not more than 20 feet; provided, that such buildings are set back from all property lines at least one additional foot for each foot of excess height;
- D. The height of the spire, tower, or similar feature may exceed the height limit of the district in which the church may propose to locate; provided, that it is not intended for human occupancy and further providing it is removed not less than 20 feet from any adjoining property line. (Ord. 2019-17 § 1, 2019).
- E. Affordable housing development owned or controlled by a religious organization may exceed density limitations by fifty percent of the zoning district when; located within the UGA or existing affordable housing development with substantial compliance.

#### 17.68.040 Co-living housing.

The purpose of this section is to enable co-living housing as a type of residential development which are rental homes affordable to people with moderate to low incomes without requiring any public funding.

- A. Co-living may be located within a mixed use development or urban growth area that allows at least six multifamily residential units.
- B. Co-living residential development shall provide off-street parking spaces exceeding 0.25 per sleeping unit.

#### 17.68.050 Affordable housing.

The purpose of this section is to connect multiple aspects of affordable housing programs within the TMC title 17 to their relevant title;

- A. Provide density bonuses within the UGA necessary to meet local affordable housing needs consistent with TMC title 14;
  - 1. The density incentives or bonuses shall be applied to development of low-income household or extremely low-income household units within existing affordable housing development.

B. Provide height and bulk bonuses within the UGA necessary to meet local affordable housing needs consistent with TMC title 14;

1. The height and bulk bonuses shall be applied to development of low-income household or extremely low-income household units within existing affordable housing development.

C. Provide parking requirement reductions within one-quarter mile to major transportation facilities to enable one parking space per bedroom or .75 space per unit. The city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals; and

D. Provide fee waivers or exceptions where applicable for affordable housing rehabilitation within the UGA owned or controlled by a religious organization consistent with TMC title 2.

#### 17.68.060 Hosting the homeless.

Religious organizations may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings. The purpose of this section is to promote options religious organizations may utilize in support of addressing the housing needs of Toppenish through rehabilitation of existing affordable housing development;

A. Increased density or bonus density affordable housing development owned or controlled by a religious organization shall be located within an urban growth area;

B. Increased density or bonus density shall not exceed a 50% excess of the limitations regulating the zone;

C. Increased density or bonus density development shall maintain substantial compliance with TMC standards;

D. Indoor emergency shelters and indoor emergency housing owned by religious organizations shall have no additional limitations separate from the relevant zone requirements and applicable development regulations;

E. Permanent supportive housing or transitional housing owned by religious organizations shall have no additional limitations separate from the relevant zone requirements and applicable development regulations;

A-F. Parking restrictions on increased density or bonus density shall be consistent with permanent supportive housing or transitional housing requirements (TMC 17.64).

## New Parking Requirements

### 17.64.030 Parking – Requirements designated.

The number of parking spaces for certain uses shall be as follows:

- A. Accessory dwelling units (ADUs), one off-street parking space shall be provided separately from the primary residence unless within one half mile of a major transit stop.
- B. Affordable housing, minimum residential parking may provide no fewer spaces than one parking space per bedroom or .75 space per unit for very low-income or extremely low-income individuals that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day.
- A-C. Amusement park, one space for each 1,000 square feet of patron serving area;
- B-D. Auto courts, motels and trailer courts, one space for each sleeping unit, and/or one space for each trailer space;
- C-E. Banks, business and professional offices, one space for each 400 square feet of gross floor area;
- D-F. Bowling alleys, four spaces for each alley;
- E-G. Churches, mortuaries, funeral homes, one space for each five seats in the chapel or nave;
- F-H. Commercial recreation facilities, one space for each 100 square feet of gross floor area;
- G-I. Dance halls, exhibition halls, clubs and lodges and other places of assembly without fixed seats, one space for each 100 square feet of gross floor area;
- H-J. Dwellings, one or two units – two spaces for each unit; multi-units – one and one-half spaces for each unit, rounded up to the nearest whole number of spaces;
- I-K. Furniture, appliance, hardware and clothing stores, service or personal service shops, one space for each 600 square feet of gross floor area;
- J-L. Golf driving range, one space for each 10 linear feet of driving line;
- K-M. Hospitals, sanitariums, convalescent homes, nursing homes and rest homes, one space for each three regular beds plus one space for every two employees with a minimum of two spaces;
- L-N. Hotels, two spaces for each three bedrooms;
- M-O. Libraries and museums, one space for each 500 square feet of gross floor area;

- N-P. Manufacturing uses, including research and testing laboratories, creameries, bottling establishments, bakeries, canneries, meat or fruit packing plants, one space for each three employees based on the maximum working shift;
- O-Q. Medical and dental clinics, one space for each 200 square feet of gross floor area;
- P-R. Restaurants, taverns, and any establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, one space for each 100 square feet of gross floor area;
- Q-S. Retail stores, except as otherwise specified:
- R-T. Having not more than 7,000 square feet of gross floor area, one space for each 300 square feet of gross floor area,
- S-U. Having more than 7,000 square feet of gross floor area, one space for each 150 square feet of gross floor area in excess of 7,000 square feet;
- T-V. Rooming and lodging houses, fraternity and sorority houses, one space for each three occupants;
- U-W. Schools:
- V-X. Elementary and junior high, one space for each employee,
- W-Y. Senior high schools, two spaces for each employee,
- X-Z. Colleges, three spaces for each employee;
- Y-AA. Stadiums, sports arenas, auditoriums, theaters and other places of assembly with fixed seats, one space for each five seats up to 800 seats, plus one space for each eight seats over 800 seats;
- Z-BB. Wholesale stores, warehouses and storage buildings or yards, motor vehicle or machinery sales, one space for each two employees;
- AA-CC. Parking Requirements for Uses Not Specified. Where the parking requirements for a use are not specifically defined in this title, the parking requirements for such use shall be determined by the administrative official, and such determination shall be based upon the requirements for the most comparable use specified herein. (Ord. 2002-8 § 1, 2002; Ord. A-580 § 22(1), 1964).

#### 17.64.040 Parking – Area and access requirements.

Each off-street parking space shall have an area of not less than 160 square feet exclusive of drives and aisles, and a width of not less than eight feet. Each such space shall be provided with adequate ingress and egress. (Ord. A-580 § 22(2)(a), 1964).

#### 17.64.050 Parking – Location requirements.

Off-street parking facilities shall be located according to the following:

- A. For one, two, or multiple family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve. A maximum of four vehicles, not including motorcycles or mopeds, may be parked on a lot with one or two family dwellings unless vehicles in excess of the allowed number are kept within an enclosed structure. Additional vehicles may be allowed if:
  1. More than four licensed drivers reside at the same address, an additional motor vehicle for each licensed driver over the four may be parked at that specific address, provided that each licensed driver and said vehicle are registered to that same address.
  2. The lot contains more than one legally established residence, including accessory dwelling units. In such cases, the maximum number of vehicles allowed is calculated based on the number and type of dwelling units, as provided in TMC 17.64.030.
- B. For hospitals, sanitariums, convalescent, nursing or rest homes, rooming and lodging houses, fraternal organizations and club rooms parking facilities shall be located not more than 150 feet from the buildings they are required to serve.
- C. For uses other than specified above parking facilities shall be located not over 500 feet from the buildings they are required to serve.
- ~~D.~~ Required parking or loading spaces not within a garage, carport or other structure may be located within the required front, side or rear yard or courts on the lot of the primary use in any district, unless otherwise specified herein. (Ord. A-580 § 22(2)(b), 1964).
- ~~E.~~ For low-income, senior, and disabled housing minimum parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.
- ~~F.~~ Parking spaces in tandem shall count towards meeting minimum parking requirements for residential uses at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
- ~~D.G.~~ Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet parking standards for residential uses, up to a maximum of six parking spaces.

17.64.070 Parking – Area maintenance requirements.

Every lot or parcel of land used as a public or private parking lot and having a capacity of five or more vehicles shall be developed and maintained in the following manner:

- A. Off-street parking lots (open space plus ingress and egress areas) shall ~~be covered with an impervious~~ be paved or surfaced as necessary and shall be provided with an

~~on-site drainage system~~ to dispose of all surface water, both of which, i.e., the surface and the drainage system, must be approved by the building inspector and the public works director. In no case shall such drainage be allowed to cross sidewalks.

B. Every parking area that abuts property located in one of the “R” districts (such as R1 or R2) shall be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge at least six feet in height. The screening shall be provided and maintained along the side of such lot except in the required front yard. (Ord. 2002-8 § 2, 2002; Ord. A-580 § 22(2)(d), 1964).

C. Surfacing or paving materials include but are not limited to:

a. Grass block pavers

b. Existing legally nonconforming gravel

a-c. \_\_\_\_\_ impervious materials provided with an on-site drainage system.

**Meeting Date:** March 18, 2026  
**Subject:** TMC 15.20 Fence Code Amendment.  
**Attachments:** 1. Chapter\_15.20\_\_\_FENCES\_All Residential Uses  
2. Chapter\_15.20\_\_\_FENCES\_All Exclude Multi  
**Presented By:** Andrew Hattori, CED Director  
**Approved for** Andrew Hattori, CED Director  
**Agenda By:**

---

**Discussion:**

The City of Toppenish currently lists requirements for new fence installation within Toppenish Municipal Code (TMC) Chapter 15.20, which was created in 2020. Staff has identified a few considerations in the code that create unintended consequences when trying to implement the provisions, largely related to land use and fence logistics. We wish to present the identified code sections for discussion and consideration of possible amendments:

- TMC 15.20.050(C): In zoning districts R1, R2, and B1, fences in front yards that are not within the setback area and fences in side or rear yards shall not exceed six feet in height.
  - In addition to the R1, R2, and B1 district, the B2 and B3 zoning districts also allow for various residential uses. Recommendation is to change the listing of specific zoning requirements to apply to residential property uses.
- TMC 15.20.050(D): In zoning districts R1, R2, and B1, fences in front yards within the setback area shall not exceed four feet in height nor be of closed construction, except that a retaining wall within the setback area that is not more than two feet above the lower grade may be topped by a fence of the same height that would otherwise be permitted at the location if no retaining wall existed and that the fence meets all other provisions of this chapter.
  - In addition to the R1, R2, and B1 district, the B2 and B3 zoning districts also allow for various residential uses. Recommendation is to change the listing of specific zoning requirements to apply to residential property uses. Also, the requirement for open construction seems to be overly strict, recommendation is to modify to allow open construction or allow closed construction up to a specific height such as 3 of 3.5 feet.
- TMC 15.20.050(E): No fence shall be constructed with a gate that opens into any public right-of-way.
  - Most fences will open to a public right-of-way to some affect, such as to sidewalks and alleys adjacent to properties. Recommendation is to amend the code to allow for access to sidewalk and alley spaces.
- TMC 15.20.060(A): In zoning districts R1, R2, B1, and SP, fences within the clear

view triangle established in TMC 17.686.010 shall not exceed two and one-half feet in height and shall not be of closed construction.

- The code essentially allows fencing in B3, M1, and M2 zoning districts to ignore clear view triangles which are a traffic safety consideration. Recommendation is to amend to apply to all fences regardless of zoning district.

After receiving feedback at the February 18, 2026, Planning Commission meeting, staff prepared two different versions of proposed amendments. One which would apply the amendments to fence height requirements to all residential uses, and one that would exclude apartments from the residential uses provision. Staff is looking for feedback on these amendments, and if one is deemed acceptable, a recommendation for City Council consideration.

**Fiscal Impact:**

None.

**Recommendation:**

Option 1: Recommend fence code amendments applying to all residential uses to City Council for consideration and potential action.

Option 2: Recommend fence code amendments applying to residential uses excluding apartment dwellings to City Council for consideration and potential action.

**Alternatives:**

Continue discussion to the April 15, 2026 Planning Commission meeting.

## Chapter 15.20 FENCES

### 15.20.010 Definitions.

As used in this chapter:

"Clearview triangle" means a triangular-shaped portion of land established at street intersections which is kept clear of obstructions in such a manner that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

"Closed construction" means a fence with more than 50 percent thereof of solid material.

"Fence" means any artificial permanent structure, partition or gate erected as a dividing marker, barrier or enclosure.

"Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

"Rear yard" means an open space at the rear of the building, extending the entire width of the lot and measured from the building in the opposite direction from the front yard.

"Retaining wall" means a permanent solid wall made of cement, block, stone or similar material to hold back soil generally forming a barrier between a sidewalk or a driveway and a yard.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

(Ord. 2020-03 § 1, 2020).

### 15.20.020 Conformance to codes.

- A. Any fence erected shall conform to the provisions of this chapter and the provisions of the building code and any other sections of the Toppenish Municipal Code as applicable.
- B. Any fence seven feet or more in height shall meet the provisions of the building code.

(Ord. 2020-03 § 1, 2020).

### 15.20.030 Fence permit.

No fence shall be constructed unless a fence permit has first been issued. A written application for such permit shall be made to the city on such form as shall be provided by the city. Fence permit fees shall be established by resolution of the city council, as amended from time to time.

(Ord. 2020-03 § 1, 2020).

### 15.20.040 Inspections.

Two inspections shall be conducted with one occurring prior to and one occurring after the construction of a fence.

(Ord. 2020-03 § 1, 2020).

---

### 15.20.050 Location, height, and material restrictions.

- A. Acceptable and allowed fencing materials to include the following:
  - 1. Walls constructed using masonry, including stone or brick veneer over block, brick, stone-stacked reinforced walls, and split-faced block.
  - 2. Wrought iron or any combination of brick pillars or block with wrought iron.
  - 3. Wood plank fence materials.
  - 4. Vinyl fencing.
  - 5. Walls covered with pre-colored stucco.
  - 6. Chain link fencing.
  - 7. Split wood rail fence materials.
- B. All fences shall be placed within the property line. Property corners must be identified by the applicant prior to the construction of a fence.
- C. ~~In zoning districts R1, R2 and B1, fences~~Fences in front yards of residential uses that are not within the setback area and fences in side or rear yards shall not exceed six feet in height.
- D. ~~In zoning districts R1, R2 and B1, fences~~Fences in front yards of residential uses within the setback area shall not exceed four feet in height. ~~nor be of closed construction, except that a retaining wall within the setback area that is not more than two feet above the lower grade may be topped by a fence of the same height that would otherwise be permitted at the location if no retaining wall existed and that the fence meets all other provisions of this chapter.~~
- E. No fence shall be constructed with a gate that ~~opens into~~ may obstruct any public right-of-way.

(Ord. 2020-03 § 1, 2020).

### 15.20.060 Vision clearance at intersections.

- A. ~~In zoning districts R1, R2, B1 and SP, fences~~Fences within the clear view triangle established in TMC 17.68.010 shall not exceed two and one-half feet in height and shall not be of closed construction.
- B. ~~In zoning districts other than R1, R2 and B1, fences~~Fences constructed on corner lots at street intersections shall maintain, for safety vision purposes, a clearview triangle.

(Ord. 2020-03 § 1, 2020).

### 15.20.070 Emergency access may not be impeded.

- A. No fence shall be constructed that impedes access to fire hydrants. Any fence shall have three feet of clearance on all sides of the hydrant leaving the street side unencumbered.
- B. All fences that enclose a structure shall have a minimum of one gate with a minimum width of three feet to allow for emergency ingress and egress to the front of the structure.

(Ord. 2020-03 § 1, 2020).

---

**15.20.080 Sharp extrusions prohibited — Exception.**

Except on the top of permitted fences having a height of more than six feet, there shall not be attached, affixed or placed any barb, barb wire, spike, or other pointed or sharp instrument.

(Ord. 2020-03 § 1, 2020).

**15.20.090 Electrical fences prohibited — Exception.**

No fence shall be constructed or maintained which is charged or connected to an electrical current, except that fences may be energized by equipment specifically designed for that purpose, provided such fences are enclosed within a nonelectric fence or another suitable buffer to protect the public from casual or accidental contact with the electric fence, as authorized by building permit.

(Ord. 2020-03 § 1, 2020).

**15.20.100 Maintenance.**

Fences shall be maintained so as not to endanger health, life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers health, life or property is declared a nuisance pursuant to TMC Title 8. The city shall serve on the owner of such a fence, or on the agent or person in control of the property upon which such fence is located, a written notice describing the condition which causes a danger to health, life or property and specifying the required repairs or modifications to be made, or requiring the fence or any portion thereof to be removed. The notice shall provide a time limit of no less than 30 days for such repair, modification or removal. If the required repair, modification or removal is not made within the specified time limit, pursuant to TMC 8.04.060, a citation for violation of this section shall be issued to the person upon whom the notice was served.

(Ord. 2020-03 § 1, 2020).

**15.20.105 Appeals.**

Any decision made by the city regarding the issuance of a fence permit may be appealed to the hearings examiner. Application submittal requirements and fees shall be the same as for a zoning variance application pursuant to Chapter 17.76 TMC and the municipal fee schedule.

(Ord. 2020-03 § 1, 2020).

**15.20.110 Removal of a fence for city purposes.**

The city may require the owner of a fence that is on the city right-of-way to remove it at any time at the owner's expense. If the owner fails to do so the city may remove it at the owner's expense.

(Ord. 2020-03 § 1, 2020).

**15.20.120 Violation — Penalties.**

Any person, firm, corporation or other legal entity violating any of the provisions of this chapter shall be deemed to have committed a civil infraction, and each such party shall be deemed to have committed a separate offense

---

for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon a finding that any such infraction was committed, there shall be a monetary penalty not to exceed \$1,000.00.

(Ord. 2020-03 § 1, 2020).

**15.20.130 Severability.**

If any section, sentence, clause or phrase of this chapter should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

(Ord. 2020-03 § 1, 2020).

## Chapter 15.20 FENCES

### 15.20.010 Definitions.

As used in this chapter:

"Clearview triangle" means a triangular-shaped portion of land established at street intersections which is kept clear of obstructions in such a manner that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

"Closed construction" means a fence with more than 50 percent thereof of solid material.

"Fence" means any artificial permanent structure, partition or gate erected as a dividing marker, barrier or enclosure.

"Front yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

"Rear yard" means an open space at the rear of the building, extending the entire width of the lot and measured from the building in the opposite direction from the front yard.

"Retaining wall" means a permanent solid wall made of cement, block, stone or similar material to hold back soil generally forming a barrier between a sidewalk or a driveway and a yard.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.

(Ord. 2020-03 § 1, 2020).

### 15.20.020 Conformance to codes.

- A. Any fence erected shall conform to the provisions of this chapter and the provisions of the building code and any other sections of the Toppenish Municipal Code as applicable.
- B. Any fence seven feet or more in height shall meet the provisions of the building code.

(Ord. 2020-03 § 1, 2020).

### 15.20.030 Fence permit.

No fence shall be constructed unless a fence permit has first been issued. A written application for such permit shall be made to the city on such form as shall be provided by the city. Fence permit fees shall be established by resolution of the city council, as amended from time to time.

(Ord. 2020-03 § 1, 2020).

### 15.20.040 Inspections.

Two inspections shall be conducted with one occurring prior to and one occurring after the construction of a fence.

(Ord. 2020-03 § 1, 2020).

---

### 15.20.050 Location, height, and material restrictions.

- A. Acceptable and allowed fencing materials to include the following:
1. Walls constructed using masonry, including stone or brick veneer over block, brick, stone-stacked reinforced walls, and split-faced block.
  2. Wrought iron or any combination of brick pillars or block with wrought iron.
  3. Wood plank fence materials.
  4. Vinyl fencing.
  5. Walls covered with pre-colored stucco.
  6. Chain link fencing.
  7. Split wood rail fence materials.
- B. All fences shall be placed within the property line. Property corners must be identified by the applicant prior to the construction of a fence.
- C. ~~In zoning districts R1, R2 and B1, fences~~Fences in front yards of residential uses, excluding apartment dwellings as defined in TMC 17.08.050, that are not within the setback area and fences in side or rear yards shall not exceed six feet in height.
- D. ~~In zoning districts R1, R2 and B1, fences~~Fences in front yards of residential uses, excluding apartment dwellings as defined in TMC 17.08.050, within the setback area shall not exceed four feet in height. ~~nor be of closed construction, except that a retaining wall within the setback area that is not more than two feet above the lower grade may be topped by a fence of the same height that would otherwise be permitted at the location if no retaining wall existed and that the fence meets all other provisions of this chapter.~~
- E. No fence shall be constructed with a gate that ~~opens into~~ may obstruct any public right-of-way.
- (Ord. 2020-03 § 1, 2020).

### 15.20.060 Vision clearance at intersections.

- A. ~~In zoning districts R1, R2, B1 and SP, fences~~Fences within the clear view triangle established in TMC 17.68.010 shall not exceed two and one-half feet in height and shall not be of closed construction.
- B. ~~In zoning districts other than R1, R2 and B1, fences~~Fences constructed on corner lots at street intersections shall maintain, for safety vision purposes, a clearview triangle.
- (Ord. 2020-03 § 1, 2020).

### 15.20.070 Emergency access may not be impeded.

- A. No fence shall be constructed that impedes access to fire hydrants. Any fence shall have three feet of clearance on all sides of the hydrant leaving the street side unencumbered.
- B. All fences that enclose a structure shall have a minimum of one gate with a minimum width of three feet to allow for emergency ingress and egress to the front of the structure.
- (Ord. 2020-03 § 1, 2020).

---

**15.20.080 Sharp extrusions prohibited — Exception.**

Except on the top of permitted fences having a height of more than six feet, there shall not be attached, affixed or placed any barb, barb wire, spike, or other pointed or sharp instrument.

(Ord. 2020-03 § 1, 2020).

**15.20.090 Electrical fences prohibited — Exception.**

No fence shall be constructed or maintained which is charged or connected to an electrical current, except that fences may be energized by equipment specifically designed for that purpose, provided such fences are enclosed within a nonelectric fence or another suitable buffer to protect the public from casual or accidental contact with the electric fence, as authorized by building permit.

(Ord. 2020-03 § 1, 2020).

**15.20.100 Maintenance.**

Fences shall be maintained so as not to endanger health, life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers health, life or property is declared a nuisance pursuant to TMC Title 8. The city shall serve on the owner of such a fence, or on the agent or person in control of the property upon which such fence is located, a written notice describing the condition which causes a danger to health, life or property and specifying the required repairs or modifications to be made, or requiring the fence or any portion thereof to be removed. The notice shall provide a time limit of no less than 30 days for such repair, modification or removal. If the required repair, modification or removal is not made within the specified time limit, pursuant to TMC 8.04.060, a citation for violation of this section shall be issued to the person upon whom the notice was served.

(Ord. 2020-03 § 1, 2020).

**15.20.105 Appeals.**

Any decision made by the city regarding the issuance of a fence permit may be appealed to the hearings examiner. Application submittal requirements and fees shall be the same as for a zoning variance application pursuant to Chapter 17.76 TMC and the municipal fee schedule.

(Ord. 2020-03 § 1, 2020).

**15.20.110 Removal of a fence for city purposes.**

The city may require the owner of a fence that is on the city right-of-way to remove it at any time at the owner's expense. If the owner fails to do so the city may remove it at the owner's expense.

(Ord. 2020-03 § 1, 2020).

**15.20.120 Violation — Penalties.**

Any person, firm, corporation or other legal entity violating any of the provisions of this chapter shall be deemed to have committed a civil infraction, and each such party shall be deemed to have committed a separate offense

---

for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon a finding that any such infraction was committed, there shall be a monetary penalty not to exceed \$1,000.00.

(Ord. 2020-03 § 1, 2020).

**15.20.130 Severability.**

If any section, sentence, clause or phrase of this chapter should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

(Ord. 2020-03 § 1, 2020).