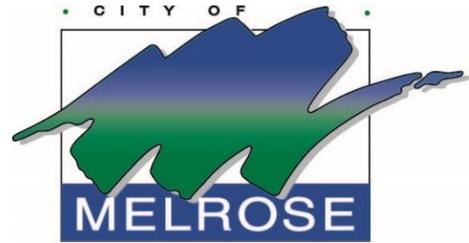


# Memo



**From:** Lisa Atkinson, Community and Economic Development Director

**Date:** 4-19-19

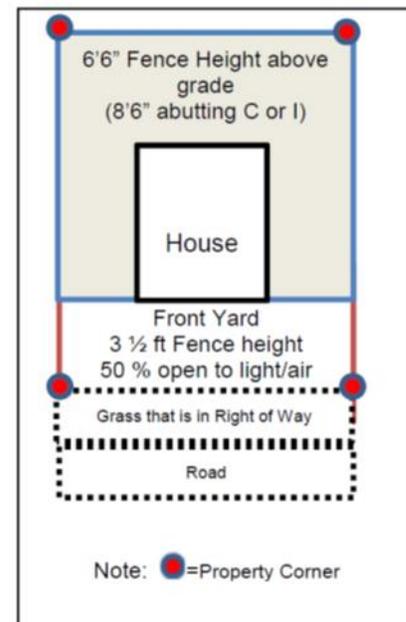
**Re:** Fence Permits - Page 1 pertains to all fences, Page 2 pertains to fences within 3 feet of the property line

The full fence ordinance is located in Section 1600 of the City Zoning Ordinance. Please refer to the Zoning Ordinance for full details and requirements. This memo is intended to be a guide but does not contain all details related to fencing. Please refer to the full ordinance.

## General Fence Comments:

1. **All fences require a \$15 zoning permit**, which is all that is needed for fences 3 feet from the property line and meeting all other (height...) requirements.
2. **Fences closer than 3 feet from property line require additional review, an agreement between property owners recorded by applicant at County for about \$50, and an extra \$50 on the zoning permit for two inspections.** (See page 2 of this memo for details.)
3. The "nice" side of the fence faces away from the house constructing the fence.
4. Fences are not allowed in easements except under specific conditions.
5. Fence materials are specified in the ordinance and shall be new materials
6. Walls shall follow the fence requirements unless they are decorative or landscaping walls under 2 feet in height or retaining walls, both of which are not considered fences.
7. Underground fencing within the property lines only needs to follow easement limitations, no permit or other fence requirements apply.
8. 6" maximum between bottom of fence and ground level (before fence excavation).
9. **The City has a metal detector that can be borrowed at no cost so you can look for your property corners. Contact staff to help determine approximate locations to start looking.**
10. Please refer to Section 1600 of the City Zoning Ordinance for all applicable fence requirements.

## Fence Height:



**Fences can be closer than three feet to the property line when meeting specific criteria:**

- Step 1: Confirm with staff the conceptual location of the fence. (You can locate your property corners now (see step 9) to make sure you know whether the lot needs to be surveyed to find them, or wait until just before the inspection.)
- Step 2: Get a copy of the draft agreement and determine what if any terms (location, cost and maintenance responsibilities...) may need modification.
- Step 3: Make sure all property owners who will have the fence within 3 feet of their property have agreed to the fence and the terms, modified as necessary.
- Step 4: Amend the agreement in a way that all parties agree upon.
- Step 5: Each party needs to sign (and get their signature notarized at City Hall or elsewhere) the agreement
- Step 6: The applicant or someone on their behalf needs to bring the document to get recorded. It will cost about **\$50** to get recorded.
- Step 7: Bring the recorded fence agreement back to the City after it is returned from the County. (Allow 2 weeks or so for this to be sent back to you by the County.)
- Step 8: Apply for the fence zoning permit (**\$15**) and pay the "Fence Setback Fee" (**\$50**)
- Step 9: Borrow the City's metal detector (no charge) and locate the property corners. Ask staff for tips on where to locate the corners for your property.
- Step 10. Schedule your pre-construction inspection\*
  - a. Property stakes/corners shall be exposed and confirmed by the City Building Inspector
  - b. Fence location should be marked by wood lathes and/or string clearly showing proposed fence location.
  - c. Inspector will confirm that the location is on or within the applicant's property lines.
- Step 11. Construct the fence after you have the signed building permit from the City and have completed the initial inspection. Make sure to verify which direction the "nice" side needs to face according to your signed and recorded agreement.
- Step 12. A second inspection is required after construction. Property corners need to still remain marked.\*

\*If the property corners are not exposed prior to inspections or the fence is not staked with wood lathe or similar posts showing the fence location prior to the first pre-construction inspection, a reinspection will be required resulting in an additional \$25 per extra inspection beyond the two required inspections (pre and post construction)

**Fence Agreement Overview (For Fences Closer than 3 Feet):**

All property owners that will have the fence within 3 feet of their property need to sign an agreement outlining permissions and responsibilities regarding the fence:

- a. The "nice" side of the fence faces away from the house constructing the fence, when it is on the property line, the direction of the "nice side" can be either direction and is required to be agreed upon by all affected parties in writing as part of the agreement.
- b. The property owner that pays for, maintains, and is responsible for removal of the fence when/if needed in the future is less clear when the fence is on a shared property line. This is required to be in the agreement.
- c. **The City has a draft agreement in Word format. This can be emailed to potential applicants. The property owners' names and relevant info would need to be added by the applicant.** The draft Fence Agreement contains spaces for two parties, Last Names A and B, if there are additional parties, just add the additional names to the form as needed.