

## Chapter 19.63

### FENCE PERMITS AND REQUIREMENTS

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19.63.010 Fence permit required. No fence shall be erected in the city limits unless a permit for construction of the fence is first obtained.

19.63.020 Permit fee. The fee for obtaining a fence permit shall be twenty-five dollars or such other figure as the council shall from time to time fix by resolution.

19.63.030 Utilities location. It shall be the responsibility of any person placing a fence in the city limits to determine the location of all underground utilities and to take measures to avoid interfering with them.

19.63.040 Fence location. Fences shall not be built closer than three feet to the property owner's side of the sidewalk for front yards and for street side yards on corner lots. If there is no curb and/or sidewalk, the fence shall be setback a minimum of three feet from the front property line and the street side property line on corner lots. Fences erected by owners of private property shall not be erected so that they encroach on any city-owned property, including street and alley, rights-of-way, except as provided in Section 19.63.050.

19.63.050 Fences on public right-of-way - Conditions. Private fences may be built within the public right-of-way, on the property owner's side of the sidewalk on a city street that has an overall right-of-way of more than sixty feet as follows:

- A. If there is no curb and/or sidewalk, the public works department shall determine fence location, which may be on city-owned property.
- B. Within a residential zone or for residential uses within a nonresidential zone a fence may be built as close as three feet to the sidewalk.
- C. Fences shall not be allowed on city property for nonresidential uses permitted within a residential zone.
- D. Fences will not be allowed on city-owned property unless the owner agrees to remove the fence at the owner's expense upon request of the city. The owner

must sign an agreement which will be recorded with the Whatcom County auditor, evidencing such agreement and agreeing that if the owner does not remove the fence upon the city's request, the owner will reimburse the city for the cost of removal. The owner shall pay for the cost of recording the agreement with the Whatcom County auditor.

19.63.060 Fence requirements. Fences shall be built to the following specifications:

- A. Electric and barbed wire fences are not permitted in residential zones.
- B. All gates shall swing into the owner's property.
- C. A clear vision triangle as defined in Section 17.01.030(C) shall be maintained on all corner lots at the street intersection. A ten-foot clear vision triangle shall be maintained at all alley, railroad, and driveway intersections with streets and all driveway/alley intersections. The driveway vision triangle shall be measured from the paved driveway sides or five feet each way from the driveway center, whichever is more restrictive. Fences of three feet or less in height, measured from curb height, are allowed in all vision triangles. Clear vision triangle is defined in Chapter 17.01 this code and within the adopted engineering design and development standards.
- D. Fence heights for residential uses will be as follows:
  - 1. For the first 30 feet from the front property line or five feet behind the front corner of the house, whichever is greater, the maximum fence height shall be 42 inches.
  - 2. From 30 feet from the front property line, or five feet behind the corner of the house as noted above, to the rear property line, the maximum height of any fence shall be 72 inches.
  - 3. Side yard fences where the side yard is the rear yard for the adjacent property may be seventy-two inches in height, on that side only, provided that there is a minimum setback of fifteen feet from the front property line and does not extend beyond the front of the house, whichever is more restrictive. No vision triangle may be obstructed and the opposing side must comply with all other setback and height requirements.

Fence height is determined by measuring from the natural ground level adjacent to the fence to the top of the fence structure, including all latticework or other decorative features allowing a maximum of two inches for ground clearance. The board of adjustment may grant a variance to this height limit for no more than eighteen inches of lattice work or other decorative feature upon the following conditions:

1. The neighboring property owner(s) does not object;
2. If the side or rear yard is located immediately adjacent to a city street right-of-way, but not an alley right-of-way, the fence may not be parallel to the city street or sidewalk;
3. That in accordance with the requirements of the International Building Code the applicant will submit a construction permit with complete structural detail to the building official and other applicable departments for approval. The cost for such permit is based on the cost of the fence and such permit replaces the fence permit required by this chapter;
4. The fence is in the rear or side yard;
5. The replacement of an existing fence that is nonconforming as to the maximum height, and is not located in the front yard, may be exempt from the variance process described above. However, the applicant must obtain all required construction permits.

E. Fence heights for property in a residential zone being used for nonresidential permitted uses shall be subject to the requirements of Section 19.63.080.

19.63.070 Privacy Fencing. Patio and courtyard privacy fencing is allowed up to a maximum height of seventy-two inches, and an overall combined length of twenty-five feet. Privacy fences shall be considered part of the residential structure and shall meet all structure setbacks for front, rear and side yards; provided, however, that rear and side yard setbacks may be waived by the planning department if, in their opinion, there is no apparent conflict with adjoining property uses.

19.63.080 Nonresidential zone fences. Fences in the industrial and commercial zones and for nonresidential uses in the RS zone are allowed subject to the following conditions:

- A. Maximum height for solid fencing is eighty-four inches. Wire fencing may be allowed up to twelve feet high.

Street, alley, railroad and vision triangle requirements of Section 19.63.060(B) shall apply, provided, however, that higher wire fencing maybe allowed, if, in the opinion of the Public Works Director, the fence will not obstruct vision in the vision triangle.