

CHAPTER 4

**FENCE REGULATIONS**

(Ordinance No. 006-2011, 07/26/2011)

SECTION:

- 5-4-1: Objective
- 5-4-2: Definitions
- 5-4-3: Permits
- 5-4-4: Limitations
- 5-4-5: Materials
- 5-4-6: Temporary Fencing
- 5-4-7: Swimming Pools, Pools, Hot Tubs and Spas
- 5-4-8: Living Fences
- 5-4-9: Installation Requirements
- 5-4-10: Special Cases
- 5-4-11: Established

5-4-1: **OBJECTIVE:** This chapter has been created to allow a citizen to enhance private property without compromising public safety and the safety of the community.

5-4-2: **DEFINITIONS:** The following terms used in this chapter shall have the respective meaning hereinafter set forth:

- ADJACENT PROPERTY: Property owned by others that are located next to another property.
- BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy;
- CITY: Providence City;
- CITY PROPERTY: Any and all property owned by Providence City.
- CODE COMPLIANCE DEPARTMENT: A department established within the Providence City government.
- CODE COMPLIANCE OFFICIAL/OFFICER: The person(s) assigned by the City.
- CORNER LOT OBSTRUCTION: See 10-9-2 of this Code.

**FENCE:** A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails. Fences are divided into two (2) types: Those which interrupt vision (solid) and those which permit vision (open).

**GAME FENCE** A fence that's purpose is to protect gardens and fruit trees from game, such as deer, that has a maximum height of 8' and made from mesh or other materials with openings no larger than 4". If a property owner extends the height of a solid fence, anything above 6' feet must be open-work (open weave or mesh). See the following examples.



**HEIGHT:** The vertical distance measured between the finished grade base of the fence and the highest point of the fence.

**MAY:** Shall be construed as permissive.

**LIVING FENCE:** Plants or shrubs planted and fashioned into a fence.

**LOT:** See 10-1-4 of this Code.

**MATERIAL:** Approved items used to construct a fence.

**OBSTRUCTION OF VISION AT DRIVEWAYS:** See 10-9-2 of this Code.

OWNER: The owner of real property located in Providence City.

POOL: A privately owned outdoor pool or water for swimming, bathing, wading or reflecting and all hot tubs and spas which are capable of retaining a water depth equal to or greater than twenty four (24) inches at any point, but shall not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with or located on and devoted to the practice of farming.

PROPERTY MARKERS: The iron stake installed by a licensed surveyor, and usually capped with a surveyors' identification cap, or others as may be listed on a deed.

TEMPORARY FENCING: Silt fences and temporary safety fences, mainly installed for construction and building projects.

SHALL: Shall be construed as imperative.

SPECIAL CASES: Special requirements for fence installation on hillsides or extreme slopes.

5-4-3: **PERMITS:** No permit is required for any fence six (6) feet or less in height, on or inside your property line.

A. Fences higher than six (6) feet require a building permit. Contact Providence City Building Department for permit information.

B. Home Owners Associations may have deed restrictions for construction of any fence. They may have additional regulations regarding building materials, height and location. Any regulations that exceed City requirements will be enforced through the Home Owners Associations or deed restrictions.

C. Permits issued previously under Providence Fence Regulations 10-16-1 continue in force and shall be deemed to be issued for enforcement purposes.

5-4-4: **LIMITATIONS:** It is the responsibility of the owner or agent to erect a fence in conformance compliance with Providence City laws or ordinances.

A. The property/lot owner needs to take every precaution to ensure that the fence will be erected on their property. If there is reason to believe that there may be a conflict or a problem with the neighbors, the property owner wishing to erect the fence should try to resolve these problems before installing a fence.

- B. Dog runs may be installed as long as they meet the height and material as specified for fence construction. Dog runs shall not be installed on property lines.
- C. Fences abutting City property are not permitted to be installed on the property line.
- D. Each zoning district/area has special requirements for setback and fence heights. Zoning maps are available at the City office.
- E. Before constructing a fence in a drainage easement, contact the City.
- F. On a drainage or irrigation easement, an owner may fence his property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements and get approval of the fence, gate, etc., design.
- G. Contact the City Building Department for approval of any fence exceeding six (6) feet in height.
- H. For all fences other than those on single family or duplex lots, contact the City Building Department.
- I. Any fence that fully encloses a yard may require access to read the utility meters and for utility access.
- J. Fire hydrants shall not have access blocked. No fence shall be constructed closer than three (3) feet on any side or to the rear of a fire hydrant. Front access shall be totally open and unrestricted.
- K. No person shall build a fence that, by its construction, material or design, presents an unsightly appearance.
- L. No person shall build or maintain a fence that, by its construction, presents a hazard to any person or domestic animal.

5-4-5: **MATERIALS:** All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials.

- A. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured

specifically as fencing materials that are approved by the City.

- B. Fence materials shall be approved for exterior use and shall be weather and decay-resistant.
- C. The City is authorized to evaluate proposed fence material and to determine if the proposed material is satisfactory and complies with the intent of the provisions of this code, and that the material is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, durability and safety.

5-4-6:       **TEMPORARY FENCING:** Any temporary fencing on, in or around a construction site shall be installed as per approved construction drawings.

- A. The Public Works Director is authorized to approve and require temporary fencing, such as plastic silt fence, safety fencing, and other devices at active construction projects which do not have construction drawings.
- B. Temporary fencing shall not remain in place longer than is necessary to perform its function.

5-4-7:       **SWIMMING POOLS, POOLS, HOT TUBS AND SPAS:** Every swimming pool, pool, hot tub and spa shall have an adequate enclosure erected around it in accordance with this chapter.

- A. Every enclosure for a pool shall be:
  - 1. At least five (5) feet in height, and
  - 2. of a close-boarded, chain link or other approved design, to reasonably deter children from climbing it to gain access to the fenced in area.
- B. Openings through or under any part of the enclosure shall be of a size so as to prevent the passage of a spherical object having a diameter of three inches.
- C. Gates in the enclosure shall:
  - 1. Provide protection to the enclosure,
  - 2. Be equipped with a self-closing and latching device located at the top and inside of the gate, and
  - 3. Be lockable.
- D. Barbed wire or fencing energized by electrical current, sharp projections or any other dangerous characteristics shall not be used as an enclosure for the pool.

- E. Where a wall of a building is used as part of the enclosure, all doors located in the wall of the building shall be equipped with self-closing, self-latching and locking devices, or in the case of a door, located a minimum of four feet six inches (4.5 ft) above the door threshold.
- F. In lieu of fencing, spas and hot tubs may have a lockable cover which is capable of supporting a minimum of one hundred fifty (150) pounds, and such cover shall be locked whenever such spa or hot tub is not in use.

5-4-8: **LIVING FENCES:** Living fences constructed abutting City property shall be installed a minimum of three (3) feet from the property line.

- A. The face of the living fence shall be maintained in the vertical fashion so as not to protrude closer to the sidewalk than twelve (12) inches.
- B. Living fences shall be maintained in a neat and trimmed condition.
- C. Living fences shall adhere to all ordinances pertaining to the required clear-view areas of driveways and street corners.
- D. Trees shall be planted and spaced to allow for the open transparent area of each clear-view area.
- E. Trees shall be planted at a spacing of no closer than twenty five (25) feet.

5-4-9: **INSTALLATION REQUIREMENTS:** Fence construction and installation shall be as per the following:

- A. Corner lots: Fences on corner lots are subject to Providence City Zoning Regulations 10-9-2.
- B. Clear View Areas: Fences installed in areas where clear-view areas must be maintained, shall be constructed as set forth in Providence City Zoning Regulation 10-9-2.
- C. Height: All fences shall be subject to the height limitations as set forth in Providence City Code 10-8-1. If a fence is constructed on top of a wall, height shall be counted from the bottom of the wall to the top of the fence.
- D. Adjacent Property: A fence may be constructed on the property line between the adjacent property owners as long as they agree in writing to a common fence. Otherwise all elements of the fence shall be on the proposed fence builder's property.

- E. City Property: Fences constructed to serve private property shall not be constructed on or project into City property.
- F. Property Markers: Property markers shall be identifiable and located prior to the construction of a fence.
- G. A retaining wall is considered part of a fence and is subject to the height restrictions of 10-8-1. Retaining walls which include footings over forty eight (48) inches (4 feet) in height, require a building permit and engineering.
- H. All fences and walls shall be constructed with a (the) finished (smooth) side facing outward from the property and facing the public right of way, common open space, or other public places. The posts and support beams shall be on the inside (or shall be designed as a part of finished surface).
- I. No barbed wire fences or electrical charged fences shall be allowed in residential zoned districts, unless the owner of property has a valid livestock permit, or the site has been approved with a plan which includes barbed wire fencing for security purposes.
  - a. Any barbed wire fence being replaced must be replaced with smooth wire.
- J. Chain link fences must have barbed ends pointing down.

5-4-10: **SPECIAL CASES:** Single Family Residential Lots. Some hillside or extreme sloped lots may require limited construction of additions to and exceeding the regular fence height restrictions. Lots that slope away from driveways, parking areas, structures or other areas that require any extreme slope changes such as but not limited to stepped fencing, or is abounded by and/or ends at a concrete retaining wall (a retaining wall four (4) feet or less in height or an engineered retaining wall if it exceeds four (4) feet in height), with or without a fence atop the retaining wall, may, with the immediate abutting property owners written approval, and engineering design and approval; for safety and ascetic reasons, may taper a maximum of sixteen (16) feet of downhill fence from a height not to exceed nine (9) feet at the top where it adjoins an existing wall, fence or structure. The downhill/slope then must match the requirements for established fence height as is required by zoning requirements for the lot. Plans and adjoining property owners' approval shall be submitted to the building department for approval.

5-4-11: **ESTABLISHED:** Nothing in this ordinance shall prevent the continued use and maintenance of a fence if such fence was lawfully erected in conformity with the provisions of previous ordinances and used on the date of enactment of this ordinance.

- A. Should any section, clause or provision of this ordinance be held by a court of

competent jurisdiction to be invalid, the validity of the remainder of the ordinance shall not be affected, and said section, clause or provision shall be severable from the remainder of the ordinance.