

Fence FAQ

Are there city codes I need to follow when building a fence?

Yes. City code regulates where fences can be located, fence height, and the design/height of the fence when adjacent to public rights-of-way. Additionally, building permits are required for fences over 7 feet in height.

Detailed code requirements for fences, walls, arbors, and hedges can be viewed online at:

<https://www.codepublishing.com/WA/PortTownsend/#!/PortTownsend17/PortTownsend1768.html#17.68>

What should I do before building a fence on my property?

The first step is to determine where your property boundaries are located, as the fence **must** be located on your property.

Fences are prohibited in the public right-of-way. Note: Property boundaries do not always align with sidewalks or roads, as shown in Figure 1.

My old fence is in the public right-of-way and it needs to be replaced. Can I rebuild it in the same location?

No. You must relocate the new fence to your private property and/or property line.

How can I determine my property boundaries?

You are not required to hire a property surveyor before building a fence, but you are responsible for ensuring that your fence is constructed on your property. Some possible ways to determine your property boundaries include:

- View your estimated property line boundaries online at <https://gisweb.jeffcowa.us/LandRecords/> and <https://cityofpt.maps.arcgis.com/home/index.html>.
- Search to see if your property or neighboring properties have a recorded survey on file with Jefferson County: <https://er-web.co.jefferson.wa.us/recorder/web/>.
- Look for survey pins located at the corners of your property.
- Talk with your neighbors to see if they have a property survey, corner pins, or other documentation.

Are there height and design requirements for fences?

Yes. The maximum fence height permitted is 8 feet. Additionally, fences adjacent to public rights-of-way are subject to openness/height design requirements. See Figures 5 and 6 for details on fence height and design requirements.

Are there additional fence height restrictions at street intersections?

Yes. On corner lots where the clear vision area extends onto private property (see Figure 2), fence height within that area is limited to 30 inches. Note: vegetation in the clear vision area is also limited to 30 inches. See the right of way maintenance brochure for more information.

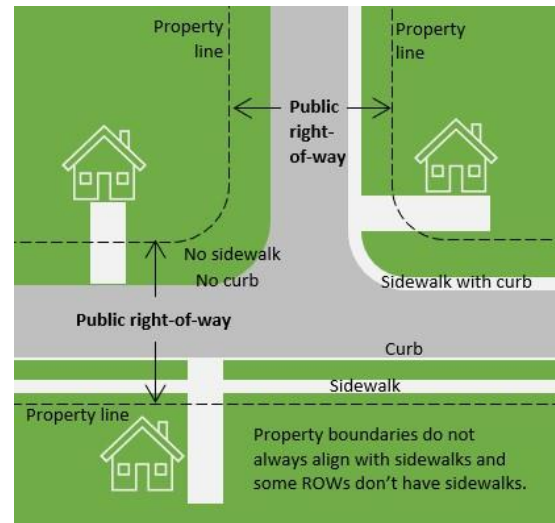


Figure 1. Illustration showing public rights-of-way and private property boundaries. Fences are prohibited in the public right-of-way.

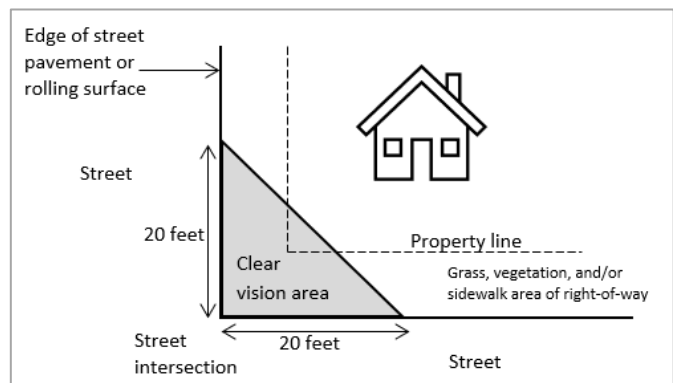


Figure 2. The clear vision area at street intersections may include private property. Fences and vegetation in the clear vision area are limited to 30 inches in height.

Are fences subject to setback requirements?

Most fences can be built on the property line or in the setback area, except for fences adjacent to the public rights-of-way when the solid portion of the fence is greater than 4 feet in height (see Figures 5 and 6 for details).

How do I measure total fence height if my fence will be placed on top of a retaining wall?

In the case of a fence placed on top of a rockery or retaining wall – PTMC 17.08.030 requires that the combined fence and wall height be measured from the elevation of the natural grade within two feet of the installation on the lower side (as shown in Figure 3), for a maximum allowed height of 8 feet.

Alternatively, if the fence is set back more than two feet from the edge of the retaining wall (as shown in Figure 4), the fence and wall height may be measured separately, allowing the fence to be up to 8 feet in height.

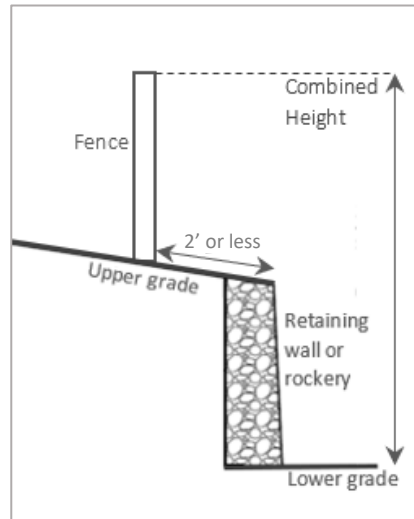


Figure 3. If a fence is set back from the edge of the retaining wall by 2 feet or less the wall and fence height measurement is combined, for a maximum allowed height of 8 feet.

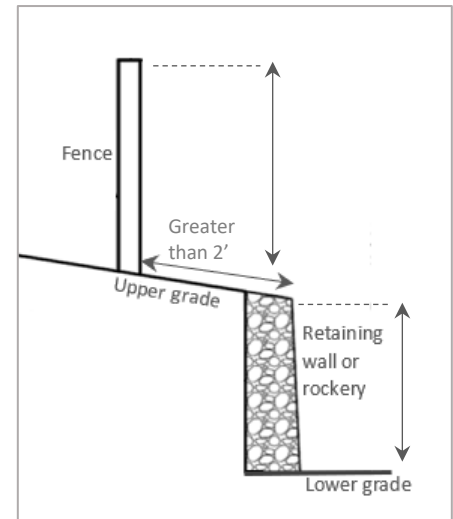


Figure 4. If a fence is set back from the edge of the retaining wall by more than 2 feet, the wall and fence heights are measured separately.

When is a building permit required for a fence or retaining wall?

If any part of the fence is greater than 7 feet in height a building permit is required. If the retaining wall holds a surcharge (ex: supports a house or vehicle) or is greater than 4 feet in height a building permit is required. Please contact staff for details.

How do I protect new plants or trees in the public right of way from deer?

Temporary fences are permitted to allow new vegetation to establish in the right-of-way. For more information visit: <https://cityofpt.us/publicworks/page/landscaping-right-way>

What happens if I build a new fence and it does not meet code?

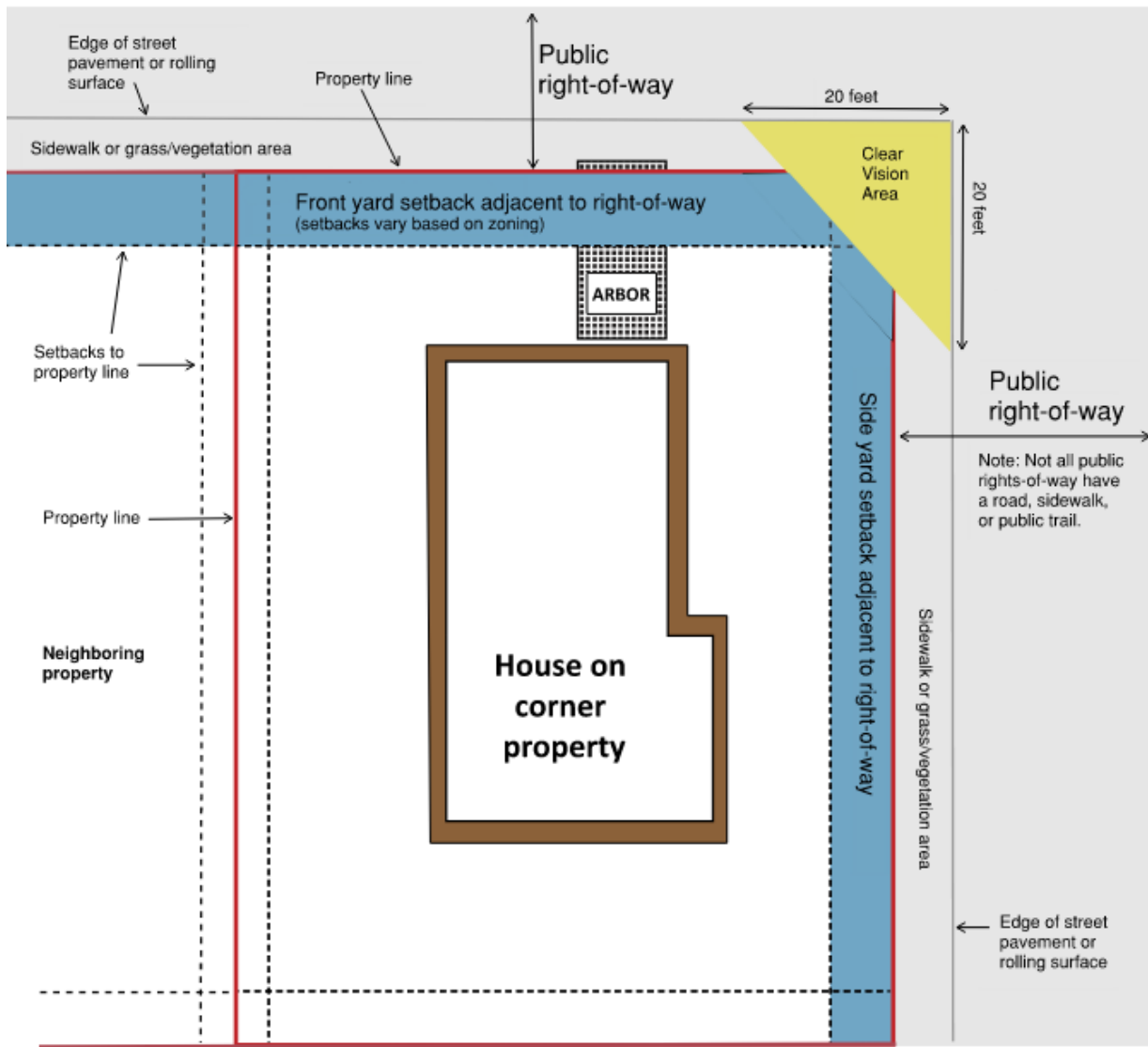
If the City becomes aware that your new fence does not meet code, you will be asked to correct any code violations, including removal of the fence if it is in the public right-of-way.

Many fences on my street are in the public right of way. Why can't I build my fence in the right-of-way?

Port Townsend Municipal Code (PTMC) 17.68.030, adopted by ordinance 2571 in 1997, prohibits fences in the right-of-way. If there are fences in the right-of-way on your street, they are likely decades old or they were constructed more recently but a complaint was never reported to the city. Per City Council resolution 10-002 on code enforcement priorities (adopted in 2010), staff have been directed to not prioritize enforcement of fences and other private uses in the right-of-way that were established before 1997 unless they present a safety hazard. When an older fence located in right-of-way needs to be replaced, it must be rebuilt on private property.

How do I determine the height and design requirements for my fence?

Figure 5 below illustrates fence height and design requirements for a corner lot with public right-of-way on two sides of the property. If you don't have a corner lot you may only have right-of-way on one side of your property, typically adjacent to the front yard.



LEGEND *All fences greater than 7 feet require a building permit

<ul style="list-style-type: none"> 4 foot maximum solid height; 4 feet to 6 feet must be 51% open; 6 feet to 8 feet must be 90% open for a maximum of 8 feet total* 8 foot solid maximum* Clear vision area- nothing over 30 inches Nothing over 3 feet within 5 feet of the structure 	<ul style="list-style-type: none"> Property line Setback lines
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Figure 5. Illustration showing fence height, design, and setback requirements for a corner lot.

What does it mean for a fence to be 50% or 90% open, as required when a fence is located within a setback adjacent to a public right-of-way?

As illustrated in Figure 6 below (from PTMC 17.68), a fence can be up to 4 foot solid when located within the setbacks adjacent to a public right of way. Wooden slats, wire, or hog panel fencing are often used to achieve openness requirements.

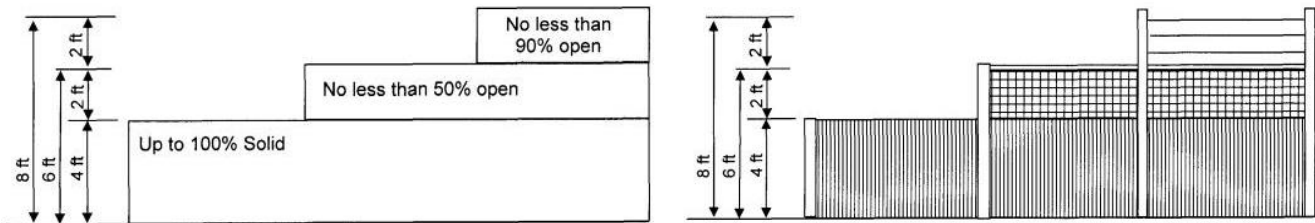


Figure 6. Example of open fence requirements when a fence is located within the setbacks adjacent to a public right-of-way.

Is an 8 foot solid fence permitted along a property line when it is not adjacent to a right-of-way?

Yes, except for any portion of the fence that extends into setbacks along a public right of way. As shown in Figure 5, the house on the corner could build an 8-foot solid fence along their side yard with the adjacent neighboring property – except for the small section where the side yard boundary extends into the front yard setback along right-of-way. That portion of fence would have to meet openness requirements in Figure 6.

I'd like to have an 8 foot solid fence in my front yard for privacy, but it is along a right-of-way. What can I do?

If the fence is set back from your property line and constructed outside of the required setback area adjacent to a right-of-way it can be up to 8 foot solid in height (as shown in Figure 5).

How do I measure fence height if I am changing the existing grade of my property (adding soil)?

The height of your fence should be measured from preexisting grade. Example: If you build up your property with 2 feet of soil, you can only add up to a 6 foot fence instead of the allowed maximum of 8 feet. This is because 2 feet of soil was added on top of the preexisting grade which counts towards the total fence height.

My neighbor built their fence on my property. Can I report this to the City?

No. This is a civil issue between you and your neighbor; however, you can file a complaint with the City if the fence is in the right-of-way, is over 8 feet tall, is over 7 feet tall without a permit, or if it does not meet other code requirements.

Where can I report a fence code violation?

Submit a citizen concern online at: <https://cityofpt.us/planning-community-development/page/code-compliance>

See PTMC 17.68 for detailed fence, hedge, and arbor code requirements:

<https://www.codepublishing.com/WA/PortTownsend/#!/PortTownsend17/PortTownsend1768.html#17.68>