

FENCES

This handout explains the local requirements for fences such as those used to delineate property, contain children or animals, provide privacy, etc. This handout does not address legally required fences such as for pool enclosures, construction sites, and the like.

1. Setbacks: There are no local requirements that specify how far from a property line that a fence has to be. There are State laws that deal with fences. These are in Title 30-A of State law. Title 30-A is not a local ordinance, and the Town has no hand in enforcing it. We recommend that people place fences such that they can maintain the fence without having to go on a neighbor's land (common sense). This is only a recommendation.

2. Fences near the street or sidewalk: Although many people don't know it, the land near the edge of the street or sidewalk typically belongs to the Town, even though someone's lawn or garden may run to the edge of the street or sidewalk. The front property line is usually somewhere between the edge of the sidewalk or street and the front of the building on the site. (Some buildings are actually in the street right of way.) If you want to place a fence along the street, in the Town's right of way, the location of the fence needs to be coordinated with the Public Works Department to make sure it's not in the way for plowing or other maintenance activities. Contact them at 926-4574 for details on this. Sometimes we don't mind a fence being in the right of way, sometimes we do. The Town bears no liability for fences placed in the right of way. People placing a fence in the right of way do so at their own risk.

3. Fire Hydrants: The Fire Department needs unencumbered access to fire hydrants. If you wish to erect a fence within 15' of a hydrant, review your proposal with the Fire Department (926-4142). They will work with you to ensure that the hydrant remains suitably accessible. Most hydrants are in the Town's right of way. If your fence is near a hydrant, your project likely requires Public Works approval as well.

4. Visibility Hazards: It is illegal to place a fence so it creates a hazard by blocking sight distance for drivers and pedestrians. Within 20' of an intersection of two streets, nothing higher than three feet can be constructed. For private driveways, it is illegal to place a fence so that it blocks sight distance for the fence owner or an abutter using their driveway.

5. Construction requirements: There are no Town ordinance requirements for fence construction other than that a fence cannot create a hazardous condition (such as by placing razor wire along the top). There is no height limit. There are no appearance guidelines. There are no local rules about placing the "good side out". These answer the typical questions about fences other than those required by code. If you have others, I'll be glad to help you.