

CITY OF BATH, MAINE

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FENCES

This handout explains the 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, chicken pens, construction sites, and the like. If you need information on those, ask. For “run of the mill” residential fences:

1. Fences over 7' high require a permit. The application form is the building permit form, available on the Codes page of the City's website. Provide a site plan with the application showing where the fence will go.
2. Where feasible fences and walls must be set back an adequate distance from a property line to allow for maintenance without going on the abutting property. This is usually 1.5' -2' minimum. A fence near the right of way for a street can be closer than that, as long as it doesn't violate the corner clearance/sight distance requirements below.
3. If a retaining wall is taller than 5 feet it must be set back from a property line at least a distance equal to the height of the wall, unless the wall has been approved by a registered professional engineer.
4. All fences and walls must be located so as to not cause vehicular or pedestrian safety hazards.
5. Visibility Standard: Where two streets intersect, no fence, wall, hedge, or other planting other than shade trees may be erected, placed, or maintained above a height of 3 feet above the street surface within the three-sided area formed by the intersecting street lines, and a line joining them at points that lie 20 feet distant from the point of intersection of the streets or the driveway and the street/sidewalk.

No new fence may be erected that causes visibility at a driveway to be less than the following standard.

Where a driveway meets a street it must be so as to provide 10 feet of sight distance for every mile per hour (mph) of posted speed. If the street is not posted, the posted maximum speed is assumed to be 25 mph. The measurement must be from the driver's seat of a vehicle standing on that portion of the driveway, with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3½ feet above the ground to the top of an object 4¼ feet above the pavement.

6. 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 City, 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 City's right of way, the location of the fence needs to be approved by the Public Works Department to make sure it's not in the way for plowing or other maintenance activities. Contact them at 443-8357 for details on this. Sometimes we don't mind a fence being in the right of way, sometimes we do. The City 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.

7. 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 (443-5034). They will work with you to ensure that the hydrant remains suitably accessible. Most hydrants are in the City's right of way. If your fence is near a hydrant, your project likely requires Public Works approval as well.

These answer the typical questions about fences other than those required by code. If you have others, we'll be glad to help you. The Land Use Code requirements for fences (from which much of this handout is made), are in section 11.11 of the Code, available on the Codes page of our website.

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