

10-1-8: FENCES AND WALLS:

A. Permit Required: It is unlawful for any person to construct or place a fence or masonry wall upon any property within the city limits without first having applied for and obtained a building permit to do so and without thereafter complying with all the provisions of said permit. Height of fences, walls or other screens whether stand alone or combined with other screening elements (e.g., a fence on top of a berm) shall be measured at grade level within six inches (6") of the bottom of the fence or screen/wall/berm.

B. Fences On Rights Of Way Or Easements: Residential fences may be permitted to be constructed on/within public rights of way and easements subject to the sidewalk and vision clearance restrictions set forth herein. On commercial and industrial properties, fences shall not be placed within or blocking from view areas established as required yards (setbacks) but instead shall be on the side of those setbacks closest to the center of the property (i.e., behind the setbacks when viewed from off the property). Where circumstances permit, fences may be built along a property line, providing that permission to construct fences on rights of way (where desired) shall be first obtained from the city engineer.

1. Regarding Fences In Rights Of Way Or Easements: Upon receiving notification from the city, it is the property owner's responsibility to remove fences from public rights of way or easements, at owner's expense, should the city need to utilize any right of way or easement for maintenance or construction of any public facility or improvements or it is determined to be in the interest of the city or in the opinion of the city creates a safety hazard. Fences which constitute structures, as defined under this chapter, shall not be permitted upon or within public rights of way or easements.

C. General Requirements: For the purposes of this subsection, walls (e.g., block, brick, straw), latticework, screens, hedges, berms and plantings shall be considered functionally equivalent to fences and shall be built, restricted in height and maintained in compliance with the fencing provisions contained in this chapter.

1. Electric Fences: Electric fences shall only be allowed in the city as provided in this section, subject to the following standards:

a. IEC Standard 60335-2-76: Unless otherwise specified herein, electric fences shall be constructed or installed in conformance with the specifications set forth in international electro technical commission (IEC) standard 60335-2-76; and

b. Energizer: The energizer for electric fences must be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger; and

c. Charge Limit: The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in figure 102 of IEC standard 60335-2-76; and

- d. Installation Requirements: No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is not less than six feet (6') in height save in the case where the fence serves to contain agricultural animals in which case the fence may be no higher than six feet (6'); and
 - e. Outdoor Storage Areas: Electric fences shall be permitted on any nonresidential outdoor storage area property; and
 - f. Signage: Electric fences shall be clearly identified with warning signs that read, "Warning - Electric Fence" placed at intervals not less than sixty feet (60') apart; and
 - g. Governing Regulations: Electric fences shall otherwise be governed and regulated under burglar alarm regulations and permitted as such.
 - h. Violation: It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section save those fences designed and operated to contain agricultural animals. Those fences shall comply with traditional practice and industry standards applicable to livestock enclosure. (Ord. 3960, 4-4-2011)
2. Barbed Wire: Barbed wire may be permitted in commercial or industrial zones when used as the top section for security fences, provided barbed wires are a minimum of seventy two inches (72") above grade and do not project over public right of way.
 3. Construction Impairment: No fence shall be permitted in or across a sidewalk area or in a location that may impair construction. (Ord. 3211, 4-7-2003)
 4. Fence Owner Responsibility: In the event any fence restricts access to or use of established rights of way and/or easements, it shall be the fence owner's responsibility, at his expense, to provide access upon demand of the city or other entitled party.

Any existing fence or fence to be constructed which restricts access to any utility meter shall provide a way of access through the fence by a "man" gate. In addition, no fence shall be constructed within thirty six inches (36") of a fire hydrant. (Ord. 3250, 8-18-2003)
 5. Vision Clearance: "Vision clearance" for fences at street and alley intersections shall be as defined in section [10-1-2](#) of this chapter.
 6. Screening Sport Venues: Fences utilized to screen playing fields, ball diamonds, tennis or basketball courts shall be exempt from the height regulations of this section (but not from setback or vision clearance requirements) provided they are considered to meet typical industry standards in terms of height and type and method of construction.
 7. Materials And Appearance: Fences shall be constructed using common fencing materials commercially available. Fences shall be constructed such that one material (e.g., wood, vinyl, metal) is used throughout and its color(s), pattern, and composition are consistent. Slats inserted into chainlink fences shall be wide enough to completely fill the gaps they are inserted into/through. Slats inserted into chainlink fences shall be oriented vertically or diagonally. Chainlink fences shall have top rails. (Ord. 3211, 4-7-2003)

D. Residential Districts (Including RP Zoned Properties Whereon A Residential Use, Like A House, Is Located Or Proposed To Be Located):

1. Interior Lots: Solid/closed nonvision perimeter fences up to a height of thirty six inches (36"), or open vision fences to a height of forty eight inches (48"), may be built in the required front yard (setback area) from the setback line/mark to the inside of an existing sidewalk or to the inside of a proposed, future sidewalk.

Perimeter fences up to a height of seventy two inches (72") may be built from a point behind the front of the dwelling unit to and along the rear property line. In no case shall solid/closed vision type fences exceeding thirty six inches (36") in height be built across the front of a residence between side property lines unless approved via issuance of a variance permit. Solid fences higher than thirty six inches (36") or open vision fences higher than forty eight inches (48") may link a fence that runs along a side property line to a house or accessory building but must be kept behind the front wall of the main dwelling and/or attached garage or carport.

2. Corner Lots: Solid/closed nonvision perimeter fences to a height of thirty six inches (36") or open vision perimeter fences to a height of forty eight inches (48") may be built in the front yard setback area up to the inside of an existing sidewalk or to the inside of a proposed future sidewalk. A perimeter fence up to seventy two inches (72") in height may only be built along the side property lines adjacent an interior lot from the front of the dwelling unit to and along the rear property line, provided that no fence which exceeds thirty six inches (36") in height may be erected in a vision clearance triangle.

Perimeter fences may be built to a height of seventy two inches (72") along the side street of corner lots starting at a point fifty feet (50') away from the back of curb of the street in front of the property to and along the rear property line provided the following conditions are complied with:

- a. A seven and one-half foot ($7\frac{1}{2}'$) vision triangle is maintained when the rear property line abuts an alley or drive approach.
3. Private Covenants, Codes And Restrictions: Recognizing that many subdivisions/properties have private covenants, codes and restrictions that in part govern the type, placement, height and appearance of fences, a fence permit as issued by/from the city of Nampa shall not be construed to be an abrogation of a property owner's responsibility to comply with pertinent, private covenants. The city of Nampa, accordingly, shall undertake no efforts to enforce any fence provisions stated in private covenants, but shall only enforce the fence code as contained within this title and chapter.

E. Commercial Or Industrial Districts (Including RP Zoned Properties Whereon A Professional Or Commercial Use, Like An Office Or Store, Is Located Or Proposed To Be Located, And, All Kinds Of Multiple [Nonsingle] Family Residential Projects In All Zones): Fences not to exceed eight feet (8') in height (6 feet for multiple-family residential projects) may be located or maintained on any commercially or industrially zoned property. In the case of security fences, when a barbed wire top section is utilized, the eight foot (8') maximum height limitation may be exceeded by up to thirty inches (30") only by the barbed wire security top section.

Perimeter fences erected on commercially or industrially zoned property, or, for any form of multiple (nonsingle) family residential project, shall, when/if placed, be set back behind required yards/setbacks as viewed from off the property or from an abutting street. In some cases, where zero foot (0') setbacks are required, then the fences may be located right on the property line,

except within vision clearance areas unless appropriately reduced in height. Likewise, open vision perimeter fences to a height of six feet (6') may be built out to the inside of an existing or future projected sidewalk, provided that: 1) the abutting property's required yard/setback along the sidewalk is zero feet (0'), and 2) no barbed wire or other security top section is utilized and fences comply with vision clearance requirements for fences to be located at intersections. (Ord. 3805, 7-21-2008)

F. Fences Required For Sight/Site Obstruction:

1. Certain uses are declared and others may be declared in the future by the city to possess characteristics that require sight/site obstruction in order to preclude damage, hazard, nuisance or other detriment to public health, safety or welfare, or to prevent a materially injurious situation to property or improvements in a given vicinity.
2. Greenbelt or sight/site obscuring fences, where required by provisions of this subsection, shall be of dense coniferous planting, or climbing varieties of nondeciduous vines on permanently installed aluminum mesh fencing or solid nonvision type fencing of such design and materials that retains its attractiveness with nominal maintenance.
3. The following uses are declared to require sight/site obscuring fences: junkyard(s), wrecking yard(s), equipment storage yard(s), vehicle salvage and/or storage yard(s), sanitary landfills, and any other uses determined to be similar in nature to the preceding uses by the planning director or his/her designee.

G. Abatement Of Unlawful Fences: The following fences are declared unlawful nuisances and shall be subject to the enforcement provisions of section [3-4-2](#), "Abatement Of Nuisances", of this code:

1. Any fence that is in whole or in part weak, or constructed of broken, unsightly, inferior or old, worn materials of an inflammable nature that may impair the value of the adjoining land.
2. Any fence constructed or maintained for the purpose of maliciously annoying the owners or occupants of an abutting property.
3. Any fence not constructed or maintained in accordance with this section. (Ord. 3211, 4-7-2003)