

Information Sheet

Residential Fences

Chapter 6, Section 102

1. This information sheet will provide property owners and fence contractor's information needed to install a legal fence. If any questions arise, please call or visit the Code Compliance Division, phone number 757-7263.
2. **Definitions:**
 - a. **Fence** – Any structure that encloses partitions or divides any yard or property.
 - b. **Interior Lot** – Front of lot is adjacent to one (1) street and is contiguous to adjacent lots on two (2) sides and the rear property lines. (Enclosure 1)
 - c. **Corner Lot** – A lot adjacent to two (2) or more intersecting streets. (Enclosure 2)
 - d. **Double Frontage Lot** – A lot with frontage on two (2) non-intersecting streets. (Enclosure 3)
 - e. **City Right-of-Way** – A ten foot (10') area measured from the face of the curb towards the house.
 - f. **Easement** – A right to the use of a designated area of land for utilities such as electricity, gas, telephone, cable TV, sewage, drainage, etc.
3. **Permits:** Permits must be obtained prior to commencing installation.
 - a. New fences and additions to existing fences that modifies the original perimeter require a permit.
 - b. A permit is required to repair or replace the whole or part of an existing fence when more than 50% of the existing fence is being repaired or replaced or there is a change in location, height, type of fence or fencing materials.
 - c. **Obtaining a Fence Permit:**
 1. Where – Economic and Community Development, 1920 Germantown Rd S.
 2. Hours – 8:30 a.m. to 4:30 p.m. daily, except weekends and holidays
 3. Who – Either the contractor, resident or any agent of the resident may obtain the permit.
 - d. **Permit Fee:** Thirty Dollars (\$35.00) {**amount effective August 1, 2019**} payable by check or cash. (Fees are double if construction is started prior to obtaining a permit.)
 - e. **Documentation and Information Required to Obtain a Permit:**
 1. A copy of the lot survey plat or a dimensional sketch of the lot depicting the location of the house and the adjacent streets.
 2. Knowledge of where the fence will be installed on the lot.

- f. Name, address and phone number of the contractor or individual other than the owner, installing the fence.
- g. Property owners may install their own fence.

4. Provisions of the Fence Ordinance

- a. Maximum heights of fences allowed: (All zoning districts)
Note: Height is measured from lowest grade. Posts, boards and gates cannot exceed 6 feet. If brick columns are part of fence, height can exceed 6ft for cap on column by an additional six (6) inches.
 - 1. Required side and required rear yards – six feet (6')
 - 2. Required front yard – thirty inches (30")
- b. Setback requirements: (Distance from property line or face of street curb to fence)
 - 1. **Fences over thirty inches (30") high**
 - a. Residential Districts zoned R, R-1, R-2, R-3 – Minimum of forty feet (40') from property line.
 - b. Districts zoned AG, RE, RE-1 – Minimum of sixty feet (60') from the property line.
 - c. Fence may be erected on line with front line of principal building when the front line of the building is set back less than the distance required to meet the minimum distance indicated in the above paragraphs (a) and (b).
Note: On most residential lots there is a ten (10) foot right of way (from the face of the curb or edge of street) before the property line. This is not always the case so the recorded plat will determine the correct right of way/easement. No fencing is allowed in the right of way.
 - 2. **Fences thirty inches (30") or less** – Must be set back a minimum of ten feet (10') from face of curb or edge of pavement.
 - 3. On corner and triple frontage lots, the yards adjacent to all streets are front yards. The above provisions apply to all front yards.
 - 4. No fence shall be placed within twenty-five feet (25') of any street corner; said corner being defined as the intersection of the right-of-way lines of the two (2) streets.
- c. Fences shall be composed of masonry, durable wood or a combination of masonry and wood, chainlink or other commonly used fencing materials. Subdivision Restrictive Covenants may not allow certain type fences or require specific materials.
- d. Electrical Transformers – No fence, gate structures or other materials shall block or impede access to above ground electrical transformers located in utility easements. Memphis Light, Gas & Water, City of Memphis, Tennessee shall at all times have, for the purpose of performing operation and maintenance functions, clear and unimpeded access from the street right-of-way to the

electrical transformers within a fifteen foot (15') clear area in front of the transformer doors.

- e. Double frontage lots are lots that have a frontage on two (2) non-intersecting streets. The yards adjacent to both streets are front yards. Special provisions for fences on these lots are outlined in the Fence Ordinance (There is a separate information sheet on these). Smooth side of fence must face the street adjacent to the rear property lines. Lot owners should contact the City before taking any action to install a fence on a double frontage lot. (Refer to Double Frontage Fence Information Sheet)
- f. Regarding swimming pools, a fence of not less than four feet (4') must surround the property or the pool area. Spacing between vertical members shall not exceed four inches (4") in width. Horizontal members should be spaced far enough apart so that small children cannot use them for a ladder to climb over the fence. Latches on gates must be forty-eight inches (48") above the ground and are required to be self-latching. An illustration of peculiar designed fences will be required. (Refer to Swimming Pool Information Sheet)
- g. **Drainage: No fence shall impede or divert the flow of water through any drainage way** unless, by adequate investigations by the city engineer, it can be determined that the fence will not adversely impact any property owner and will contribute to an improvement on the overall drainage system.
- h. If your fence does impede, divert or block the flow of water through any drainage way to the detriment of other properties, the City shall require the fence to be altered to alleviate the adverse drainage condition caused by the fence.

5. **Additional Important Information:**

- a. Fences may be installed within easements but are subject to removal for repairs and maintenance of utilities. Any related costs are the responsibility of the property owner.
- b. Property owners are responsible for installing fences on their property. If the exact location of property lines are unknown, a survey is recommended. Property line disputes and ownership of fence issues are matters between private property owners and the city would not be a party to that dispute.
- c. The marking of underground cables and wires in utility easements must be done prior to digging postholes. The marking is a free service and is arranged by calling 811.
- d. Property owners are responsible to determine if the fence being installed complies with subdivision restrictive covenants. Covenants may be more restrictive than City Ordinances. If you don't have a copy of your Covenants, check with the following sources: Homeowners Association Officers, Title Companies, Director of Development, Germantown City Hall and the Shelby County Register's Office.
- e. A fence inspection is made by the City after the fence is installed.

- f. All fences constructed after September 12, 2005, which are parallel to and/or face the street and are constructed completely or partially of wood, shall have the smooth side of the fence facing toward the street with the supports on the side not observable from the street. On double frontage lots, the smooth side of the fence on the rear property line must face the adjacent street.
 - g. Any conflict between information contained in this Information Sheet and the Fence Ordinance will be resolved in favor of the Fence Ordinance.
6. **Violation and Penalty:** You are reminded that any firm, person, or corporation violating any of the provisions of a City of Germantown ordinance shall, subject the offender to a fine levied by the Germantown Municipal Judge. Each separate day of the violation shall be considered a separate offense.

The City of Germantown ordinance requires that fences be built and maintained in accordance with common building practices. (Sec 6-102) (g).
The following are guidelines when installing fences.

Posts:

Posts should be installed in concrete to a recommended minimum depth of 18 inches and they should be vertical and level.

Wood Fences:

When a 6-foot wood fence is installed, it is recommended that posts be a minimum of 4 x 4 inches. It is recommended that posts be on a maximum 8-foot center.

Horizontal Elements (runners):

Runners should be attached in line with each other and parallel to the additional runners in the section.

Wood Fence: It is recommended that runners on wood fences be 2 x 4 inches. It is also recommended that three runners be used per section but two is acceptable. Runners must be attached with the ends on the post. "Scabbing" or the practice of butting two runners up against each other and attaching in some manner in between the posts, is not acceptable.

Vertical Elements (boards):

Vertical elements should be level within 15 degrees.

Wood Fences: Boards should be attached to the runners with nails that do not extend beyond the length of the boards, runners or posts.

Wood fences that face or are parallel to the street must have the "smooth" side of the fence facing towards the street with the supports (runners and posts) on the side not visible from street. (Sec 6-102 (h.)) This does not apply to fences on the rear property line where the lot behind does not have a fence.