TOWN OF ELKTON
BUILDING INSPECTORS & PLANNING and ZONING OFFICE
RE: FENCES - REGULATIONS GUIDELINE (Revised 6-4-14)

ATTENTION: Please read carefully before signing:

I understand that a fence permit will be issued after I have read this document and have complied and provided the necessary data required.

The permittee must provide:

1. A plot plan or sketch of property showing area to be fenced, type of fence to be installed including height and specifically outlining the area indicating any changes in height.
2. Completed application, including the estimated cost. If a contractor is used - supply contractor's Md. Home Improvement License number.

General Regulations for Fences:

1. **Definitions** -
   (a) **Fence** - Any structure regardless of composition, *including a living fence*, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.
   (b) **Front Yard** - A yard extending along the full length of the front lot line of the zoning lot. In case of a corner lot, both yards extending along the public streets shall be considered front yards. However, this definition shall specifically not apply for purposes of swimming pool protection.
   (c) **Height** - The average distance measured from existing grade to the top of the fence.
2. **Approval Required** - No fence, wall or other type of construction shall be erected without the approval of the Zoning Inspector.
3. **Application for Permit** - Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the proposed materials to be use which must be in accordance with this ordinance, and be accompanied by an appropriate fee. Upon approval by the Zoning Inspector, a permit shall be issued which will be in effect for a period of one (1) year from the date thereon.
4. **Height Limitations** - Rear, front and side yards. NO fence shall be more than six (6) feet in height at the rear of homes or buildings situated in all residenti zoned districts, **which fence shall not extend forward of the rear building line no more than five (5) feet of any existing or proposed building. No oth fence or portions of a fence shall be higher than forty-eight (48) inches.**
5. **Location Restrictions** - Any fence erected under this Ordinance may be located on the property line except in the front yard. Any fence erected in a front yard shall be placed at least one (1) foot back from the front line and/or property line. NO front yard fences are permitted in townhouse projects.
6. Materials and Composition
   (a) Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety, is prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid.
   (b) The following fences and fencing materials are specifically prohibited:
      (1) Barbed wire.
      (2) Pointed fences less than 3 feet in height.
      (3) Canvas fences.
      (4) Cloth fences.
      (5) Poultry fences.
      (6) Turkey wire.
      (7) Temporary fences such as snow fences.
      (8) Expandable fences and collapsible fences, except during construction of a building.
      (9) Non-lethal electrically charged fences may be permitted by Special Exception in the BI zone.
   (c) All chain link fences erected shall be erected with closed loop at the top of the fence.
   (d) All entrances or gates shall open into the property.
   (e) A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application.
   (f) All fences or walls must be erected so as not to encroach upon a public right-of-way or easement unless a waiver is granted with the stipulatior that the fence be removed or relocated upon request by the appropriate Town officials. All fences or walls must be erected within the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.
   (g) Approvals or permits for wire fences will be at the discretion of the Planning Commission. The Building Inspector will check for adequacy and safety.
   (h) Retaining wall design to be sealed by a Maryland registered engineer.
7. **Powers and Duties of Zoning Inspector** - The Zoning Inspector shall have the authority to direct, in writing, the removal, and modification of any fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Zoning Inspector shall be guilty of a violation of this ordinance and shall be subject to its penalties.
8. **Violations and Penalties** - Any violator of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided in the Town of Elkton Zoning Ordinance, Article XIII, Section 4
9. **Appeals** - Any change, other than provided in the provisions of this ordinance, as to height, area, size, location, or materials used, shall not be allowed unless approved by the Board of Zoning Appeals.

Note: Also pertains to retaining walls or such structures.

I have read and fully understand the fencing regulations.

_____ _____

Signature of Permittee Date

cc: Office file - attach to Permit
Permittee