

FENCE POLICY AND FENCE PERMITS

The following standards shall apply to all fences and walls:

A. GENERAL REQUIREMENTS

- 1. A fence Construction Permit is required for all walls and fences constructed in the City of Hobbs. For those fences up to 6' in height, a permit must be obtained from the Planning Division. A City Building Permit issued by the City Building Official is required for walls and fences exceeding 6 feet in height, in conformance with the City of Hobbs Building Code. In addition, all retaining walls must be approved by the City Engineer.**
- 2. The Permit must be obtained prior to start of construction. All fences and walls shall comply with the standards of the Section. The City may require installation of walls and/or fences as a condition of development approval.**
- 3. Fences shall be built only on private property and not in the public street right of way. It shall be the property owner's responsibility and obligation to identify the property line when proposing to construct a fence upon said property line. A property survey may be required.**
- 4. Fences are hereby defined as – a self supporting structure placed on or near a property line, usually for the purpose of delineating one property from another. The fence structure may be designed for decorative, privacy, or security reasons.**
- 5. Fence structures located at least 35' from the property line or driving lane in the front street shall be granted a waiver from the permitting process by the City Planner or designee.**

B. DIMENSIONS & LOCATION

- 1. All fence dimensions shall comply with the fence setback and height limitations in the Major Thoroughfare Plan. The height of fences and walls within a front yard setback in Residential Areas shall comply with the Major Thoroughfare Plan and shall not exceed 2 feet at the property line abutting a thoroughfare as measured from the grade closest to the street right of way.**

C. CONSTRUCTION MATERIALS

- 1. Fences may be constructed of masonry, metal, wire, wood or acceptable materials employed by standard building practice.**
- 2. Barbed wire is not permitted within the City of Hobbs unless it is used a) with grazing livestock; b) for industrial or commercial facilities; or c) on the City limits. When used in industrial or commercial application, barbed wire must be at least six (6) feet in height. Razor wire is only to be installed for industrial or commercial facilities and must be at least six (6) feet in height. Broken glass or any other dangerous or abrasive material is not permitted to be installed on the top of a wall.**
- 3. Fences shall not be made of tires or other salvage materials not originally designed as structural components of fences. All materials used in fence construction must be appropriate to meet the City residential housing appearance standards.**

4. Fences shall not be made of living growing vegetation, unless the plant materials and irrigation comply with the City Landscaping Codes.
5. All newly constructed fences not in compliance shall, within thirty (30) days of notification by the City, be removed by the owner or, upon failure to remove the fence, the City Manager or designee as empowered shall cause the removal of the fence. The expense of the removal process shall be billed to the owner of the property of filed as a municipal lien on the property. All existing fences built prior to September 1, 2008 are exempt from these policies unless the fence is being completely reconstructed.

D. MAINTENANCE

1. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner. All maintenance of fence materials must meet the City residential housing appearance standards.

E. CLEAR SIGHT TRIANGLE

2. No signs, structures or vegetations in excess of 24 inches in height shall be placed in the clear "sight triangle." The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadways alignment, etc.).