

## 3112 FENCES

*Insert new Section 3112 to the Building Code to read as follows:*

**3112.1 General.** Fences shall comply with the requirements of this section, other applicable sections of the *Construction Codes* and other municipal regulations. All barbed wire and similar fences shall comply with the requirements of Sections 3112.4.

**Exception:** Fences or portions of fences located on privately-owned land beyond a *building restriction line* shall comply with the requirements for fences in *public space* set forth in 24 DCMR § 103.

**3112.1.1 Fence walls.** Fence walls shall conform to the requirements for fences.

**3112.1.2 Screens or trellises.** Screens or trellises shall conform to the requirements for fences.

**3112.1.3 Height measurement.** The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

**3112.1.4 Permit applications.** Application for permits to erect or increase the height of a fence, or change the grade adjacent to a fence, shall be accompanied by an official building plat upon which the proposed fence location is indicated. Review and approval by the Zoning Administrator shall be required before a permit shall be issued.

**Exception:** Review or approval by the Zoning Administrator shall not be required where (a) an existing lawful fence is replaced; (b) the extent, location, and the height of the fence is unchanged; and (c) the adjacent grade is unchanged.

**3112.2 Party line fences.** Only those portions of the length of a fence, including footings, which are partly on each side of a *party line* shall be considered as *party line* fences. Permit applications for *party line* fences shall be signed by the owners of the adjoining properties on which the fence is to be located.

**3112.2.1 Fence materials.** A *party line* fence shall be a wood, woven wire, or iron fence of open pattern, unless otherwise agreed upon by the adjoining owners.

**3112.2.2 Height agreements.** Where owners propose to erect a *party line* fence over 7 feet (2134 mm) in height in *Residence* or *Waterfront Districts*, or over 10 feet (3048 mm) in *Mixed Use*, *Special Purpose*, *Commercial*, or *Industrial Districts*, a written agreement as to the height of the *party line fence* shall be executed by the *owners* of the properties on which the fence is to be located and such agreement shall be filed with the *code official* before issuance of a permit.

**3112.3 Other fences.** Fences other than *party line* fences shall comply with Sections 3112.3.1 through 3112.3.5.

**3112.3.1 Fences abutting streets.** Fences abutting a street shall not exceed 7 feet (2134 mm) in height in *Residence* or *Waterfront Districts*, nor 10 feet (3048 mm) in height in *Mixed Use*, *Special Purpose*, *Commercial*, or *Industrial Districts*.

**3112.3.1.1 Special provisions applicable to historic districts and landmarks.** Within a historic district or at a designated historic landmark, fences or walls between the front façade of a structure and the front lot line shall not exceed 3 feet 6 inches (1067 mm) in height. Fences between the front façade of a structure and the front lot line shall be at least 50 percent open. (The ratio shall be computed in elevation by dividing the fence elements themselves by the open space between the fence elements.) The *code official* is authorized to allow fences or walls covered by this subsection to exceed 3 feet 6 inches (1067 mm) in height upon recommendation of the Historic Preservation Office.

**3112.3.2 Fences abutting alleys.** Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in *Residence* or *Waterfront Districts*, nor 10 feet (3048 mm) in *Mixed Use*, *Special Purpose*, *Commercial*, or *Industrial Districts*.

**Exception:** The *code official* is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

**3112.3.3 Fences near party lines.** Fences located 10 feet (3048 mm) or less from a *party line* shall not exceed 7 feet (2134 mm) in height in *Residence* or *Waterfront Districts*, nor 10 feet (3048 mm) in *Special Purpose*, *Mixed Use*, *Commercial*, or *Industrial Districts*. Fences shall not obstruct light or ventilation for any required window.

**Exception:** Where the written consent of the adjoining owners is filed with the *code official*, the *code official* is authorized to approve a greater height, not to exceed 10 feet (3048 mm).

**3112.3.4 Fences located in lot interior.** Fences more than 10 feet (3048 mm) from (a) a *lot line*, including a *party line*; (b) an *alley*; or (c) if applicable, a *building restriction line* shall not be subject to height limitations except as necessary to avoid (i) encroachment on a required yard or court, or (ii) obstruction of the light or ventilation for any required window.

**3112.3.5 Gate height.** Gates shall not exceed the height of the fence.

**3112.4 Barbed wire fences.** Fences, barriers or obstructions, composed in whole, or in any part, of *barbed wire* (collectively referred to as “*barbed wire fences*”) are

prohibited in the District of Columbia, except as expressly permitted by this Section 3112.4. The term *barbed wire* shall include (a) barbed, razor or electrified wire; (b) sharp or jagged glass; (c) metal such as, but not limited to, razor-spikes; or (d) similar materials.

**3112.4.1 Barbed wire fences on private property.** *Barbed wire fences* on private property that meet the following conditions are permitted:

1. The *barbed wire fence* is not located in a *Residence District* or along the zoning boundary lines of any *Residence District*, except where the *code official* determines that the condition or the nature of the improvements located upon the *premises* pose a significant, demonstrable hazard to members of the public;
2. The *barbed wire fence* is not located on the *lot line*, or *building restriction line* if one exists, and does not project beyond the *lot line* or *building restriction line*;
3. The minimum height of the lowest strand of *barbed wire* is 6 feet (1829 mm) above adjacent ground; and
4. The *barbed wire fence* complies with any other applicable requirements, including, but not limited to, Sections 802.17, 804.14 and 825.13 of the *Zoning Regulations*.

**3112.4.2 Barbed wire fences in public space.** No *barbed wire fence* shall be erected, constructed, or maintained, along the *lot line* or *building restriction line*, if one exists, or in or upon any *street*, or other *public space*, including but not limited to any sidewalk, *public parking* or *building restriction area*, in the District of Columbia.

SOURCE: Final Rulemaking published at 61 DCR 2782 (March 28, 2014 – Part 2).

The *District of Columbia Building Code* (2013), referred to as the “*Building Code*,” consists of the 2012 edition of the *International Building Code* as amended by the *District of Columbia Building Code Supplement* (2013)(12 DCMR A). The *International Building Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bu2=IC-P-2012-000019>.