



CITY OF MURPHY FENCE PERMIT REQUIREMENTS

1. Complete and submit a permit application.
2. Submit two (2) site plans (a survey plat is required) showing the proposed location of the fence with respect to the property lines, swimming pools on the property and adjacent properties, easements and house.
3. Fences that are swimming pool barriers must comply with 2015 IRC, AQ 105 Barrier Requirements.
4. Permit fee- See Murphy Code of Ordinances, Article A9.000 Building, Construction and Development Related Fees



***See attached Fence Code and Barrier Requirements**

ARTICLE 26.03 FENCING, WALLS AND SCREENING

Sec. 26.03.003 Fences in residential areas

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Build. Construct, erect or place, or cause, suffer or allow another to construct, erect or place.

Fence. Any structure which exceeds 18 inches in height above the nearest grade and which encloses, partitions or divides any yard as defined in [chapter 30](#).

Residentially zoned. Property zoned single-family, patio home, or single-family attached, or any property zoned as a planned development district (hereafter PD district) where the base zoning within the PD district is one of the foregoing.

Zoning ordinance. The city zoning ordinance, as set out in [chapter 30](#), as amended.

- (b) Height limit. No fence shall be built so as to exceed eight feet in height on any residentially zoned property nor shall a fence be built so as to exceed ten feet on any nonresidential property.
- (c) Measurement of fence height. Fence height shall be measured from the grade adjacent to the fence from the applicant's side of the fence. If the fence is constructed on top of a retaining wall it shall be measured from the top of the retaining wall.
- (d) Depth of posts. Posts must be set at a depth according to the following:

Fence Height	Post Depth
8 feet or higher	3 feet
6 feet	2 feet
4 feet or lower	18 inches

- (e) Permit requirement; inspection and maintenance.
- (1) Permit requirement; minor repairs. No fence shall be constructed within the city without the owner or person in control of such premises, or his agent or contractor, having secured a permit therefor from the building official or his designee. A fence repair permit shall be required for the replacement of fifteen (15) linear feet or more of fencing and/or the replacement of five (5) or more posts. Repairs shall be made with comparable materials of a comparable color to the remaining portion of such fence.

(2) Inspection and maintenance. When any fence is completed, it must be inspected. The permit department shall be notified upon completion of the fence. The building official (or his designee) will issue a card of acceptance if the fence complies with the provisions of this article, or it will be rejected. All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and will be subject to code compliance notification and issuance of a citation if not maintained in such condition. Fences shall be maintained as follows:

- (A) Such fence shall not be out of vertical alignment more than 20 degrees.
- (B) All damaged, removed or missing portions of such fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portion of such fence.
- (C) If a new fence, section of fence or fence replacement is proposed to be composed of wood, all wood elements (posts, fence panels, etc.) used shall be pressure-treated with the chemicals alkaline copper quaternary (ACQ), copper azole (CA) or micronized copper quaternary (MCQ). In addition, non-pressure-treated cedar and redwood are acceptable.

(3) Masonry columns. All masonry columns greater than four feet in height shall require an engineered stamped design.

(f) Appeals and special exceptions.

- (1) An appeal from a decision of the building official under the terms of this article shall be made to the planning and zoning commission.
- (2) When in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the zoning board of adjustment may authorize special exceptions to the regulations provided in this article in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship.

(g) Prohibited materials.

- (1) No person shall build any fence composed, in whole or in part, of:
 - (A) Barbed wire or razor wire;
 - (B) Welded or woven wire such as chicken wire, hog wire, stockade panels and similar agricultural wires (does not include chain link);
 - (C) Used materials (as defined by the city);

- (D) An electric fence;
 - (E) Galvanized sheetmetal, corrugated metal, or corrugated fiberglass; or
 - (F) Materials not approved for exterior exposure.
- (2) The following are affirmative defenses to a violation of this section:
- (A) On a lot that has an area of one and one-half acres or more, provided that the fence is not otherwise prohibited by any other ordinance or law, a fence may be composed of barbed wire, welded wire or woven wire, or both, and may include an electric fence if the electric fence charging device is approved by a nationally recognized testing laboratory.
 - (B) In a residential zone, an electric fence may be located only within the side and rear yard, all electrified components must be located a minimum of six inches inside another fence (which must be a minimum of 36 inches in height), the electric fence charging device must be approved by a nationally recognized testing laboratory and the fence shall otherwise comply with all applicable laws and ordinances.
 - (C) This section does not prohibit the use of corrugated metal material with a minimum 26 gauge and one-inch corrugation when commercially designed and engineered as a fencing material as a component of a modular, prefabricated fence.
 - (D) When mandated by state or federal statute.
 - (E) When required for public safety for local governmental facilities.
- (h) Construction or protrusion on public property. No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.
- (i) Restrictions in certain locations.
- (1) Fences in easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement. Fences within utility, surface drainage (including inlets and concrete flumes) and maintenance easements must be constructed with ornamental iron and removable fence sections. All vertical bars must be a minimum of three inches on center and must not exceed 3-15/16 inches on center. The maximum diameter of all vertical and horizontal bars shall be two inches. The minimum clearance between the bottom of the fence and grade is two inches. Fences within drainage easements that serve underground reinforced concrete pipe (i.e., non-surface drainage) must be constructed with metal posts and with removable fence sections.

- (2) Attachment to screening wall. Where subdivisions are platted so that the rear or side yards of single-family residential lots are adjacent to a public street on which a screening wall has been provided, no wall or fence shall be attached to the screening wall.
- (j) Fences in front yard. No fence shall be built within the required front yard, as defined in the zoning ordinance, except for lots that have an area of one and one-half acres or greater. Front yard fencing shall be limited to four feet in height and shall not be of solid construction, providing that at least 50 percent of the fence be open.
- (k) Gates.
 - (1) Any fence built so as to enclose an area shall provide a gate or other opening in the fence of at least three feet in width and with a minimum headroom clearance of six feet, eight inches in height.
 - (2) Gates for vehicular use must be a minimum of 24 feet from the property line for all types of property other than residential.
- (l) Wind load requirement. Fences must be able to structurally support fencing materials for a 70-mile-per-hour wind speed.
- (m) Swimming pool fences. Fences around swimming pools shall be in conformance with this section and with [article 24.07](#).
- (n) Sight visibility. See [section 30.07.108\(a\)](#) for sight visibility requirements for fences and screening walls.
- (o) Special-purpose fencing. Special-purpose fencing, such as fencing around tennis courts, dog runs, etc., is permitted. Special-purpose fencing shall comply with the requirements as set forth in this section. Smooth, non-climbable two-inch by four-inch mesh on metal posts will be acceptable behind the building line. Any other materials require approval from the building official.
- (p) Back-to-back fencing. Back-to-back fencing is not allowed at a distance of less than five feet.
- (q) Nonconforming fences. A fence that does not comply with the requirements of this article as of May 27, 2004, shall be allowed to remain unless the fence is replaced, destroyed or damaged to the extent of 60 percent or more of the value of the structure, in which event the right to maintain the structure shall terminate.
- (r) Height transition. Where a privacy fence and a fence or wall that screens a thoroughfare or public street of different heights meet or connect, a stair-step transition/effect shall be provided to match the height of the fence that is lower in height. Such transition must be in lengths of no less than eight feet for each one foot of change of elevation and as approved by the city.

- (s) Fence post visibility. Where a privacy fence faces a public right-of-way, the fence must be built with the posts on the inside of the property and may not be facing the public right-of-way.
- (t) Approval by homeowners' association. Approval of a fence application does not constitute or supersede approval by the applicant's homeowner's association.

**2015 INTERNATIONAL RESIDENTIAL CODE
SECTION AQ105 BARRIER REQUIREMENTS**

AQ105.1 Application.

The provisions of this appendix shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AQ105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

Exception: Boards with a minimum 30-degree angle, cut and placed at the top of the horizontal fence members, may be used on existing fences that will become pool barriers. This exception does not apply to fences adjacent to public right of way.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
8. Access gates shall comply with the requirements of Section AQ105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - 8.2. The gate and barrier shall have not opening greater than 0.5 inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves a part of the barrier one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346;
or
 - 9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch (es) shall be located at least 54 inches (1372 mm) above the threshold of the door;
or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AQ105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.

AQ105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AQ105.2, Item 9.

AQ105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb them.

AQ105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AQ107, shall be exempt from the provisions of this appendix.