

*A Quick Guide
to Residential
Fences*



City of Ripon

Department of Planning and Building

Are you interested in building a fence, rebuilding a fence or relocating a fence on your property? Here are some helpful hints and diagrams that explain the fence regulations in the City of Ripon.

Do I need a permit to build or repair a fence?

No, a building permit is not needed to construct or repair a fence, unless it is a masonry

How high can I build a fence?

- Fencing within a front yard area or street side yard area on corner lots shall not exceed 3'-0".
- All other fencing shall not exceed 7'-0", inclusive of

How is fence height measured?

The height of a fence is measured from the overall finished pad certified grade of the lot to the highest point of the fence. When two adjacent lots are different elevations, the fence height shall be established by taking measure-

Can I put a fence in my front yard or side yard on corner lots?

You may put a fence in your front yard and/or side yard on corner lots ONLY if it does not exceed 3'-0" in height. A general rule of thumb....fences taller than 3'-0" should not be erected any closer to the street

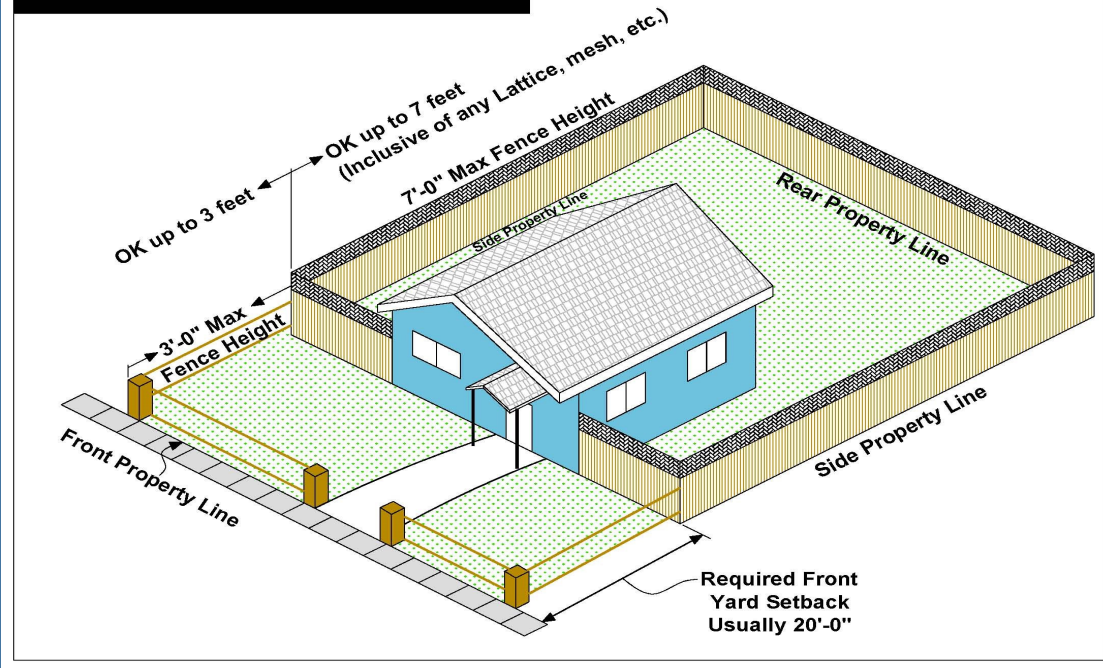
Columns and Gates used in fencing

Any Column or Gate used in fencing, may extend an additional one (1) foot above the maximum fence height .

Where can I build a fence on my property?

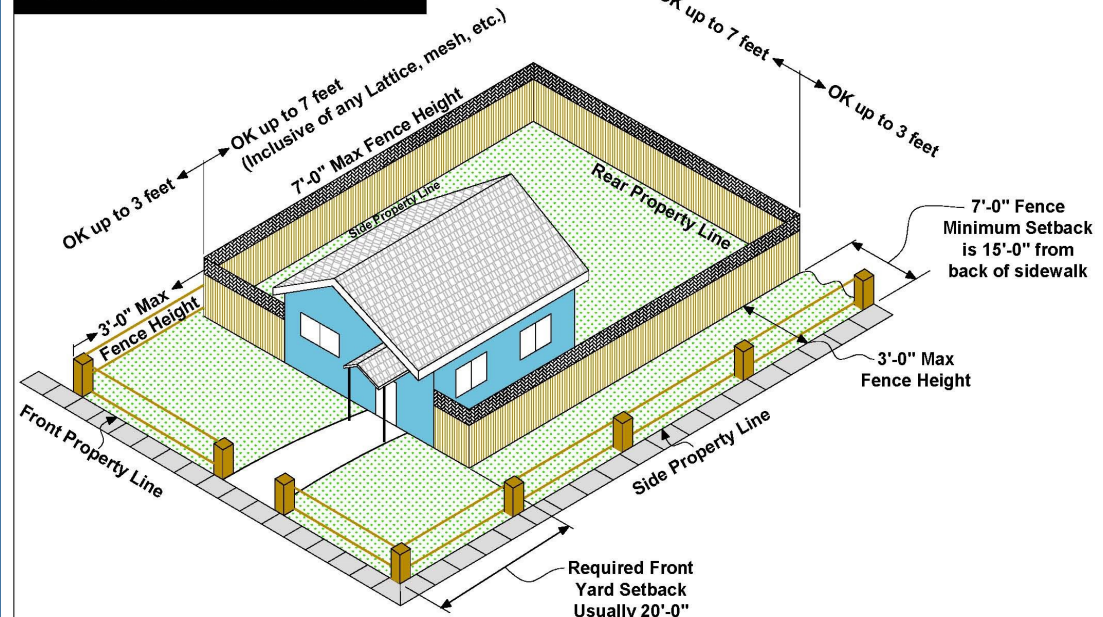
The following diagrams show where fencing can be erected on interior lot and corner lot residential properties.

Fences on Interior Lots



- ◆ If your property does not have a sidewalk, please confer with City of Ripon Planning Staff for proper fence placement.

Fences on Corner Lots



*Except for R1-E and R1-R Zones, those zoning districts shall comply with the setbacks for their zone as listed in Table 16.16.3 of the RMC (R1-E - 40'-0" and R1-R - 50'-0")

What is the California Good Neighbor Fence Act?

If you have a fence that is on a boundary line with a neighbor, then you should know about the California Good Neighbor Fence law. This will help you to understand what you and your neighbor are legally responsible for regarding your shared fence. The gist of the law is that since both parties are benefiting from having the boundary fence, there will be cost sharing with each neighbor responsible for half the costs.

The Good Neighbor Fence Act of 2013 states: “Adjoining landowners are presumed to share an equal benefit from any fence dividing their properties and, unless otherwise agreed to by the parties in a written agreement, shall be presumed to be equally responsible for the reasonable costs of construction, maintenance, or necessary replacement of the fence.”

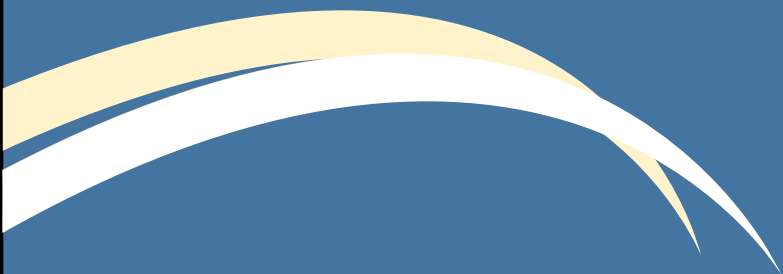
So, if you want to get a new fence on a boundary line with a neighbor you will most likely both have equal responsibility for the cost of the fence. However, it also means if your neighbor wants to get a new fence, you will be paying half the costs. Each will pay an equal share of costs including getting the new fence installed, maintenance of a fence, and replacing it when the time comes.

If you are planning to install a boundary fence with a neighbor, you must comply with the law by communicating your plan with your neighbor in the correct way. The law says you must notify your neighbor with a written notice 30 days in advance of the project. The notice must include a description of the proposed fence, a proposed division of costs, a proposed timeline for the project and an invitation to discuss the project.

Exceptions to the Good Neighbor Fence Act?

There are exceptions to the Good Neighbor Fence Act.

- ◆ The costs have to be reasonable, so if the plan is unreasonably expensive or elaborate you will not be forced to pay half.
- ◆ Another scenario where a court could overrule the law is if one neighbor can prove that the cost would be too much of a financial hardship for them.
- ◆ Another exception is if the fence is not actually on the property line. In that case, the fence would be the responsibility of the homeowner who built it because it is wholly on their land.
- ◆ Another is that the fence is being replaced because of the personal taste of one neighbor. Just because they want a prettier fence doesn't mean you have to pay part of it if there is already a fence there that is in good shape.



Common Fence Disputes

- ♦ **Placement of Fence.** In some cases, two neighbors might have different ideas of where the property line is, leading to an argument over the placement of the fence. If the two neighbors cannot come to an agreement on their own, they might have to go to court to prove where the boundary is legally.
- ♦ **Can my neighbor make me pay for a fence in California?** If a fence is constructed on the boundary line between your property and your neighbor's, California Good Neighbor Fence Act says that the two neighbors must evenly split the fence construction, maintenance, and eventual replacement. If you believe that the price of the fence is too high or is being built to spite you, and you've already talked to your neighbor and they will not come to a compromise, you can try mediation and after that take the case to small claims court.
- ♦ **Can my neighbor take down my fence without permission?** Your rights are to use your property up to but not over the boundary line. In general, to the extent that a portion of your fence encroaches onto the neighbor's property, the neighbor can remove it or can take you to court to show that it encroaches and get the court to order or allow its removal. Generally to protect yourself from future litigation over this issue don't encroach or trespass. If the neighbor improperly takes the fence down on your property you can sue them for trespass and damages for the cost of replacing the fence. If the neighbor begins taking the fence down you can go the court seeking a restraining order to make him stop until the boundary issues are resolved, this is a civil issue and not a Police matter.

Prohibited Fence Materials

- Sheet Metal
- Metal Building, Siding and Roofing Materials
- Corrugated Metal or Fiberglass
- Barbed Wire
- Chicken Wire
- Plywood
- Scrap Wood
- Scrap Metal
- Canvas, Nylon or Other Non-Rigid Material or Fabric
- Cast-Off, Secondhand or Other Materials Not Originally Intended to be Used for constructing or maintaining a Fence.

(Unless approved otherwise by the Planning Director)



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