

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-2**

AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO
AMENDING TITLE 15 OF THE NEW CASTLE MUNICIPAL CODE TO
IMPLEMENT PERMIT REQUIREMENTS FOR THE INTSTALLATION OF
FENCES.

WHEREAS, the Town of New Castle, Colorado (“Town”) is a home rule municipality with all of the powers, authorities, and privileges granted to it under its Charter and Colorado law; and

WHEREAS, the Town has adopted by reference the 2015 International Building Code and the 2015 International Residential Code; and

WHEREAS, under the adopted building codes, building permits and inspections are only required for the construction of fences of a height greater than seven (7) feet; and

WHEREAS, the Town’s zoning provisions set forth in Title 17 of the Town Municipal Code set maximum fence heights for each established zone district, all of which are lower than seven feet; and

WHEREAS, because no building or other permit is currently required for the construction of fences, fences are being built without Town oversight and often in excess of the height limits set forth in the Code; and

WHEREAS, fences that exceed the zone district height limits have caused and may continue to cause vision clearance hazards, property line disputes, and a decline in aesthetic appeal; and

WHEREAS, to ensure that fences are built according to applicable zoning code provisions when a building permit is not otherwise required, and to avoid the health and safety issues associated with fences that exceed maximum heights, Town staff has recommended that a fence permit system be implemented; and

WHEREAS, the Planning Commission (“Commission”) held a workshop on November 14, 2019, to review the need for a fence permitting system and has recommended approval of the same;

WHEREAS, the Town Council (“Council”) has considered the amendments proposed herein and now desires to adopt the same.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Town Council.

2. Amendment. A new chapter, Chapter 15.48, is hereby enacted and added to Title 15 of the New Castle Municipal Code. Chapter 15.48 provides as follows:

Chapter 15.48
Fence Permits

15.48.010 Definitions.

“*Fence*” shall mean a free-standing structure of metal, masonry, composition or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

“*Corner lot*” shall mean any lot or parcel which abuts a street, alley, railroad, or other similar right-of-way or easement boundary line on at least two adjoining sides of the lot or parcel.

15.48.020 Fence Permit Requirements

- A. All new fences or the rebuilding of nonconforming fences shall comply with all applicable provisions of this Code, including, but not limited to, those set forth in Titles 15 and 17, and any governing HOA design specifications.
- B. A fence permit is required for any fence greater than forty-two (42) inches in height. For corner lots located within the R-1 zone district, a permit is required for any fence greater than thirty (30) inches in height.
- C. A fence permit application shall be submitted to the Town planning department on a form provided by the Town before construction of the fence commences. The application shall include a sketch plan of the property that includes neighboring streets and structures, distances of the fence from relevant structures and lot lines, and fence height(s). A fence permit application fee in the amount set forth in the Town’s schedule of fees, as amended from time to time, shall also be submitted with the application. Said fee will cover the processing of the application and final inspection.
- D. The owner is responsible for ensuring that the fence is located on or within the property lines of the owner’s property. A survey is encouraged, but not required by the Town. If the proposed fence is to be located on a property line, the Town may require that the owner provide written confirmation that the adjoining property owner consents to the construction of the proposed fence. If at any time after the completion of installation of the fence it is determined that the fence violates applicable codes or is located on public property or Town rights-of-way, the Town may require relocation, removal, or remediation of the fence at the owner’s expense.
- E. Upon completion of the fence installation, the owner or their agent shall request a final inspection by Town staff. The final inspection is not and shall not be considered (i) a survey of the owner’s property or the boundary lines thereof; (ii) confirmation that the

fence, as constructed, is located on or within the boundary lines of the owner's property; or (iii) confirmation that the fence is structurally sound or built to industry standards. Section 15.04.030 of the Code is incorporated herein by this reference.

15.48.030 Exceptions

The requirements of Section 15.48.020 shall not apply to the following:

- A. Temporary wildlife fencing (a.k.a. deer or rabbit fence) made of wire or plastic used to minimize damage to vegetation from wildlife;
- B. Temporary snow fencing;
- C. Construction fencing; or
- D. Any other fence exempted by the Town Administrator for good cause upon request by an owner.

3. Fence Permit Fee. The initial fence permit application fee is hereby set at \$25.00. This fee may be increased or decreased by resolution of the Town Council.

4. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on January 21, 2020, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading with amendments, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

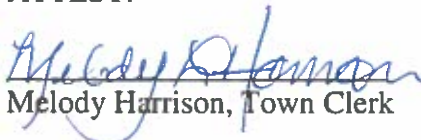
INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on February 4, 2020, read by title and number, passed with amendments made after first reading, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By:


Art Riddile, Mayor

ATTEST:


Melody Harrison, Town Clerk

