



## Guidance Position

Date: July 7, 2023

To: Development Services Department

Through: Dr. Gerald Newton; Development Services Director

From: David Steinmetz; Assistant Department Director

Jason Everage; Chief Building Official

Re: Building Code (Fences)

The purpose of this document is to provide information on fences as it relates to North Carolina Building Codes.

This does not apply to fencing used as pool barriers or any other barrier requirements required by code nor does it exempt from any electrical, mechanical, and plumbing permit requirements.

First, we must define what a fence is. The North Carolina Building Codes does not define fences however according to LawInsider.Com (<https://www.lawinsider.com/dictionary/fence>) the legal definition is:

**Fence** means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen.

### North Carolina Residential Code

Because the Residential Code does not define fences, the best we can use to define it is an *Accessory Structure* that is defined as:

**Accessory Structure:** A structure that is **not** defined as an *accessory building*. Examples of accessory structures are fencing, decks, gazebos, arbors, retaining walls, barbecue pits, detached chimneys, playground equipment, yard art, docks, piers, etc.

[Does this mean that ALL accessory structures are permitted and inspected?](#)

**No.** North Carolina Residential Code section R101.2.2 (accessory structures) states that the following **SHALL** meet the provisions of this code:

- Decks
- Gazebos (note: only gazebos greater than 12 feet)
- Retaining Walls (note: only when required to be engineered is a permit required)
- Detached Masonry Chimneys located less than 10 feet from buildings or property lines (sic.)
- Swimming Pools and Spas
- Detached Carports (portable, lightweight carports not exceeding 400 square feet or 12 feet mean roof height are exempt)

- Docks, Piers, bulkheads, and waterway structures

This means that fences are not regulated by the residential code and do not require a building permit. Note that Zoning permits are required.

### North Carolina Building Code

The North Carolina Building Code (NCBC) does not define fences or accessory structures. The index does have an entry for fences with two code sections which are 105.2 and 312.1

NCBC section 105 is deleted and references the *North Carolina Administrative Code and Policies* (NCAC/P). NCAC/P does not have any sections where fencing is mentioned. At the most, we can reference NCAC/P section 106.1

**North Carolina Administrative Code and Policies section 106.1:** Permit Required: *A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.*

Because there is no section defining or code regulations for fences or accessory structures, no building permit is required. However, let us look at the other code section mentioned in the index:

NCBC section 312.1 is in the use and occupancy classification section of the code. This section specifically gives an occupancy classification for fences over 6 feet a *UTILITY OCCUPANCY CLASSIFICATION*.

**Utility Occupancy Classification:** *Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.*

#### Does this mean that fences over 6 feet require permits and inspections?

**No.** Zoning permits are required however for any fence over 6 feet, Development Services may require engineered plans per NCAC/P section 106.2.2

**North Carolina Administrative Code and Policies section 106.2.2 :** Additional Data. *The inspection department may require details, computations, stress diagrams or documentation sealed by a registered design professional (engineer) and other data necessary to describe the construction or installation of a system.*

If this is asked for and provided then permits are still not required. This information was asked for to provide a reasonable amount of protection for the citizens and our guests as the City of Fayetteville remains steadfast in ensuring the safety of all within its jurisdictional boundaries.