

INTRODUCTORY LOCAL LAW NO. 1 OF 2025

Proposed Town of Warwick Fence Ordinance

Chapter 80A Fences

[§ 80A-1 Definitions.](#)

[§ 80A-2 Approval required.](#)

[§ 80A-3 Issuance of permit.](#)

[§ 80A-4 Living fences.](#)

[§ 80A-5 Applicability.](#)

[§ 80A-6 Height limitations.](#)

[§ 80A-7 Location restrictions.](#)

[§ 80A-8 Materials and composition.](#)

[§ 80A-9 Powers and duties of Building Inspector; appeals.](#)

[§ 80A-10 Penalties for offenses.](#)

[§ 80A-1 Definitions.](#)

As used in this chapter, the following terms shall have the meanings indicated:

FENCE

Any structure, regardless of composition, except living fences, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FRONT YARD

An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. All corner properties adjacent to a public street, alley or highway shall also be considered as a front yard for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.^[1]

HEIGHT

The distant measured from the existing grade to the top of the fence.

LIVING FENCE

Any fence or hedge composed of live materials.

[§ 80A-2 Approval required.](#)

No fence, wall or other type of construction shall be erected without first being approved by the Building Inspector.

§ 80A-3 Issuance of permit.

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Building Department on a form provided by the Building Inspector. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Town and be accompanied by a permit fee as hereinafter set forth. Upon approval by the Building Department, a permit shall be issued which will be in effect for a period of six months after the date therein. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Town officials, including but not limited to the Building Inspector, Supervisor and Town Councilmembers.

§ 80A-4 Living fences.

A.

Living fences are subject to all provisions of this chapter, except that they shall be exempt from the permit provisions of this chapter.

B.

Living fences are additionally subject to the following requirements:

(1)

No living fence may exist nearer than two feet to any sidewalk in existence, or any prospective sidewalk, or any property boundary line.

(2)

Living fences must be maintained in a neatly trimmed condition and shall not interfere with the visibility of vehicular or pedestrian traffic.

C.

Plantings, which remain separate and distinct from each other, will not be deemed a living fence regardless of height.

§ 80A-5 Applicability.

The permit provisions of this chapter shall apply to fences in the residential zones in the Town of Warwick and shall also include multiple dwellings in other zoning districts. The provisions shall, however, not be applicable to commercial property. No fence shall be erected in the applicable zones of the Town of Warwick in excess of the height limitations as set forth herein.

§ 80A-6 Height limitations.

A. Rear yards. No fence shall be more than eight (8') feet in height at the rear of homes and buildings, nor shall it extend forward of the front line of the building projected to the side lines of the lot for any existing or proposed dwelling.

B. Front yards. No fence shall be higher than 48 inches in any front yard.

C. Side yards. No fence shall be more than eight (8') feet in height at the side of homes and buildings, nor shall it extend forward of the front line of the building projected to the side lines of the lot of any existing or proposed dwelling.

D. Notwithstanding the height limitations within this section, fences or walls with a height in excess of eight (8') feet may be constructed within the required setback area set forth herein for buildings as required by Chapter 164 Zoning - Attachment 2 "Table of Bulk Requirements".

§ 80A-7 Location restrictions.

Any fence erected under this chapter shall be placed at least six inches back from any property line. Any fence erected in a front yard shall be placed at least one foot back from the sidewalk. Living fences shall be placed in accordance with § 80A-4 of this chapter. If no sidewalks are in place, then the fence shall be set back a minimum of six feet from the pavement.

§ 80A-8 Materials and composition.

A. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air or which may cause a nuisance, a fire hazard or a dangerous condition, is hereby expressly prohibited. Further, no fence shall be erected in a residential zone or along a public right-of-way unless the fence is uniformly less than 50% solid.

B. The following fences and fencing materials are specifically prohibited:

- (1) Barbed wire.
- (2) Short pointed fences.
- (3) Canvas fences.
- (4) Cloth fences.
- (5) Electrically charged fences.
- (6) Poultry fences.
- (7) Turkey wire.
- (8) Temporary fences such as snow fences unless on construction sites with the Building Inspector's permission.
- (9) Expandable fences and collapsible fences, except during construction of a building.

C. All chain link fences erected shall be erected with the closed loop at the top of the fence.

D. No fence shall be multicolored.

E. All entrances or gates shall open onto the property.

F. Any fence, wood, stockade, chain link or other type of fence shall have the smooth side or finished side facing to the outside of the property of the owner installing the fence. Fence posts will be placed on the inside of the fence.

G. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with the visibility of vehicular or pedestrian traffic.

§ 80A-9 Powers and duties of Building Inspector: appeals.

A.

The Town Building Inspector shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property, wherever the same shall interfere with adequate visibility for operators of motor vehicles at street intersections or curbs, within five days.

B.

Any person who shall refuse or neglect to comply with the written direction of the Town Building Inspector shall be guilty of a violation of this chapter and shall be subject to its penalties.

C.

If the property owner feels aggrieved by any decision of the Building Inspector, he shall have a right of appeal to the Zoning Board of Appeals, provided that said appeal is accomplished in writing within 10 days of the written notification from the Building Inspector. Said appeal shall be filed with the Building Department.

§ 80A-10 Penalties for offenses. [1]

A violation of this chapter shall subject the violator to a fine of not more than \$250 or to imprisonment of not more than 15 days, or to a combination of fine and imprisonment. The continuation of an offense against the provisions of this chapter after the date to remedy the defect as set forth by the Building Inspector, pursuant to § 80A-9, shall constitute for each day the offense is continued a separate and distinct offense hereunder.

The following provisions of the Town of Warwick Zoning Code § 164-41C(4) shall be deleted in its entirety.

§164-41C(4)(f) Fences or walls not over four feet in height may be erected anywhere on the lot, except as set forth in § 164-41B(1) of this section, which limits visibility at intersections. Fences or walls with a height in excess of six feet shall conform to the requirements set forth herein for buildings. Fences or walls not over six feet in height may be erected anywhere on the lot, provided that the fence or wall is beyond the required front yard setback. Paved terraces, steps and walks (other than those needed for access to the building lot) shall not project within 15 feet of a street or four feet of a property line.

[Amended 10-24-2002 by L.L. No. 6-2002; 10-27-2016 by L.L. No. 4-2016]

[1]

The use of barbed wire, barbed tape, razor wire, razor ribbon or other similar security barrier with the potential to inflict injury is prohibited for residential use in the Town of Warwick.

[Added 2-18-2010 by L.L. No. 1-2010]

[2]

The use of barbed wire is permitted for commercial agriculture, but is discouraged.

[Added 2-18-2010 by L.L. No. 1-2010]

[3]

The use of barbed wire, barbed tape, razor wire, razor ribbon or other similar security barrier with the potential to inflict injury is permitted for commercial use, provided such security barrier is installed on the top of fencing with a height of six feet above the ground, but is discouraged.

[Added 2-18-2010 by L.L. No. 1-2010]