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Neighbor Fence Disputes

Following are some things to keep in mind regarding fences and neighbor disputes.

Fences and Local Ordinances

Local fence ordinances usually regulate:

- Height
- Location
- Material used, and
- Appearance

Residents of subdivisions are often subject to even stricter homeowners' association restrictions concerning fences. In residential areas, local rules typically restrict backyard fences to a height of six feet, and front yard fences to a height of four feet. Exceptions do exist, and a landowner can seek a variance if there is a need for a higher fence. While some jurisdictions have specific aesthetic zoning rules with respect to fences, as long as a fence complies with local laws it cannot be taken down simply because it is ugly.

Fences on Boundary Lines

Unless property owners agree otherwise, fences on a boundary line belong to both owners. Good neighbors should agree to split the cost of the repair of fences or common boundary walls. Both owners are responsible for keeping the fence in good repair, and neither may remove it without the other's permission. In the event that trees hang over the fence, most states agree that the property owner may cut tree limbs and remove roots where they cross over the property line, provided that such pruning will not damage the basic health and welfare of the tree.

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