



**MEMORANDUM**

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator  
Randi Gallivan, Town Clerk

DATE: May 7, 2020

RE: Code Enforcement- Replacement of Fences and Structures Permits

**BACKGROUND:**

Code section 16-3-60(a)(1) states: A permit is required prior to construction of fences, berms or sound walls except for fences, berms and sound walls exempt per this chapter.

Code section 16-3-60(b)(5) states: "Nonconforming Fences. Any fence legally in existence at the time of the creation of this section that does not fully comply with the requirements of this section shall be considered legally nonconforming and may remain in place until such time as the fence is enlarged, expanded or modified or requires repair of more than fifty percent (50%) of the linear feet of the nonconforming fence. All nonconforming fences are subject to the requirements for nonconforming structures."

Code Section 16-5-80(a) states: "There may exist uses, structures and lots of land which were lawful prior to the adoption or amendment of this Chapter, but which are or have become prohibited, restricted or unlawful as a result of current provisions of this Chapter. It is the intent of this Section to permit these nonconformities to continue until they are removed, abandoned or more than fifty percent (50%) destroyed. It is further intended that nonconforming uses and structures shall not be enlarged upon, expanded or extended or be used as grounds for adding other structures or uses prohibited elsewhere in the zone district."

**DISCUSSION:**

Is a permit required when repairing less than 50% of a fence or structure?