

**Town of Cape Elizabeth/State of Maine  
Existing Fence regulations**

**Zoning Ordinance**

**SEC. 19-1-3. DEFINITIONS**

**Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, **exclusive of fences**, stone walls, retaining walls, and roof over hangs not exceeding two (2) feet from the vertical face of the structure siding. The term includes structures temporarily or permanently located, such as decks and satellite dishes. (Effective November 5, 2016)

**SEC. 19-6-9. RESOURCE PROTECTION DISTRICTS**

**TABLE 19-6-9        USES PERMITTED, ALLOWED WITH A RESOURCE PROTECTION PERMIT, AND PROHIBITED IN THE RESOURCE PROTECTION DISTRICTS**

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|---|-----------|
| 11. Grooming of existing residential lawns and landscaping, including the installation of <b>fences</b> in existing lawns | Permitted |
| 18. <b>Fences</b> , wildlife management shelters, observation decks and shelters  | RPP       |

**SEC. 19-7-12. CORNER CLEARANCES**

On a corner lot in any district, **no fence**, wall, hedge, or other planting more than three and a half (3 ½) feet in height shall be erected, placed or maintained within the three-sided area formed by the intersecting street lines and a line joining them at points which lie twenty (20) feet distant from the point of intersection, measured along said street lines.

**SEC. 19-8-8. HOME DAY CARE AND DAY CARE FACILITY STANDARDS**

2. A **fenced** outdoor play area shall be provided with a minimum of 75 square feet per child.

**SEC. 19-8-12. TOWER AND ANTENNA PERFORMANCE STANDARDS**

- f. Security. A **security fence** or wall not less than 8' in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate. Amateur wireless telecommunication

facilities that are located adjacent to the owner's primary residence shall not be required to meet this standard.

## State Statutes

### Title 17: CRIMES Chapter 91: NUISANCES Subchapter 3: PARTICULAR NUISANCES

#### §2802

##### §2801. Spite fences

Any fence or other structure in the nature of a fence, unnecessarily exceeding 6 feet in height, maliciously kept and maintained for the purpose of annoying the owners or occupants of adjoining property, shall be deemed a private nuisance.

### Title 22: HEALTH AND WELFARE Subtitle 2: HEALTH Part 3: PUBLIC HEALTH Chapter 266: SWIMMING POOLS

##### §1631. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 436 (NEW).]

**1. Fence.** "Fence" means a good quality fence or wall not less than 4 feet in height above ground surface and of a character to exclude children. The fence shall be so constructed as not to have openings, holes or gaps larger than 4 square inches, except for fences constructed of vertical posts or louvers, in which case, the openings shall not be greater than 4 inches in width with no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimension requirements.

[PL 1983, c. 436 (NEW).]

**2. Swimming pool.** "Swimming pool" means an outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 24 inches or more.

#### §1633

##### §1632. Enclosure of swimming pool required

A fence shall be erected and maintained around every swimming pool, except that portable above-ground swimming pools with sidewalls of at least 24 inches in height are exempted. A dwelling house or accessory building may be used as part of this enclosure. All gates or doors opening through this enclosure shall be capable of being securely fastened at all times when not in actual use. [PL 1983, c. 436 (NEW).]

SECTION HISTORY

PL 1983, c. 436 (NEW).