

Fences



Laws change frequently and vary from city to city and from state to state. This information should not be construed as legal advice.

You've been staring at your fence for a very long time now. And as you stare, you wonder, "Will it last one more year? Is it worth the cost? Is it worth the hassle?" And then you think about the work involved in getting your neighbor to agree to help pay for a new fence. You wonder "Do they want a new fence? Are they willing to split the cost? Will they agree to the style and placement I want for a fence? How can I best begin this conversation with them? What if it goes badly?"

The fence conversation is a tricky one, and the law is vague. Washington State Law regarding fences is in Title 16: Animals and Livestock, meaning it is mostly written for ranchers. It contains unhelpful definitions like "A lawful fence shall be of a least four barbed, horizontal, well-stretched wires...[or] all other fences as strong and as well calculated."

Bellevue has fence rules too, mostly concerned with how tall the fence can be depending on where it is located and how likely it is to obstruct sight lines for traffic.

For homeowners thinking about building or repairing a fence in a residential area, the questions rarely have much to do with whether the fence is strong enough to stop a cow. Homeowners want to know where to build, who pays, who chooses the design, who maintains, and who is responsible for damage.

Tips on approaching conflict:

1. **Assess** the situation.
2. **Request** a time to talk.
3. **Share**, not just tell.
4. **Know** what you'll say.
5. **Listen** respectfully, as you would want to be heard.
6. **Be open** to different solutions.
7. **Make an agreement**, at least about the next step.
8. **Thank** the other person for working with you.

What does the law say?

- [Bellevue Fence Zoning Requirements](#)
- [RCW 16.60 Fences](#)

Contact Us:

[Intake Form](#)

425-452-4091

bcrc@bellevuewa.gov

BellevueWA.gov/resolve

Where should the fence be built? Washington law states that if a fence is needed to protect a property line, it should be built “on, or as near as practicable, the line of said land.” So you can build it on the line or move it to make room for a tree or other landscape feature. If you want a fence for another reason, maybe to create privacy or contain a dog, you don’t have to be near the property line.

Who pays? If a fence is built along a property line, the property owners on both sides are assumed to benefit from the use and are required to share building costs. However, if one side doesn’t “use” the fence, for example, if one owner mostly has unfenced property except where another owner has built a fence along the line, then the fence is completely owned by the builder, who pays all costs and maintenance.

A given piece of property does not have to be fenced. An owner who doesn’t want to pay for repair or replacement can simply give notice that they do not want the fence and are not using it. Then building, repair, or replacement costs fall to the “user” who does want the fence.

Who chooses the design? The law has no opinion.

Who maintains? As with the cost of building, maintenance costs are to be shared by those who use the fence. However, maintenance is not clearly defined, so one neighbor may choose to stain one side of a fence, while the other allows it to wear naturally. One neighbor may be ready to replace a fence that has started to rot at the bottom, and the other may be happy with the fence so long as most of the boards are in place. One neighbor may think repair is the answer, while another may believe that only replacement will do.

Who is responsible for damage? Washington law is clear about damage when an animal breaks through a fence. The animal owner pays. And, in general, a person who causes damage is responsible for fixing it. If trees, wind, or time cause the damage, it is a maintenance issue.

If that fence is bothering you enough to spend some money on it, you need to be clear about what you need from your neighbor, and what you are willing to live with. How important is it to you to be able to choose the design? The materials? The contractor? How soon does the job need to get done? Who gets to look at the “good” side? How important is it to build exactly on the property line? Are there any natural barriers to doing that? And then you need to learn what is important for your neighbor. The one who contributes more resources to the project is usually the one who will make more decisions about how and when it is done.

If you decide that you want to negotiate with your neighbor, but aren’t sure how to start the conversation, call the Bellevue Conflict Resolution Center. We can coach you on how to talk with your neighbor, or we can talk to your neighbor for you to learn more about what is important to them and what solutions they might be willing to consider.

