

808 INSANITARY OR UNSAFE SHEDS AND FENCES

- 808.1 No person who is the owner, owner's agent, or manager of any property in the District of Columbia shall allow to remain on that property any fence or shed which the Fire Chief finds constitutes a fire hazard to any nearby structure.
- 808.2 No person who is the owner, owner's agent, or manager of any property in the District of Columbia shall allow to remain on that property any fence or shed which the Director of the Department of Consumer and Regulatory Affairs finds constitutes a safety hazard.
- 808.3 No person who is the owner, owner's agent, or manager of any property in the District of Columbia shall allow to remain on that property any fence or shed which the Director of Human Services finds is dilapidated, and which facilitates the accumulation of or interferes with the collection of trash, garbage, ashes or other materials which constitute a health hazard; or which harbors or provides harborage for rodents.
- 808.4 No person who is the owner, owner's agent, or manager of any property in the District of Columbia shall allow to remain on that property any fence or shed which the Chief of Police determines interferes with the performance of the duty of members of the Metropolitan Police force or constitutes a menace to the public safety.
- 808.5 Whenever an official listed in §§ 808.1 through 808.4 or any designated agent of that official finds that any fence or shed is hazardous as set forth in this section, he or she shall give the owner, owner's agent, or manager written notice to remove the hazard.
- 808.6 The written notice provided under § 808.5 shall state the following:
- (a) The reason or reasons for ordering the removal of the fence or shed; and
 - (b) That the person receiving the notice shall comply with the requirements of the notice not later than thirty (30) days after the date of receipt of the notice, unless within that period of time he or she has appealed under § 808.7.
- 808.7 Any owner, owner's agent, or manager receiving notice to remove a shed or fence under this section shall have thirty (30) calendar days in which to comply or to appeal in writing to the Board of Appeals and Review.
- 808.8 If within the time allowed, the owner, owner's agent, or manager files an appeal, he or she shall be given opportunity to appear at a hearing before the Board of Appeals and Review.
- 808.9 The decision of the Board of Appeals and Review shall be final. If the decision is adverse to the appellant, the appellant shall comply with the provisions of the order appealed from (as that order may have been sustained or modified by the Board) within ten (10) calendar days after receipt of notice of the decision of the Board. Failure to comply shall constitute a

violation of the order.

- 808.10 Any shed removed in compliance with a notice issued pursuant to the authority herein contained may be replaced only by a shed constructed in accordance with the Building Code.
- 808.11 Whenever any fence or shed is ordered removed, a copy of the notice ordering the removal shall be forwarded to the responsible official who shall issue permits for the construction of fences and sheds in accordance with the provisions of the order and who shall maintain a file of all notices.
- 808.12 Any fence removed in compliance with a notice issued pursuant to the authority of this section may be replaced only by one of the following:
- (a) An open-pattern, noncombustible fence which is not more than seven feet (7') in height; or
 - (b) A combustible fence which is not more than three feet six inches (3'6") in height, constructed of pickets, palings, or boards, each of which is not more than four inches (4") in width and is separated from the immediately adjacent pickets, palings, or boards by spaces that are not less than two inches (2") in width.
- 808.13 Notwithstanding any of the provisions of this section, if there is a change in the ownership of any property affected by this section, or if that property is substantially improved or renovated, any fence or shed ordered removed from the property may be replaced by a fence or shed constructed in accordance with applicable laws and regulations.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 1205, Commissioners' Order 55-1503 (August 11, 1955).

EDITOR'S NOTE: See D.C. Law 6-216, Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987, 36 DCR 1072. See also Title 12 DCMR Construction Codes Supplement of 1999, 46 DCR 9412-9672 wherein the Director, Department of Consumer and Regulatory Affairs, adopted the 1996 edition of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code.