



**FENCE
PERMIT APPLICATION
BEFORE YOU DIG ANYWHERE
CALL MISS UTILITY AT 1-800-257-7777
IT'S THE LAW**

(To be completed by the applicant. The application will be returned if it is not complete and signed.)

DATE: _____

FROM: _____

{Name and Address of Present Property Owner(s)}

Contact Number: _____ Work Number: _____

CHECK ONE
Residential _____ Commercial _____

Application is hereby made for a fence permit in order to: _____

in accordance with plan and specification submitted herewith and pursuant to Chapter 44, Section 7 of the Brentwood Code of Ordinances.

Fence to be constructed at the following address:

ADDRESS: _____

SUBDIVISION: _____ BLOCK NO. _____ LOT NO. _____

Front Yard _____ Side Yard _____ Rear Yard _____

Street Side _____ Corner Lot Obstructions: _____

If the property is a rental, name of occupant: _____



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KIND AND DESCRIPTION OF FENCE

Chain Link Fence: _____ Height of Fence: _____ Feet

Stockade Fence: _____ Height of Fence: _____ Feet

Wood Fence (Type): _____ Height of Fence: _____ Feet

Other (Please Specify): _____ Height of Fence: _____ Feet

Fence atop Retaining Wall: _____ Height of Fence: _____ Feet
(See height variance requirements)

Length of Fence _____ Height of Fence from existing Fence _____ Feet

The thickness of the Fence _____

Description of Materials Being Used: _____

Will a Licensed Contractor be used? Yes _____ No _____

Name, Address, Phone Number of Contractor: _____

Estimated Cost of Fence upon completion: \$ _____

Work is expected to begin: _____ Completion Date: _____

Please explain the purpose of this permit: _____

CERTIFICATION

I, _____ agree to comply with all Town requirements as explained on the attached sheet. I understand that the Mayor and Town Council must approve this fence permit before work can be performed. I also understand that the Mayor and Town Council may disapprove of the fence permit with the reason(s) so stated. I understand in the event my application is not approved, I have the right to appeal, and the appeal must be in writing. I understand that in the case of a variance request, a public hearing shall be held on said request.



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(Signature of Applicant)

FENCE ORDINANCE

44-7 FENCES

A. DEFINITIONS

1. Fence—any structure, regardless of composition, (except structures or hedges composed of live materials) that is constructed or maintained for purposes such as but not limited to, enclosing a piece of land, dividing a piece of land into distinct portions, exclusion, protection, privacy, security, retainment and/or aesthetics.
2. Front Yard—that portion of the yard in front of the rear building line of a lot and any building. All corner lots adjacent to a public street shall also be considered “front yards”. A corner lot shall comply with the fence regulations for front yards on each property line and yard which is adjacent to a street.
3. Height—the distance measured from the existing grade to the top of the fence.

B. It shall be unlawful to construct, erect or modify a fence on property in the Town without first having obtained a permit from the Town to do so.

C. Applications for a fence permit must be in writing on the form approved by the Town and signed by the owner(s) of the property. The application must include the proposed location, plot plan with the sketch, a statement setting forth the length, height, and thickness and a description of the materials to be used. A fee of \$25.00 shall accompany the application for a fence greater than four feet.

D. An application for a four-foot or shorter fence shall be reviewed and approved by the Town Administrator without further action by the Mayor and Town Council. Such application shall be considered at the next Town Council meeting or within thirty (30) days from the date on which the Town Clerk receives the completed application in writing.

E. The application will be approved, and the permit issued, by the Council based upon the following considerations: (1) whether the fence complies with the requirements contained herein; (2) whether the fence will unduly obstruct light and air from neighboring properties or public ways; (3) whether the fence will obstruct visibility upon public streets; and (4) whether the materials are in keeping with the character and purposes for which the fence is intended.

F. Permits must be available for inspection at the site during the construction of the fence.

G. Any fence erected in a front yard shall be placed at least six (6) feet back from the front line and/or property line. If there are no sidewalks in place, the fence shall be set back at



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least eight (8) feet from the Town's right-of-way, or at least six (6) feet where there is a sidewalk.

- H. Any fence erected in a front yard or along a public right of way must be uniformly less than 60% solid, with visibility (open space) of at least 40% of the area.
- I. Any chain link fence must be erected with the closed-loop at the top of the fence.
- J. Any wood, stockade, chain link, or another type of fence, shall have a smooth side or finished side facing the outside of the property is fenced. Unless an integral part of the decorative design of the fence, all fence posts shall be placed on the inside of the fence in the applicant's yard.
- K. All gates shall open onto the property and shall not open over the sidewalk or the street.
- L. It shall be unlawful to construct, erect or modify any fence of the following descriptions:
 - 1. The front yard and corner lot fences have a height of greater than 48 inches.
 - 2. The back yard and side yard fences have a height of greater than six (6) feet.
 - 3. Any fence that extends forward of the building lines of any existing or proposed dwelling or beyond any required front setback line.
 - 4. Any fence that extends beyond the property line.
 - 5. Any fence that encroaches upon a public right-of-way or interferes with vehicular or pedestrian traffic or visibility.
 - 6. Any "double fence", i.e. a fence that runs alongside or parallel to another fence on the same property.
- M. It shall be unlawful to construct, erect or modify any fence which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, an obstruction to persons and equipment for combating fires, or which may otherwise adversely affect public safety.
- N. It shall be unlawful to construct, erect or maintain any fence of the following materials or types:
 - 1. Barbed wire
 - 2. Razor wire
 - 3. Canvas fences
 - 4. Cloth fences
 - 5. Electrically charged fences
 - 6. Fences primarily intended to contain poultry or other livestock
 - 7. Turkey or chicken wire



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8. Fences that contain any hazardous substances, such as barbed wires, broken glass, spikes, nails, or similar material designed to inflict pain or injury to any person or animal.
 9. Expandable fences and collapsible fences, except during the construction of a building.
- O. All fences shall be kept in good repair. Fences shall be continuously maintained, and no fence shall be permitted to become unsightly or in a state of disrepair.
- P. Except as provided in paragraph O, the owner of the property on which a fence needs repair shall provide the necessary repairs to the fence within thirty (30) days after receipt of notice from the Town stating the need for such repairs. The Town shall have the authority to direct, in writing, the removal, trimming, repair, or modification of any fence, within fourteen (14) days, if the fence interferes with adequate visibility or operation of motor vehicles at street intersections, driveways, or curbs.
- Q. The Town Council may authorize a waiver from the provisions of this Ordinance where there are practical difficulties in carrying out the strict letter of any of the provisions hereof, or where special circumstances exist. However, no such waiver shall be granted except in a special case and after a public hearing before the Town Council, at which the applicant had the burden of showing the need for such waiver.
- R. The penalty for violating any of the provisions of these fence regulations shall be those outlined in Section 44-8 of the Code of Brentwood.