



Fence Permit Application Broken Bow, Nebraska

Fill in the following information as accurately as possible. This application is not acceptable unless all information is furnished.

Property Owner _____ Property Address _____

Type of Fence _____ Height of fence _____ Lot Size _____

Zoning Classification _____ Contractor _____

Estimated completion date _____ **Permit Fee \$25**

It is recommended that you call Diggers Hotline at 1-866-711-7281 or 811 on your cell phone.

Owner is responsible for obtaining property line information, at owner's expense. The fence shall not be located on street right-of-ways or utility easements. If construction has started without first obtaining a building permit, the permit fee is automatically doubled. Construction is deemed started when the first building element is put in place.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this installation will be complied with whether herein specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating the construction or installation of any fence. It is the responsibility of the owner and/or contractor to read and understand the fence regulations on page two of this application. I further certify that I will indemnify the City for costs and damages resulting from failure to comply with any City, County or State laws applicable herein. My signature also indicates permission granted to the Zoning Administrator to inspect the site in which this permit is granted at any time until completed.

Applicant Signature _____ Date _____ Phone Number _____

Zoning Administrator _____ Date _____

For Office Use Only

Application Approved *Not Approved* *Reason:*

Accepted by _____ Date _____

Accepted by _____
Payment received: mo. day. yr.

Payment received me: day: yr:
Cash **Check**

Cash _____ Check _____

Date

9.8 FENCES, WALLS, HEDGES AND TREES

No fence (of any size) or retaining wall (forty-eight (48) inches in height or more) shall be constructed within the zoning jurisdiction of the City unless a permit therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements, except that if such fence is used for agricultural purposes:

9.8.01 The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence.

1. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, or hedge, which is located in a required front or corner side yard of a corner lot or in a required front yard of an interior lot, shall exceed a height of forty-eight (48) inches.
2. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six (6) feet in height may be approved through a Conditional Use Permit.
3. No fence within the residential districts, except fences erected upon public or parochial school grounds, public parks and public playgrounds, may be constructed of a height greater than six (6) feet.
4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight (8) feet in height.
5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated in the Comprehensive Plan or by the Nebraska Department of Roads, shall not exceed eight (8) feet in height.

9.8.02 Fences located within a front yard of a residential lot must qualify within the definition of an open fence, unless provided for in 9.8.01(1).

9.8.03 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City Zoning Administrator before commencement of construction.
2. Agricultural fencing constructed for agricultural purposes on parcels of land in the AGR District, provided they do not abut a residential zoning district or unless separated by a street, alley, or road. Such fencing does not require a permit.

9.8.04 All fences shall be maintained in good repair. The Governing Body shall have the authority to declare a fence in disrepair or unsightly, and so notify, in writing, the owner. The owner shall have fifteen (15) days to make needed repairs or have it torn down. If after fifteen (15) days it has not been repaired in accordance with said notice, or torn down, the owner shall be subject to penalties found in this Ordinance.

9.8.05 All fences shall be located on or inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or back yards.

9.8.06 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.8.07 Any existing fence constructed pursuant to a permit issued and approved by the City or which was otherwise in conformity with the prior provisions of this Ordinance may remain without change in accordance with this section notwithstanding the same may be in conflict with one or more provisions of this section as amended; provided, however, any replacement or change other than general maintenance and repair of said existing fence or addition of a new fence, must hereby meet the requirements of this section.

9.8.08 Allowed and prohibited materials. Construction of any fence or wall in the following districts shall also comply with the additional fencing regulations.

1. Residential Districts.
 - A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board), or other manufactured material or combination of materials commonly used for fencing.
 - B. Prohibited Materials. Fences and walls may not be made of or contain:
 - i. Scrap materials such as scrap lumber and scrap metal.
 - ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood, wooden pallets or livestock fencing materials, including livestock panels.
2. Commercial or Industrial Districts.
 - A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require minimal maintenance. Acceptable materials for fencing in commercial and industrial districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or other manufactured material or combination of materials commonly used for fencing.
 - B. Prohibited Materials. Fences or walls in commercial or industrial districts shall not be constructed of or contain:
 - i. Scrap materials such as scrap lumber and scrap metal.
 - ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood, wooden pallets, or livestock fencing materials, including livestock panels.

9.8.09 Nothing in this Ordinance shall be deemed to prohibit the erection and maintenance of any trees, shrubs or defined fence in connection with agricultural uses or any retaining wall in the A-1 District; provided:

1. Any trees, shrubs, fences or material, otherwise exempted herein, shall not be placed in a sight triangle contrary to with Section 9.9 herein.
2. Trees, hedges and vegetative matter may be permitted in any required yard or along the edge of any yard, provided that such trees, hedges and vegetative matter other than typical grasses shall be setback from the property line (fence line or public right-of-way) by one foot times the mature height of the landscaping (eg. one (1) foot times twenty-five (25) feet mature height).

9.8.10 No fence shall be constructed closer to the street than the property line. No fence shall be closer than two (2) feet to the sidewalk. No fence shall be located in a recorded or dedicated easement.