# Fence Permit

Fee: $75.

Date _____

Village of Brightwaters
40 Seneca Drive – P.O. Box 601
Brightwaters, NY 11718
highway@villageofbrightwaters.com
Phone: 631-665-1280, #4 Fax: 631-665-2830

Name of Applicant _____ Home Phone _____

E-mail _____ Cell Phone _____

Address _____, Brightwaters, NY 11718

County Map #0501 _____

Nearest Cross Street _____ Corner Lot Yes ____ No ____

**Type of Fence Material** _____

***(Please attach a photograph of fence material to submitted permit. Fence height can be no higher than 6 ft.)***

| | |
|---|---|
| **Drawing** – *Fence installation to be Indicated by XXX's in relation to property and house location. Indicate streets and dimensions. If a correct survey is not available, and upon approval of the Building Inspector, use this box. [See attachment for regulation.]*<br><br>**Note**: *Street property lines are not necessarily indicated by the paved street.* ***A Final Inspection is required upon the completion of the Fence Installation.*** | |

Owner's signature _____

☐ Approved Date_____ Expires _____

☐ Disapproved Reason _____

_____

$75 Fee Paid _____ Building Inspector _____

**Call for Final Inspection**

Final Approval Date_____

Plantings completed_____

Return of Bond_____

Approved_____

**§ 128-26. Fences, hedges and retaining walls.** [4]

A. Residence A and B Districts.

(1) In any Residence A or Residence B District, no fence which is more than six feet high shall be permitted; provided, however, that the finished side of any fence shall face outward from the property on which it is constructed. Every fence facing a public street shall be nonsolid and ventilating and shall be screened from view to half of its height above ground level by natural plantings spaced 36 inches apart at ground level. **[Amended 11-6-1995 by L.L. No. 7-1995; 8-6-2001 by L.L. No. 4-2001; 6-2-2003 by L.L. No. 5-2003]**

(2) In the case of an interior lot, a rear fence may extend the entire width of the rear line. No fence or hedge in any residence district shall extend nearer a street property or a side street property line than the front line of the dwelling. The height of the fence shall be measured above the ground level.

(3) In the case of corner lots, a natural fence or artificial or man-made fence, screened from view by a natural fence no higher than six feet, may extend along the rear property line to a point 15 feet from the street property line, thence parallel to the architectural side of the dwelling to a point perpendicular to the rear corner of the architectural side of the dwelling facing the street.[5] **[Amended 11-6-1995 by L.L. No. 7-1995; 6-2-2003 by L.L. No. 5-2003]**

B. Residence C District. In a Residence C District, a solid rustic fence six feet in height or adequate screen planting approved by the Code Enforcement Officer shall be provided along any property line which divides a Residence C District from any other residential district; provided, however, that no fence or screen planting under this section shall extend nearer a street property line or a side street property line than 15 feet. The height of a fence shall be measured above ground level.

C. Business districts.

(1) Any fence erected in a business district must be of a chain link type and no more than eight feet in height. **[Amended 5-2-1994 by L.L. No. 1-1994; 2-7-2005 by L.L. No. 3-2005]**

(2) Notwithstanding the provisions of any other section with respect to the maintenance or erection of fences on any premises, all or part of which is used for business, there shall be erected and maintained a solid board fence along the rear and side property lines in cases where the contiguous property is zoned for residential use, with the finished side facing the residential property, said fence or fences to be sufficiently high to screen the contents from public view and at least seven feet high, the maintenance of which in good repair is a prerequisite to the continued use of such premises.

D. Fences or hedges across lot fronts are prohibited in every residential district. No fence in any district shall be equipped with any razor-like wire. **[Amended 5-2-1994 by L.L. No. 1-1994]**

E. No retaining wall may be higher than three feet above the lower ground level at its base, and the ground being retained must be level with its top, and its average grade must at least equal or be higher than its top. It must be constructed of a nonwood static material and may not be positioned on the Village's right-of-way. **[Added 8-5-2002 by L.L. No. 8-2002]**

F. Procedure. **[Added 2-7-2005 by L.L. No. 4-2005]**

(1) No fence or retaining wall may be constructed in any district without first obtaining a fence permit from the Village, after submission of an application on a form prescribed by the Board of Trustees and a survey indicating the planned placement of the fence or retaining wall.

(2) No fence permit shall be issued unless the applicant has paid the fence permit fee and has also posted a cash bond, both sums to be established by the Board of Trustees.

(3) A fence permit shall expire one year from the date of its issuance and may not be renewed for another year without permission from the Board of Trustees.

(4) Upon completion of the fence or retaining wall, including plantings if required, within one year from the issuance of the fence permit, the applicant shall notify the Village, on a form prescribed by the Board of Trustees, of such completion and, upon inspection and approval by the Building Inspector, the fence permit shall be stamped "Approved as Built" by the Building Inspector.

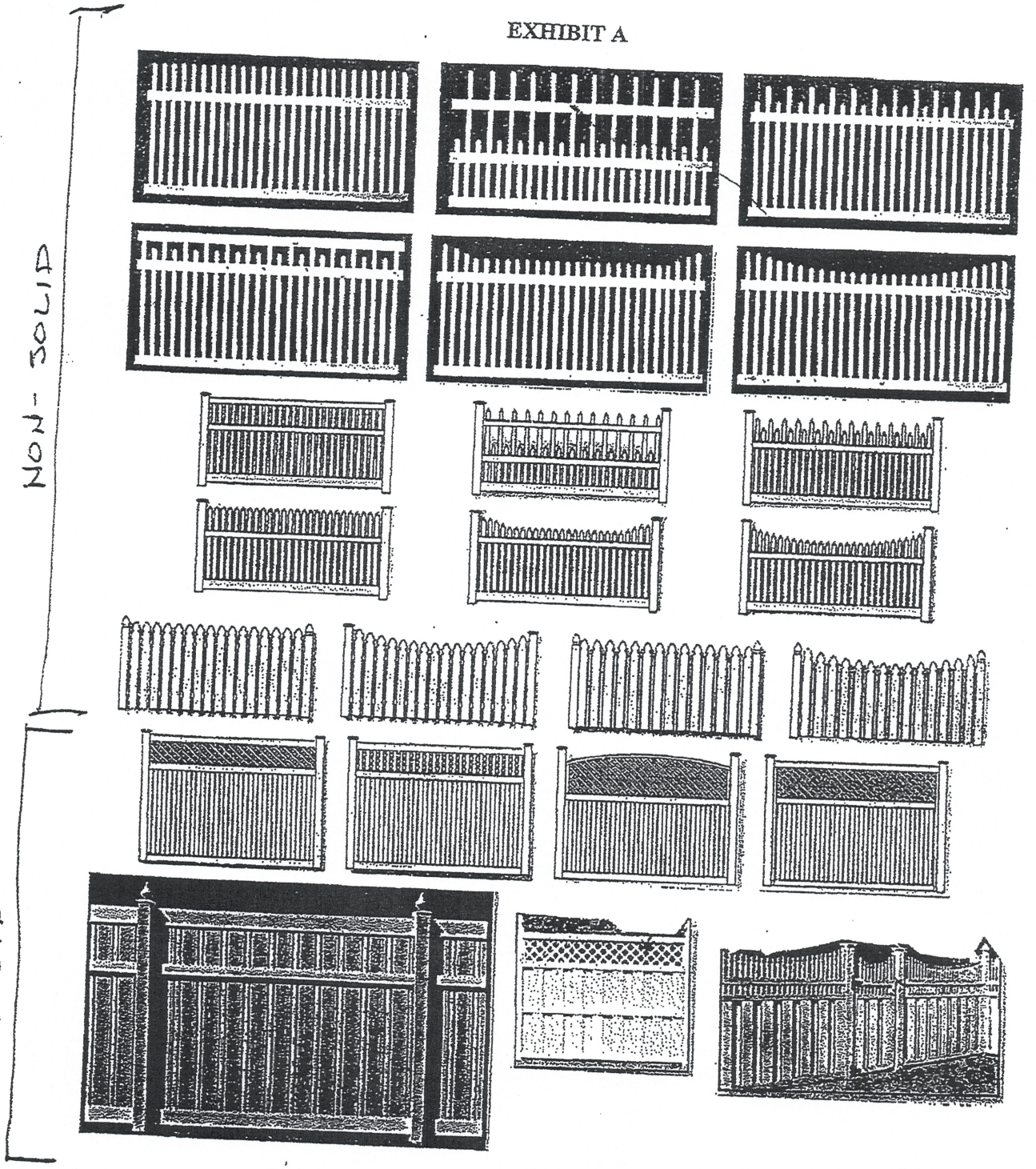
(5) Upon the approval of the fence or retaining wall, the cash bond shall be returned to the applicant without interest. Upon the expiration of a permit by surrender, or the passage of one year without commencement of the construction, the cash bond shall be returned to the applicant without interest. Should construction be commenced but not completed and approved within one year of the issuance of the permit, or not properly completed, or if the permit is revoked for any reason, the cash bond shall be forfeited to the Village.

VILLAGE OF

# BRIGHTWATERS

INCORPORATED 1916

## EXHIBIT A




40 SENECA DRIVE • BRIGHTWATERS NEW YORK 11718 • TEL: 631-665-1280 • FAX: 631-665-2830