

**TOWN OF ROTTERDAM BUILDING DEPARTMENT**  
**FENCES**  
**355-7575 Ext 395**

**Needed To Obtain A Fence Permit:**

1. Fence Permit Application to be filled out and left with required items for Building Department review.
2. Site plan drawing showing boundaries, structure locations, and project location.
3. Current copy of Liability and Worker's Compensation Insurance Certificates for contractors must be on file in the Building Inspector's Office.
4. All work must conform with the New York State Building Code – **No Exceptions!**

**Fence Set-Back Requirements:**

See attached sheets.

(**Note:** A fence *may* be located up to property lines, but *may not* encroach on the adjoining property. It is suggested to have a surveyor locate property lines before installing fences. *It is the owner's responsibility to verify the location of the property lines.*)

**Fence Permit Fee:**    \$20

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**Permit Process:**

Submit the completed Application, Site Plan and Insurance Certificates to the Building Department for review and approval (approval usually takes approximately 3-5 days). When project is approved, the permit must be picked up and paid for at Town Hall. Permits must be visibly posted on the property during construction.

**Town of Rotterdam Code**  
**§270-143. Fences**

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**Definitions:**

**LOT** -- A portion or parcel of land considered as a unit and devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest of use, and the customary accessories and open spaces belonging to the same. Such lot shall have frontage on an improved public street.

**LOT, CORNER** -- A parcel of land at the junction of and fronting on two or more intersecting streets. A lot shall be deemed to front on each highway it abuts and be subject to the requirements of a front yard on each such highway, with the yards opposite thereto on corner lots subject to side yard requirements only.

**LOT, INTERIOR** -- A lot other than a corner lot.

**YARD, FRONT** -- An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the "front yard" shall be measured between the front line of the building and the street line. Covered or uncovered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required "front yard."

**YARD, REAR** -- An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the "rear yard" shall be measured between the rear line of the lot and the rear line of the building.

**YARD, SIDE** -- An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

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**§ 270-143. Fences.**

A. Location and height.

- (1) Generally. Fences shall be permitted anywhere on a lot or parcel of land, provided that the height thereof does not exceed four feet in a front yard or six feet in a side or rear yard, measured from ground level on the interior side of the fence to the uppermost part thereof. The foregoing height limitations in front yards to the contrary notwithstanding, fences enclosing property in I-1 and I-2 Districts are permitted in all yards, exceeding six feet in height.
- (2) On corner lots. No fence or other obstruction higher than two feet above an adjacent curb elevation shall be permitted on a corner lot within a triangular area encompassed by three imaginary lines, one of which runs along the edge of the pavement abutting the lot on one intersecting street and another of which runs along the edge of the pavement abutting the lot of the other intersecting street, and

the third formed by a line drawn between two points, one on each side of the aforesaid lines located 30 feet from the intersection thereof.

- (3) Exceptions. The Zoning Board of Appeals may permit the construction of a fence in excess of the height limitations imposed by this subsection if it determines that there is a practical need therefor and that it will not be detrimental to the appearance of adjoining properties and/or the neighborhood. Application to the Board of Appeals to exceed the height limitation shall be made in accordance with rules and regulations prescribed by said Board.
  - (4) Front yard fences. All fences situated in front yards shall be constructed so that the fence is uniformly less than fifty-percent solid or opaque when viewed from a point normal to the plane created by the fence surface.
- B. Location of posts. Fence posts and other structural fence supports which, because of the construction of the fence, must be situated on one side thereof shall not be located on the side of the fence abutting adjacent properties.
- C. Aesthetics. The more aesthetically attractive side of the fence shall face abutting properties. The side which is more aesthetically attractive shall be the side which is more pleasing in appearance to a reasonable person because of finish, painting, woodwork or for whatever other reason.
- D. Barbed-wire and electrically charged fences.
- (1) Permit required. No barbed-wire fences or electrically charged fences shall be permitted except by authorization and permit issued by the Board of Zoning Appeals. Such permit shall not be issued except for the following:
    - (a) Fences situated in business and industrial zoning districts may be topped with barbed wire, provided that the bottommost strand of barbed wire is at least five feet above ground level.
    - (b) Electrically charged fences may be permitted in Agricultural Zoning Districts for the purpose of providing an enclosure of barrier to contain the roaming of animals.
  - (2) Standards. The Board shall issue permit upon written application in form prescribed by it if it determines that there is a practical need for such a fence and that the existence of the fence in the proposed location is not inconsistent with the character of the neighborhood and does not pose a threat of injury to persons lawfully in the vicinity of such fence.
- E. Fences on public property. No fence may be erected by others on property owned by the Town of Rotterdam or to which the town has a right of access by easement or license.
- F. Exception for junkyards. The provisions of this section shall not apply to fences enclosing junkyards as required by Chapter 173 of the Town Code.

## TOWN OF ROTTERDAM FENCE PERMIT APPLICATION

*APPLICATION IS HEREBY MADE to the Building Department for the Issuance of a Building Permit pursuant to the new York State Building Construction Code for the construction of a fence, as herein described. The applicant or owner agrees to comply with all applicable laws, ordinances, and regulations, and also will allow all Inspectors to enter the premises for the required inspections.*

<b>OFFICE USE ONLY</b>
Application # _____
Approved: <input type="checkbox"/> Disapproved: <input type="checkbox"/>
Cost of Permit: \$ _____
INITIALS _____

<b>COST OF CONSTRUCTION:</b>	<b>\$\$\$</b>
Property Address:	
Property Owner:	
Property Owner Address:	
Tax Map Number:	
Property Owner Phone Number:	
Applicant:	
Applicant Address:	
Applicant Phone Number:	
Contractor:	
Contractor Address:	
Contractor Phone Number:	
Contractor Insurance	Liability                      Workers Compensation

TYPE OF LOT:	CORNER LOT	INTERIOR LOT
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	HEIGHT OF FENCE	TYPE OF FENCE
REAR LEFT SIDE LINE		
REAR RIGHT SIDE LINE		
REAR YARD LOT LINE		
FRONT LEFT SIDE LINE		
FRONT RIGHT SIDE LINE		
FRONT YARD LOT LINE		

DESCRIPTION OF CONSTRUCTION:

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_