

# TOWN/VILLAGE OF LIMA

## FENCE PERMIT APPLICATION

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**Fence Description:** \_\_\_\_\_ **Permit Number:** \_\_\_\_\_ **Permit Fee:** \_\_\_\_\_

**Address of Proposed Work:** \_\_\_\_\_ **Tax Parcel:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Village Zoning district:** (Check one)  S  R  MR  DB  GB  M  LC

**Town Zoning district:** (Check one)  A  R  B  M  PD  Q  LC

**Property Owner:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Workers Compensation Form BP-1 stating Workers Compensation is not required received: YES NO

**Fence Installer:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Proof of valid Workers Compensation & Liability Insurance Policy received: YES NO

### **INSURANCE REQUIRED**

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Workers Compensation Insurance and Disability Benefits Coverage: New York Workers Law 57 requires contractors and certain homeowners listed on the building permit to provide proof that such coverage is issued by an authorized insurance carrier (Form C-105.2 or U-26.3) or provide proof of exemption (Form CE-2000). Any residence that is not a 1, 2, 3, or 4 family **owner occupied** residence is considered a business and must provide proof of insurance.

Affidavit of Exemption Form BP-1 can only be filed if the Owner of the owner occupied residence follows the restrictions defined below:

1. Owner is performing all of the work themselves for which the building permit is issued.
2. Owner is not hiring, paying or compensating in any way the individuals that are performing or helping to perform any or all of the work or which the building permit is issued.
3. Owner has a home owners insurance policy that is currently in effect and covers the property for which the building permit is issued and the owner is hiring or paying individuals a total of less than forty (40) hours per week (aggregate hours for all paid individuals) for the work for which the building permit is issued.

## **INSTRUCTIONS FOR FENCE PERMIT APPLICATION**

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1. Applicants must submit a tape location map or instrument survey map of the property showing all structures on the premises and location of the proposed fence, which must be totally upon the subject premises.
2. Applicant must supply a description of the fence, including type of material and height. These documents must accompany the completed application, which will then be reviewed and approved by the Building Inspector. No fence shall be erected before approval and issuance of a Permit.
3. By law, the applicant or fence contractor is required to contact **Dig Safely New York 800-962-7962** prior to starting any digging. Allow two full working days for response.
4. Upon completion of the fence, the Building Inspector must perform a final inspection and issue a Certificate of Compliance. Applicant is responsible for requesting this inspection. Call Building Inspector at: 624-7911, Village Office at 624-2210 or Town Office at 582-1130.
5. Submit proof of fence installer's valid Workers Compensation Insurance Policy must be submitted and approved or Form BP-1 stating that Workers Compensation is not required before issuance of any building permit.
6. Appropriate fence permit fee with check made payable to Town or Village of Lima.
7. A permit may be revoked or suspended if it is determined that the work to which it pertains is not in accordance with the information contained in the building permit application; Or is not in conformance with the NYS Building Code; Or if there has been a misrepresentation or falsification of a material fact or condition connected with the application for a permit.

## **VILLAGE FENCE REGULATIONS (Chapter 83)**

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1. Definitions:

Fence: A structure erected and serving as an enclosure, barrier or boundary, constructed or fashioned of any material other than a living bush, hedge, shrub or tree.
2. General Provisions:
  - Fences shall be so erected as to display the most decorative or pleasing side out away from the property on which the fence is located.
  - Underground "invisible fence" commonly used for pet containment is not subject to these requirements.
  - Snow fence shall be permitted behind the front right of way provided it is erected between November 1 and April 1.
  - Any fence properly and validly erected prior to the effective date of this Chapter shall be deemed a non-conforming fence and that the normal repair and maintenance of said fence shall not require a permit nor require compliance with current Chapter restrictions.
  - Replacement of any non-conforming fence shall require compliance with current fence regulations pertaining to height, materials, location, etc.
3. Prohibited Fence Materials:
  - Barbed wire
  - Single strand wire
  - Spikes
  - Electrically charged fence except on parcels used actively for recognized agricultural purposes.
  - Chipped glass or other similar materials or devices.
  - Fences expressly designed to injure anyone attempting to climb the fence.

4. Fence Locations:

- No fence shall be erected or maintained that encroaches on the legal right of way of any street.
- Fences and related supports shall be erected so as to be entirely within the property on which the fence is located.
- Solid or board fence (privacy fence) shall be erected no closer than 30 feet to the front property line or right of way.
- Electrically charged fence shall be erected no closer than 50 feet

5. Height Restrictions:

- Maximum height shall not exceed 6 feet.
- Any fence erected on front property line or right of way shall not exceed 3 feet.
- Solid or board fence erected on any property line within 20 feet of any adjacent dwelling shall not exceed 3 feet.
- Any fence located behind the rear wall of the principal building and 100 feet from any interior property line is exempt from height restrictions.

**TOWN FENCE REGULATIONS (Section 250-81)**

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1. No fence shall exceed 6 feet in height in any residential district.
2. No fence shall be erected which obstructs vision in the triangular area formed when measured along the centerline of intersecting streets between 3.5 feet and 10 feet above the street level at street/road intersections. The following distances shall be used to define the triangular area:
  - 70 feet distance from intersection on 30-39 foot street right of ways.
  - 80 feet distance from intersection on 40-49 foot street right of ways.
  - 90 feet distance from intersection on 50 foot or more street right of ways.

**CERTIFICATION:**

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Application is hereby made to the Town/Village Lima for the issuance of a Fence Permit. I acknowledge that no construction activities shall be commenced prior to the issuance of a valid permit. I affirm that I have read the instructions and that the application, plans and supporting documentation are true and a complete statement and description of the work proposed and that all work will be performed in accordance with the NYS Building Code, local laws and ordinances and regulations whether specified herein or not. I authorize access to the Building Inspector or designated representative during all phases of construction for the purpose of inspections. I agree to prominently display on the premises the building permit issued and abide by all plan amendments made by the Building Department. I further acknowledge and agree that I or my agents will obtain a Certificate of Compliance.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Make checks payable to: Village of Lima or Town of Lima. Mail or deliver to: 7329 East Main Street, Lima, NY 14485

Permit Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMENTS:**

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