

Fence Ordinance Compliance Inspection

Village of Tupper Lake  
53 Park Street  
P.O. Box 1290  
Tupper Lake, NY 12986

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

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

Interior Lot: \_\_\_\_\_ Corner Lot: \_\_\_\_\_

Height of fence: \_\_\_\_\_

Following are highlights from the fence ordinance. This sheet does not allow room for **all** ordinance regulations. A copy of the entire fence ordinance is being made available to you and adherence to all regulations is mandatory.

Six foot (6') fencing is permitted from **rear of house only** to (and around) rear of yard. Forty-two (42") inch fencing is allowed from front of house to and around property.

Finished side of fence must face **out**. If you want finished side of fence to face in, you must supply this department with a letter of permission from the affected neighbor.

A minimum of 3" is required between existing and new fencing. Three (3") inch clearance between fence and ground is required. Fence must not be attached to a neighbor's fence or gate.

After fence is installed, call (518) 359-3341 for inspection.

**\* Permits are good for six (6) months \***

I have received a copy of the fence ordinance and will comply with all ordinance regulations.

Applicant Signature: \_\_\_\_\_

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

Total Fees: \$25.00

## FENCING

- 1) Definitions: The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a) Barrier – A fence, wall or other structure built to bar passage. Large Concrete blocks are used as barriers.
  - b) Fence – An enclosing barrier that prohibits through passage.
  - c) Fence: decorative – Fencing that adds beauty and does not substantially block the view and maintains the open space characteristic provided for by zoning standards.
  - d) Swimming Pool – A pool of water 24" or greater in depth either indoors or outdoors and is used for swimming or water related recreations. This also includes spas and hot tubs.
  - e) Visibility Range – Distance required to afford proper vision for pedestrian and vehicular traffic at intersections and/or corners.
  - f) Front Yard: A yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter boxes, unenclosed porches and driveways.
  - g) Pylon's – Concrete pylon's barriers monolithic structures to impede movement, or passage.
  - h) Temporary Fence – A fence installed for a temporary event, construction site or for emergency reasons. A temporary fence can only be installed for one week unless the code officer feels there is good reason to keep the temporary fence up for a longer period of time. Emergency reasons would be a natural disaster, a fire scene or an unsafe condition etc...
- 2) Permits Required - It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence regulated by this article without first obtaining a separate permit for each fence from the building official of the building inspection division of the community development department. A fence permit shall not be required if it is determined by the building official of the building inspection department that only minor repair or painting is necessary.
- 3) General Requirements and Restrictions:
  - a. Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to, the visibility range requirements contained in the drawing at the end of this section. An additional clear zone may be required by the code officer.
  - b. No fence, guy wire, brace or post shall be constructed upon or extend over property that the Village has control over, owns, or has an easement over or under, except upon:
    - i. Underground drainage easements that contain non-pressurized storm sewer

- pipes.
- ii. Underground sanitary sewer easements that contain non-pressurized pipes.
  - iii. Utility easements if written permission is granted by all users. No drainage easement, public or private, shall be fenced or obstructed in any manner, if the drainage is above ground. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance.
- c. No fence shall exceed 6 feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this article.
  - d. No fence erected within the Village limits shall be electrically charged in any manner.
  - e. No fence shall be constructed of barbed wire.
  - f. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be 3 feet. A driveway approach, in conformance with the general development ordinance and approved by the code officer, shall be required for all vehicle gates.
  - g. All fences and barriers must be designed and built to meet the character of the neighborhood and not be offensive to neighbors.
  - h. Large concrete blocks, pylons & barriers cannot be used as fencing or used in a fencing manner. They can only be used for protection of fuel tanks, etc... Also retaining walls holding back earth.
  - i. Materials:
    - i. Permitted materials: Materials permitted are wood, metal tubing or wrought iron, stone, masonry (not including solid concrete walls or cement blocks), maintained vegetation (i.e. shrubbery), and chain link. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed and constructed for fencing materials. Metal posts will be allowed on wood fences.
    - ii. Prohibited materials:
      - A. No persons shall use rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this code), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence, solid concrete walls, cement blocks, or any other materials that are not manufactured specifically as fencing materials. The code enforcement officer may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
      - B. No person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.
      - C. No person shall construct a fence of damaged or unsafe materials.
      - D. No person shall weave or use slats of any material, including but not limited to metal, fiberglass, or bamboo, through a chain link fence to

create a blind fence, screening fence or any other type of fence addressed in this chapter.

- E. Used materials, equipment and devices shall not be re-used unless it can be determined by the code enforcement officer that they meet the requirements of the building code.

- 4) Front yard fence: No solid fence, except a decorative low profile yard fence, shall be constructed closer to a front yard right-of-way line than the primary structure on that lot or within 6 feet of a front yard right-of-way line, whichever is more restrictive, and shall not exceed 42 inches in height and shall be a minimum of 75 percent open. In the event that portions of the front elevation of a primary structure are closer to the front property line than other portions, it is the intent of this chapter to not allow any solid fence to be constructed closer to the front property line than the portion of the front elevation nearest to the right-of-way yard fence. In no event shall any portion of the front elevation be blocked by a solid right-of-way yard fence.
- a) Height & Visibility: A right-of-way yard fence shall be constructed to a height no greater than 3 feet above the finished lot grade at the location of the fence and shall be a minimum of 75 percent open.
- 5) Property line/other fence: A fence that is on a side or rear property line, not meeting the requirements of the fence types above may be a solid fence meeting the requirements of this section.
- a) Height: A property line/other fence shall be constructed to a height no greater than 6 feet above the finished lot grade at the location of the fence when located between the primary structure and a side yard right-of-way line. In all other allowed locations, the maximum height shall be no greater than 6 feet above the finished lot grade at the location of the fence.
- b) Location: A property line/other fence may be constructed on a side or rear property line when the side or rear property line is not a street right-of-way. If the side or rear property line is a right-of-way then the fence must have a minimum 2 foot setback from the right-of-way. If a driveway enters the lot from a side or rear property line the fence must have a minimum 3 foot setback from the right-of-way. A solid property line/other fence may not extend closer to a front right-of-way line than the established fence line allowed by a right-of-way yard fence.
- c) The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side of the fence without exposed supports or posts.
- 6) Clear-Vision Area:
- a) A clear vision area shall be maintained on each corner of property at the intersection of two streets or a street and a railroad railway. No fence, wall, sign, hedge, or other planting or structure that would impede visibility between

- the heights of 3 feet to 10 feet shall be established in the clear vision area.
- b) The proceeding shall not apply to the following:
    - i. Utility Poles, warning signs and signals.
    - ii. A structure or appurtenance to a structure lawfully existing as of the date of enactment of this code.
    - iii. A place where the natural contour of the ground does not permit cross-visibility at the intersection.
  - c) A clear-vision area shall consist of a triangular area, two sides of which are lot lines for a distance of twenty (20) feet, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- 7) Non-conforming fence: Any fence legally in existence at the time of the creation of this subsection that that does not fully comply with the requirements of this subsection shall be considered legally nonconforming and may remain in place. Any nonconforming fence that is enlarged, expanded or modified shall be made to conform to the specific requirements of the Village of Tupper Lake. No addition, expansion or construction of a structure on a lot in the village shall be allowed to create a nonconforming fence.
- 8) Maintenance:
- a) All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately upon notification. All devises or safeguards which are required by this article shall be maintained operable.
  - b) The owner or his designated agent shall be responsible for the maintenance of the fence and to determine compliance of this section, the code enforcement officer may cause any fence to be re-inspected.
- 9) Penalties: A civil penalty in the amount of \$100.00 shall be assessed for noncompliance with the requirements set forth herein. Each week of noncompliance shall constitute a new violation.
- 10) Certificate of Completion: Upon completion of a fence, in accordance with the permit issued by the code enforcement officer, the code enforcement officer shall issue a Certificate of Completion in a form approved by the code enforcement officer, setting forth the following:
- a) A statement that the applicant has complied with the requirements set forth in the permit issued by the code enforcement officer. A copy of that permit shall be appended to the Certificate of Completion.
  - b) The completion date.
  - c) Signature of the code enforcement officer.