

**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: \$35

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**

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.

Revised 2/09, Revised 03/2014

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.

§ 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 therefore 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.

SUBURBAN ZONING CODE

FENCES 270-143 (2)

LOCATION AND HEIGHT

SCALE 1" = 20'

NO FENCE, OR ANY OTHER STRUCTURE HIGHER THAN TWO FEET ABOVE AN ADJACENT CURB ELEVATION SHALL BE PERMITTED (SHADED AREA)

RIGHT OF WAY

25' OR 30' SETBACK

FENCE

HOUSE

25' OR 30' SETBACK

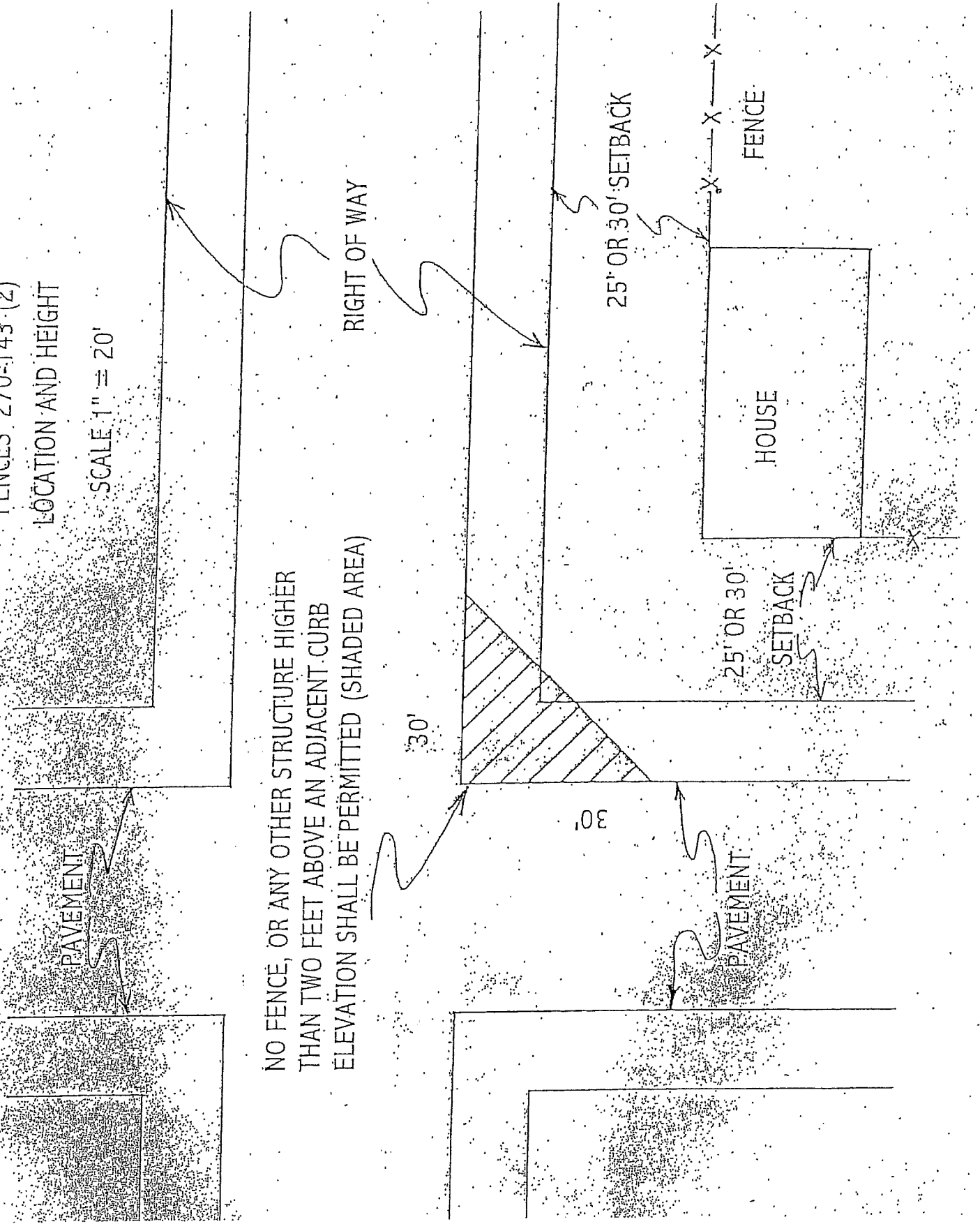
SETBACK

PAVEMENT

PAVEMENT

30'

30'



Front Yard Area

Code of the Town of Rotterdam
 § 270-5. Definitions.

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.

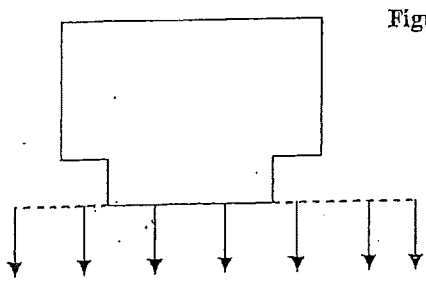
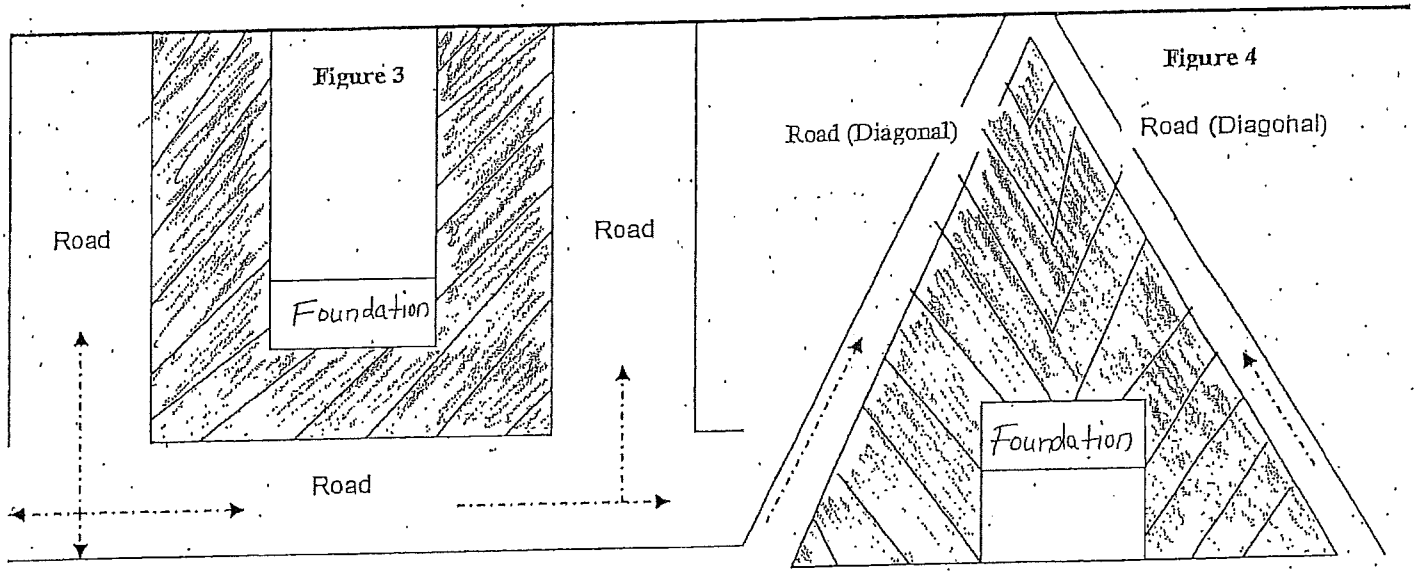
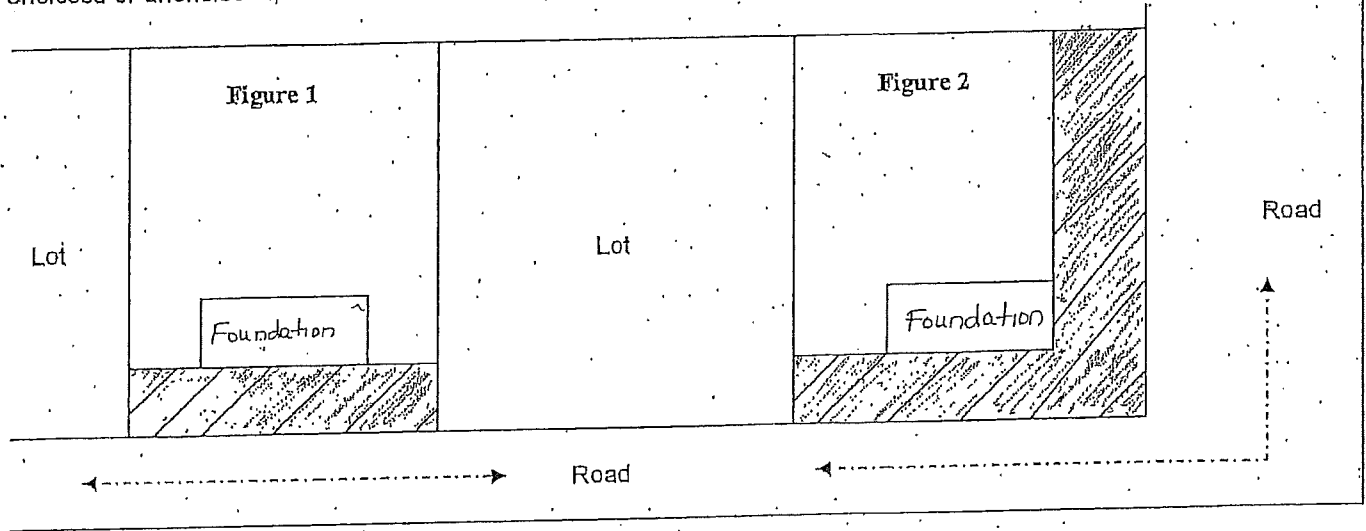


Figure 5

Figure 1 Shaded area illustrates front yard on interior lot

Figure 2 Shaded area illustrates front yard on one-corner lot

Figure 3 Shaded area illustrates front yard on two-corner lot

Figure 4 Shaded area illustrates front yard on triangle lot

Figure 5 illustrates the line for front yard when home has irregular (not straight) front line.

LAWS OF NEW YORK, 1998
CHAPTER 439

The general municipal law is amended by adding a new section 125 to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors – Business Owners and Certain Homeowners

For businesses and certain homeowners listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is ONE of the following forms that indicate that they are:

- ♦ insured (C-105.2 or U-26.3),
- ♦ a Board-approved self-insured employer (SI-12), or
- ♦ are exempt (WC/DB-100),

under the mandatory coverage provisions of the WCL. Any residence that is not a 1, 2, 3 or 4 Family, Owner-occupied Residence is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a 1, 2, 3 or 4 Family, Owner-occupied Residence, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file Form BP-1.

- ♦ Form BP-1 shall be filed if the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is listed as the general contractor on the building permit, and the homeowner:
 - ◊ is performing all the work for which the building permit was issued him/herself,
 - ◊ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◊ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ♦ If the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is hiring or paying individuals a total of 40 hours or MORE in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" Form BP-1, but shall either:
 - ◊ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (Form C-105.2 or Form U-26.3), OR
 - ◊ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit, provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

****This form cannot be used to waive the workers' compensation rights or obligations of any party.****

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowner's insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a WC/DB-100 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

Sworn to before me this _____ day of _____, _____ _____ (County Clerk or Notary Public)

Once notarized, this Form BP-1 serves as an exemption for both workers' compensation and disability benefits insurance coverage.



Town of Rotterdam
Department of Public Works

LETTER OF AUTHORIZATION FOR PERMIT AND ZONING APPLICATION

To Whom It May Concern:

I, _____, as owner of the property located
(print name)

at _____, Town of Rotterdam, in the

State of New York, hereby designate _____
(name)

(city, state, zip, and phone number)

**as my contractor and registered agent for the purposes of the applying
for Permits and Zoning representation regarding my building project.**

Signature: _____

Date: _____

letter of authorization for permit and zoning application.doc

**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.

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

COST OF CONSTRUCTION:	\$\$\$
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 (insurance certificates are to be included with application)

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 _____