



# Town of Gates

## Fence Permits

### Required Documentation:

1. **Permit Application** with Fence height & lineal feet listed
2. **Survey map** with fence location hi-lighted and lineal feet of fence sections
3. **Insurance or Exemption Form** (One of the following):
  - a. Contractor: General Liability & Worker’s Compensation
  - b. Contractor without Insurance: CE-200 Form filled out on website: <http://www.wcb.ny.gov>
  - c. Homeowner performing the work: BP-1 Form
4. **Easement Waiver** (If proposed fence will be located on an Easement, indicated on a Survey Map)

### Requirements:

Topic	General Code Requirements	Code Reference
Height	<b>Residential District:</b> Maximum <b>height</b> for a fence in a residential district is 6 feet measured from ground.	§190-32.B
	<b>Commercial/Industrial Districts:</b> The minimum <b>height</b> for a fence, in a non-residential district, is 6 feet and the maximum height is 8 feet.	§190-33.B
Location & Setback	<ul style="list-style-type: none"> <li>• Fence in a <b>front yard</b> requires approval by Zoning Board of Appeals. Additional conditions may apply.</li> <li>• <b>Corner lots</b> have two front yards, for each street it faces.</li> <li>• Fence must be <b>setback</b> from the property line facing any street: 50 feet for state and county roads and 35 feet for Town or other roads, exclusive of parking requirements. Fence is not required to be setback from side or rear lot lines.</li> <li>• <b>Homeowner is responsible for ensuring fence is on their own property.</b> Town does not survey property boundaries.</li> </ul>	§190-32.D §190-5 & §190-94.C(3) §190-36
Structure	<ul style="list-style-type: none"> <li>• The most <b>pleasant or decorative side</b> of a fence must face adjacent lots with all <b>posts</b> being located in the yard of the owner.</li> <li>• <b>Structure</b> shall be structurally sound, in sanitary condition and maintained in good repair.</li> <li>• Fences shall be continually <b>maintained</b> and no fence, hedge or screen plantings shall be permitted to become unsightly or in a state of disrepair.</li> </ul>	§190-32.A §306.1 (PM) §190-32.F (Town)
Blockades	<b>Residential District:</b> <ul style="list-style-type: none"> <li>• No barbed wire, spikes, chipped glass, electricity or similar materials or devices can be used in residential districts.</li> <li>• No fence shall be permitted which is expressly designed with the intent to injure or malign anyone who attempts to climb such a fence.</li> </ul>	§190-31.A §190-31.B
	<b>Commercial/Industrial Districts:</b> The Barbed wire and electric fences are permitted upon approval of a Conditional Use Permit by the Town Board.	§190-33.C
Access	Fences shall allow <b>access</b> to yard (eg: gate entrance). It cannot impede or obstruct access to the rear of the yard for the allowance of emergency equipment.	§190-32.C
Other	Please refer to Town, State & ICC codes for code specifics.	

(PM)=2020 NYS Property Maintenance Code of New York State

(Town)= Town Codes may be found at [www.townofgates.org](http://www.townofgates.org) – Click on Town Codes