
Fence Permit Application Packet

- Municipal Code section: 18-501 thru 18-508, & 130-122; fence regulations apply to all fences throughout the zoning jurisdiction. Read all attachments to this document, pages #1, thru #7.
- Please contact the Inspection Services Department at least 24 hours in advance, when requesting an inspection.

**If you have any questions, please contact the South
Sioux City Inspection Services Department.**

Inspection Services Department
1615 1st Avenue
South Sioux City, NE 68776

Phone: 402-494-7518

Fax: 402-494-6215

www.southsiouxcity.org

Diggers Hotline 1-800-331-5666

Call Diggers Hotline for underground utility locates at least 48 hours before starting your project.
It's free and it's the law.

This handout was developed by the Inspection Services Department as a basic plan submittal.
It is not intended to cover all circumstances. Check with your Building Department for additional requirements.

Updated 4/25/18

FENCE PERMIT APPLICATION

Permit Fee \$25.00

Project: New Addition Repair/replace

Fence Height: Front: _____ Rear: _____

Brief description of fence and materials to be used:

Applicant

Name: _____ Phone: _____
Address: _____ Mobile: _____
City, State Zip: _____ Fax: _____

Owner (if other than applicant)

Name: _____ Phone: _____
Address: _____ Mobile: _____
City, State Zip: _____ Fax: _____

Project Location

Address: _____ Property ID #: _____
City, State, Zip: _____ Zoning: _____

Legal Description: Lot(s): _____ Block: _____ Subdivision: _____
Unplatted Legal
Description: _____

Flood Plain Development: Yes No

Contractor:

General: _____
Address: _____
City, State, Zip: _____
Phone: _____

Signature : I have read all of the attachments and agree to abide by all. Pages #1 thru #7.

_____ Date _____
(Signature)

City of South Sioux City, Nebraska
Fence Permit Requirements
Revised 04/18

1. It shall be the responsibility of the property owner or contractor to pay the permit fee and obtain the permit prior to commencing work.
2. Fences shall not be constructed within 2 feet of any public sidewalk or within one foot of any alley, easement, or right of way. Fences may be allowed in easements with approval of the code official.
3. Fences shall not exceed 48 inches in height within the front yard setback.
4. Fences shall not exceed 8 feet in height in the side or rear yard and must be in compliance with setbacks.
5. Fences shall not be constructed on lots, which will obstruct the view of approaching motor vehicles or pedestrians on sidewalk.
6. The Building Inspector must approve all materials used in the construction of a fence.
7. Fences shall **not** be erected or maintained which are constructed of barbed wire or charged with electricity.
8. It is recommended that the owner have a survey completed to locate the property boundaries. It is the owner's responsibility to know where the property boundaries are located. **The City cannot locate property lines.**
9. Before digging or excavating the owner or contractor must contact **Diggers Hotline of Nebraska at 1-800-331-5666.**
10. Any request for variance or modification to the above regulations shall be submitted in writing and approved by the City Council.
11. Attached is an application for a fence permit. Please complete this form in its entirety. All incomplete applications will be returned.
12. If you have any questions, please contact the Inspection Services Department at 402-494-7518.

- **ARTICLE X. - FENCES**

- **Sec. 18-501. - 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:

Fence means any structure or partition erected for the purposes of enclosing a piece of land or dividing a piece of land into distinct portions or separating two contiguous pieces of land; however, it shall not include ornamental fences less than two feet in height.

(Code 1975, § 9-601)

Cross reference— Definitions generally, [§ 1-2](#).

- **Sec. 18-502. - Conformity to article; permit required.**

(a)

No fence shall be erected, constructed, enlarged, altered or relocated within the zoning jurisdiction of the city unless it conforms with the provisions of this article.

(b)

Any person desiring to erect, construct, enlarge, alter or relocate a fence within the zoning jurisdiction of the city shall make application for a building permit to the code official. It shall be the responsibility of the contractor or owner of the real estate where the fence is to be erected to obtain the building permit prior to commencement of construction.

(Code 1975, § 9-602; Ord. No. 93-1, § 1, 2-2-93)

- **Sec. 18-503. - Requirements and standards.**

The following requirements shall be applied to all fences constructed within the zoning jurisdiction of the city:

(1)

Fences shall not be constructed within two feet of any public sidewalk or within one foot of any alley or right-of-way.

(2)

Fences shall not exceed 48 inches in height within the front yard setback requirements of the zoning ordinances of the city.

(3)

Fences shall not exceed eight feet in height in any rear yard; however, special permission may be obtained from the city council to exceed six feet in height upon satisfactory proof to him that a fence exceeding six feet is necessary for security reasons.

(4)

Fences that will obstruct the view of approaching operators of motor vehicles shall not be constructed on corner lots.

(5)

All materials used in the construction of a fence within the city must be approved by the code official or the city council.

(Code 1975, § 9-603; Ord. No. 93-1, § 2, 2-2-93)

- **Sec. 18-504. - Types restricted.**

Fences shall not be erected or maintained within the zoning limits that are constructed of barbed wire or charged with electricity. Upon application to and a permit received from the governing body, barbed wire fences or electrically charged fences may be erected or allowed to remain if such fences are built at least three feet inside the lot line, so as not to endanger the public use of any street, sidewalk or right-of-way. Fences constructed of barbed wire or charged by electricity may be used for agricultural purposes only outside of the corporate limits of the city.

(Code 1975, § 9-604; Ord. No. 93-1, § 3, 2-2-93)

- **Sec. 18-505. - Easements.**

(a)

It shall be unlawful for the owner or occupant of any lot or parcel of land on which a public utility easement exists to erect, maintain or suffer to remain on such easement any fence that does not comply with the following requirements and standards:

(1)

All fences erected on a public utility easement must be constructed with a gate having a minimum width of ten feet across the public utility easement.

(2)

All immediately adjoining properties where a fence is located across a public utility easement shall also have a gate of a minimum width of ten feet for access to the easement.

(3)

Prior to issuance of a permit for construction of any fence on a public utility easement, permission must be obtained from the city utility department and the code official.

(4)

The owner of the lot or parcel of land where the fence is to be constructed across a public utility easement must execute a written agreement allowing the city access to the public utility easement at all times.

(5)

The gate across the public utility easement shall not be locked or secured in any manner that prohibits access by the city to the easement area.

(b)

Each application for a permit to construct a fence across a public utility easement shall be reviewed on an individual basis to determine whether or not the proposal allows full and free access by the city to the public utility easement. If full and free access is not provided, the application shall not be approved. Any fence constructed in whole or in part on any public utility easement within the zoning jurisdiction of the city without express permission by the city and in full compliance with the provisions of this section is declared to be a nuisance.

(Code 1975, § 9-605; Ord. No. 93-1, § 4, 2-2-93; Ord. No. 95-39, § 1, 7-5-95)

- **Sec. 18-506. - Restricted use of easements.**

There shall not be any buildings erected on or within one foot of public utility easements nor any bushes, trees or other obstructing vegetation planted on any public utility easement.

(Ord. No. 95-39, § 2(9-606), 7-5-95)

- **Sec. 18-507. - Access to easements.**

The city shall at all times have access to public utility easements; and any obstructions on public utility easements may be removed, dismantled or destroyed at the discretion of the city. The city shall not be responsible for any damage to fences constructed across any public utility easement that prohibit access by the city to the easement area. All obstructions on the public utility easement shall be at the risk of the property owner.

(Ord. No. 95-39, § 3(9-607), 7-5-95)

- **Sec. 18-508. - Exemptions to easement requirements.**

[Section 18-505](#), concerning construction of fences across public utility easements, does not apply to fences in existence prior to the passage of that section; except that on sale or transfer of the property or upon notice by the city where a nonconforming fence is located, such fence shall be made to conform with the requirements of this article or removed within 30 days of closing or transfer or within 30 days of notice to conform issued by the code official.

(Ord. No. 95-39, § 4(9-608), 7-5-95)

- **Sec. 130-122. - Fences.**

- (a) Fence and retaining wall heights in required yards shall not exceed those found in the Maximum Fence Height Table following this article.
- (b) Fences shall not be constructed within two feet on any public sidewalk or within one foot of any alley or right-of-way.
- (c) Fences shall not exceed 48 inches in height in the front yard.
- (d) Fences shall not exceed six feet in height in the side or rear yard.
- (e) Fences shall in no case shall be installed on lots which will obstruct the view of motor vehicles.
- (f) All materials used in the construction of a fence must be approved by the building official.
- (g) Fences shall not be erected or maintained which are constructed of barbed wire or charged with electricity. Exception, the city council may review and approve on a case by case basis, the use of such materials at their discretion. Requests to use these materials must be made in writing and shall be discussed during regularly scheduled public meetings.
- (h) It shall be the property owner's responsibility to know where the property boundaries are located. Fences may be constructed on the property boundary, provided no other fence location restriction applies.
- (i) Fences must remain one foot off of an alley or easement. Upon approval by the building official, fences may be constructed across an easement if 10-foot wide gates are provided at each end of the property or easement. Fences placed in easements are at risk of being damaged or destroyed by utility personnel or equipment at any time. The city or any other utility may not be held responsible to damage done to any fence in an easement.
- (j) It shall be the responsibility of the property owner to maintain his fence in a safe and sound condition.
- (k) A fence permit is required for:

- (1) All new fence installations,
- (2) Additions to an existing fence,
- (3) Alterations of an existing fence,
- (4) Replacement of an existing fences, when the fence exceeds 24 inches in height.

(l) No fence shall be located in road right-of-ways or roadway easements.

(m) Screening.

- (1) *Approved materials.* The building official must approve all screening material prior to installation. Materials typically used for screening are heavy cloth, wood, metal, slats in chain link fencing, evergreens, earthen knoll, stone, brick, masonry or in combination.
- (2) *Height. (In Required zoning district screening)* Screening shall be installed to a minimum height of between six to 12 feet above finish grade, at the direction of the building official, to visually obscure a particular use from all right-of-ways Screening shall be so designed and installed to properly meet the environmental demands as outlined in the 1994 Edition of the Uniform Building Code, or other applicable regulator reference.
- (3) *Garbage containers, used cooking oil containers, refuse containers, and dumpsters.* Reserved.
- (4) *Required zoning district screening.* Screening shall be required for outside storage areas and all other uses and activities not conducted entirely within an enclosed building in C-4, M-1 and M-4 Zoning Districts. M-4 zoning district uses shall be screened along all boundaries.
Exception. Properly licensed automotive dealer sales lots in full compliance with all applicable regulations.

(Ord. of 11-8-99, § 802)