



City of
SUMMERSET
A GREAT PLACE TO CALL HOME

Permit #: _____
official use

FENCE PERMIT APPLICATION - \$50.00

General Information (Please Print):

Property Owner Name _____ Date _____

Address _____ City, State Zip+4 _____

Email _____ Phone _____ Cell Phone _____

Address of property, or legal description, on which fence will be placed: Same as above:

Address _____ City, State Zip+4 _____

Proposed Fence:

Type of Fence: _____ Material: _____

Type of Work: New Fence Addition to Existing Fence Replacing Existing Fence

Fence Height: _____ Total Length: _____

Contractor/Installer _____ Phone _____

Instructions/Requirements:

The City of Summerset requires a fence permit for all fence installation on properties within Summerset. The cost of this permit is \$50.00. All fences are to be constructed or installed entirely on the owner's property only.

For your protection, we require fence installation contractors to be licensed by the City. No fence may be placed within a major drainage easement. Fences may not block or hinder the drainage of adjoining property or neighboring properties, either as it currently exists or will potentially exist. No fence may be installed in or encroach on any Right of Way, or on the edge of the road or street, nor along any sidewalk or pathway. Fences may not be constructed closer than two feet from any sidewalk. All fences must follow a reasonable grade in relationship to neighboring properties.

Fences in Sun Valley may not be constructed within 12 ½ feet of the Williston Basin Pipeline Easement. Be sure to check your plat information. Fences in residential areas may not exceed a height of six feet.

Fences are not permitted in major drainage easement areas. Fences installed in minor drainage easements shall be constructed at your own risk and the City shall not be liable. No fence shall be erected or substantially altered without securing a placement permit from the City. All such permits shall be issued upon a written application which shall set forth fence to be constructed, the material to be used, height and exact location of the fence. All fences or walls shall be located entirely within the property of the person, or firm constructing the fence unless the owner of the adjoining property agrees, in writing, and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located – the City can assist with this but cannot guarantee the location of lines. If there is any doubt, a survey, at your own cost, is recommended.

Note: The applicant is responsible for the correct placement of the fence. The city can assist in locating property pins if it is deemed necessary, if city staff is available, and requested well in advance. The City does not guarantee placement or assume any liability for missing property pins or mis-located property pins.

Any fencing issues that arise between neighbors become a civil issue between homeowners.

- During this dispute, the City may only provide the original fence permit.

APPLICANT MUST SUBMIT A MAP SHOWING THE FOLLOWING:

- Property Lines
- Location of house and any other buildings on the property
- Exact placement of the fence showing distance from all property lines
- Location of any abutting street or alley

All setback requirements should be measured from the property lines.

Locate all underground services such as water, sewer, gas, electric, and telephone, prior to construction.

Call South Dakota One Call at 1-800-781-7474. Give 48-hour notice for all locates.

CALL 811 BEFORE YOU DIG!

Acknowledgement:

I (we) hereby certify that the information given is correct and true and furthermore, I (we) agree to comply with all regulations set forth.

Signature _____

Date _____

Please use this page to show required details of your fencing project:

- Property Lines
- Location of house and any other buildings on the property
- Exact placement of the fence showing distance from all property lines
- Location of any abutting street or alley

A large rectangular area filled with a light blue grid pattern, intended for drawing the fencing project details. At the bottom left corner of the grid, the text "print-graph-paper.com" is visible in a small, light blue font.

FOR OFFICE USE ONLY

Authorized Representative: _____	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Signature: _____	Date: _____	
Amount of Permit: \$50.00	Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No	Ref# _____
Date Paid: _____	Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card	

FENCES

§ 153.190 MATERIAL REQUIREMENTS.

Fences may be constructed of natural material in its living state or the following factory- manufactured materials.

(A) *Wood*. Subject to the following conditions or limitations:

- (1) Wood which has a natural resistance to decay or treated wood may be used;
- (2) Wood in its natural state shall not be used;
- (3) Plywood or other solid sheeting materials which are two feet or wider shall not be permitted;
- (4) Spacing of support posts on wood fences shall be no more than eight feet on center. Such supports shall be embedded below grade not less than three feet unless the post is embedded in concrete. If concrete is used, the post may be embedded below grade no less than two feet and one cubic foot of concrete;
- (5) (a) All wood in contact with the ground shall be treated; and
(b) Chemical retention shall meet the American Wood Preservers Association Standard C23-92 for round poles and C24-93 for sawn timber. In no case shall there be less than 0.6 pounds of chemical retention per cubic foot of material.

(B) *Hedges*. Subject to the following conditions or limitations.

- (1) Hedges shall not be located in the first 25 feet of any required front yard on an interior lot.
- (2) Hedges located on a corner lot shall not be located within 25 feet of the property corner abutting the right-of-way intersection.
- (3) All hedges shall be maintained in a neat and orderly fashion and must be kept clean of all trash and other materials.
- (4) When the City Forestry Board advises the Planning Commission of a dead hedge, the property owner shall be ordered to remove said hedge within 30 days of notice given to the owner.
- (5) When the Police Chief finds a hedge is causing a public safety hazard (visibility), the hazard shall be removed.

(C) *Metal*. Subject to the following conditions or limitations.

- (1) (a) Metal fences may be of any manufactured metal product except barbed wire.
(b) An exception to the above shall exist for security fences when approved by the City Planning Commission. Security fences may be constructed with barbed wire if the lowest strand of barbed wire is not less than eight feet from the existing grade.
- (2) Spacing of support posts for metal fences shall be no more than eight feet on center.
- (3) All supports shall be embedded in not less than one cubic feet of concrete and extend below grade a minimum of two feet.

(D) *Concrete, masonry, or rock*. Subject to the following conditions or limitations.

- (1) Concrete, masonry, or rock fences may be constructed of cast in place concrete or any manufactured concrete product.
- (2) Fences or walls constructed of concrete products shall be designed with reinforcement. Such design shall be in compliance with Building Code and approved by Engineering and Inspections Office.

(E) *Poly vinyl chloride*. Subject to the following conditions or limitations.

- (1) Fences constructed of PVC must meet or exceed the following ASTM requirements:
 - (a) ASTM D256 Izond Impact (23°C: five feet lbs.) (0°C: two feet lbs.);
 - (b) ASTM D638 Tensile Strength;
 - (c) ASTM D648 Deflection Temp;
 - (d) ASTM D695 Compressive Yield (8,780 psi);
 - (e) ASTM D696 Thermal Expansion; and
 - (f) ASTM D732 Shear Strength (6,870 psi).
- (2) Posts for PVC fencing shall not be spaced more than eight feet.
- (3) Posts shall be installed not less than two feet below grade and imbedded in not less than one cubit foot of concrete.

(F) *Other*. Other materials may be approved by the Planning Commission and the engineering office when it has been determined that the alternate material meet or exceed the requirements of the above materials.

§ 153.191 HEIGHT, SETBACK, AND CONSTRUCTION REQUIREMENTS.

The following requirements shall apply to all fences located within the city.

(A) No fence, wall, or hedge shall be permitted over the height of six feet unless approved by the Planning Commission and Board of Commissioners.

(B) On any interior lot, a fence, wall, hedge, or lawn ornament which is above the height of three feet and six inches and is opaque in nature shall not be permitted within the first 25 feet of any required front yard.

(C) On any corner lot, a fence, wall, hedge, or lawn ornament which is above the height of two feet and six inches and is opaque in nature shall not be permitted within a site triangle which measures 25 feet back in both directions from the property corner abutting an intersection.

(D) All fences must be constructed to manufacturer's recommendations or to industry standards and shall be capable of withstanding an 80 mph wind, as per the Building Code.

§ 153.192 PERMIT REQUIRED.

(A) Before any person may erect or cause to be erected or constructed a fence within the city, he or she must first obtain a building permit from the Building Inspector.

(B) Two exceptions to this requirement shall exist in cases where the fence being erected will be taken down within a period of six months or less or where the fence is being erected in conjunction with a construction project.

§ 153.193 APPLICATION FOR PERMIT.

(A) To obtain a building permit for a fence from the Building Inspector, the applicant must make application to the Inspection office in duplicate on forms to be furnished by the city.

(B) The permit application shall include the following information:

- (1) The name of the owner of the property on which the fence is to be erected;
- (2) The legal description and address of the property on which the fence is to be erected;
- (3) The proposed height of the fence, wall, or hedge;
- (4) The type of material to be used in constructing the fence; and
- (5) The name and address of the person who will be erecting the fence.

§ 153.194 FEE FOR PERMIT.

Upon making application for a permit to build a fence, said applicants shall pay the applicable fee as set forth in the fee schedule adopted by resolution. The Board of Commissioners may revise the fees as set forth herein from time to time by resolution.

§ 153.195 UNSAFE OR HAZARDOUS FENCES.

(A) If at any time, in the opinion of the city, a fence, wall, or hedge becomes unsafe to the public or person occupying the property, the city shall order the fence removed. The time given to remove an unsafe fence, wall, or hedge shall not exceed 30 days from the date of notice.

(B) A fence shall be considered to be an unsafe or hazardous under the following circumstances; however, the city may find a fence is unsafe or hazardous under other circumstances not specifically listed herein:

(1) Whenever any portion of the fence, its appurtenance, or its members has been damaged by fire, wind, flood, or other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe;

(2) Whenever any portion of the fence, its appurtenance, or its members is likely to fail, become detached or dislodged, or collapse and thereby injure persons or damage property;

(3) Whenever any portion of the fence, its appurtenance, or its members or ornamentation on the fence is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure as is stated in the Building Code for new structures;

(4) Whenever any portion of the fence, its appurtenance, or its members has cracked, warped, buckled, or settled to such an extent that the fence or portions of the fence are materially less resistant to wind;

(5) Whenever the fence, its appurtenance, or its members or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such fence; the deterioration, decay, or instability of its foundation; or any other cause is likely to partially or completely collapse;

(6) Whenever the fence, its appurtenance, or its members list, lean, or buckle to such an extent that the plumb line

passing through the center of gravity does not fall inside the middle one third of the base of the fence;

(7) Whenever the fence, its appurtenance, or its members or a portion thereof has been constructed in violation of any specific requirements of the Building Code, the city's ordinances, or the state's laws; and

(8) Whenever the fence, its appurtenance, or its members or portion thereof is creating a traffic hazard because of visibility as determined by the Police Chief.

(C) (1) If any owner of record fails to abate a nonconforming or unsafe fence, wall, or hedge within 30 days after receipt of written notice from the Building Inspector, certified mail, return receipt requested, the city shall have the right to go upon the property and abate the violation without further notice to the owner or occupant of record.

(2) The city may recover its costs of abatement in any court of competent jurisdiction.

§ 155.180 FENCES.

Regulations regarding fences shall be as follows.

(A) The regulation of fences is intended to protect the public safety and welfare while maintaining the integrity of the community; providing privacy; buffering noise; and allowing adequate air, light, and vision.

(B) A building permit is required for all fences except for fences located in the Agricultural District.

(C) Fences not more than four feet in height may be located on any part of the lot except that such a fence may not be more than 30% solid where it is located within 30 feet of a street intersection, measuring along the property lines and connecting these two points by a straight line.

(D) (1) Fences not more than six feet in height may be erected on any part of a lot other than in the required front yard except for fences located in the Agricultural District which are exempt from the fence height requirements.

(2) The following are exceptions.

(a) On double frontage and comer lots used residentially, fences not more than six feet in height may be placed in one of the front yards, provided that the fence is placed from the rear building line to rear property line or portion thereof.

(b) The maximum fence height for golf courses, public swimming pools, school track and field areas, parks, and ballparks shall be eight feet on any portion of the lot. Fences associated with these uses shall not be more than 30% solid.

(c) The maximum fence height for public tennis courts or basketball courts shall be 12 feet and shall not be more than 30% solid on any portion of the lot.

(d) In all commercial and industrial zoning districts, fences not more than eight feet in height may be located on any part of a lot other than the required front yard setback, except when such lot is adjacent to a residential use.

(E) All boundary line fences shall be located entirely upon the private property of the person, firm, or corporation constructing or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The Building Inspector or City Planner may require any applicant for a fence permit to cause to establish the boundary lines of her or his property by a survey thereof to be made by a registered land surveyor.

(F) (1) Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

(2) Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, Code Enforcement is authorized to commence proceedings for the abatement thereof.

(3) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence and the knuckle end is at the top thereof.

(Ord. passed 2-3-2011, § 2.26.060; Ord. passed 2-16-2017; Ord. 2023-05, passed 6-15-2023)