

FENCE PERMIT APPLICATION



Community Planning, Development & Innovation
 435 Ryman Street / Missoula, MT 59802-4207
 Office: (406) 552-6630 / Fax: (406) 552-6053
 E-mail: permits@ci.missoula.mt.us

PERMIT #: _____

ISSUE DATE: _____

AMOUNT PAID \$: _____

PERMITS REQUIRED

Missoula Municipal Code §12.31.060A. Fence Permit Required. Any property owner or contractor constructing a new fence or any time twenty-five feet (25') or more of any portion of an existing fence is replaced, reconstructed or repaired by any property owner or contractor, a fence permit shall be obtained from the City, prior to the construction or reconstruction of said fence.

PROPERTY OWNER	
NAME	
TELEPHONE	
ADDRESS	
EMAIL	

CONTRACTOR / INSTALLER – <input type="checkbox"/> SAME AS OWNER	
COMPANY	
CONTACT	
TELEPHONE 1	
TELEPHONE 2	
ADDRESS	
EMAIL	

FENCE WORK TO BE PERFORMED			
YARD AREA	MATERIAL	HEIGHT	MAXIMUM
FRONT			48"
REAR			UP TO 72"

Describe area to be fenced, work being performed:
 (i.e. - front yard, back yard, west side of property, etc.)

Fence Materials = Chain Link / other Wire, Aluminum, Wood
 (Cedar, Picket, Split Rail, etc.), Ornamental Iron, PVC (Vinyl)

PLAN REVIEW (FOR OFFICE USE ONLY)		
DESCRIPTION	CONDITION	APP / DATE
NON-ENCROACHING FENCE		
VISIBILITY ISSUES	Y N	
PERMITTED	Y N	
FENCE CONDITIONS		
FENCE1 – RELATIONSHIP TO SIDEWALK	Y N	
FENCE2 – REVOCATION	Y N	
FENCE3 – LIABILITY	Y N	
FENCE4 – MAINTENANCE	Y N	
FENCE5 – VISIBILITY OBSTRUCTIONS	Y N	
FENCE6 – ENCROACHMENT	Y N	
FENCE7 – ENCROACHMENT RESTRICTIONS	Y N	
FENCE8 – HEIGHTS	Y N	
FENCE9 – LOCATION	Y N	
ENCROACHING FENCE (ENGINEER APPROVAL REQUIRED)		
VISIBILITY ISSUES	Y N	
PERMITTED	Y N	
M.O.U. - SIGNED	SIGNED / DATE	
M.O.U. - FILED	BOOK / PAGE	
RECEIVED BY / DATE: _____		
REVIEWED BY / DATE: _____		

FENCE PERMIT CONDITIONS:

Please initial each condition after you have read, understand and accept that condition. If applying for an Encroachment Fence Permit, the Property Owner must also read, understand and accept those conditions, in addition to the standard Fence Permit Conditions.

_____ **PLACEMENT OF FENCE IN RELATION TO SIDEWALK:** In any public right-of-way, where public sidewalks do not exist, no fence shall be installed closer than two feet to the back of any future public sidewalk as determined by the City Engineer. In any public right-of-way, where public sidewalks exist, no fence shall be installed closer than one foot to the back of the sidewalk. MMC§12.31.060J. **(FENCE1)**

_____ **REVOCATION:** The property owner acknowledges, by way of an approved fence permit application, that if the fence is not constructed in accordance with the approved plans or is constructed so to encroach into the public right-of-way, the issued fence permit may be revoked. If the fence permit is revoked, the property owner agrees to immediately take corrective action and/or remove the fence and restore the premises to its original condition. MMC 12.31.060E. **(FENCE2)**

_____ **LIABILITY:** The Property owner shall assume, in writing, all liability resulting from any incident involving the approved fence installation and maintenance and shall hold the City harmless from all damages resulting from such incident. MMC§12.31.060C **(FENCE3)**

_____ **MAINTENANCE:** Property owner shall assume all responsibility to maintain the fence in good repair at all times at his/her sole expense. The fence that this permit is granted for must always be maintained in a condition satisfactory to the City. **(FENCE4)**

_____ **VISIBILITY OBSTRUCTIONS:** Signs, fences, hedges, walls, shrubbery, natural growth, or other obstructions to the view, whether movable or stationary exclusive of motor vehicles, located on private property or public right-of-way that are higher than thirty inches above the level of the established top-of-street curb grade or level of the adjacent street intersection and are located within:

- A. The isosceles triangle having sides of fifty feet measured along the curb line of each intersecting street; or
- B. The triangle having a fifteen foot side measured along the curb line of a minor street and a seventy-five foot side along the curb line of the intersecting arterial, collector, stop controlled through street whereas adjacent intersections of the through street are stop controlled creating a stop controlled through street corridor, or through street of a T-intersection, all with speed limits of thirty miles per hour or less; or
- C. The triangle having a fifteen foot side measured along the curb line of a minor street and a one hundred twenty foot side along the curb line of the intersecting arterial with a speed limit of thirty-five miles per hour or more; or
- D. The isosceles triangle having sides of ten feet along the right-of-way line of an alley or along the edge line of a private drive and along: (1) The inside line of the sidewalk, or (2) If there is no sidewalk, the curb line; or

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- E. Regardless of other provision of this section fences, walls, trees, or hedges erected or maintained in any area which materially impedes vision of vehicles entering an abutting street as determined by the city engineer; are obstructions to visibility of pedestrians and persons operating vehicles and are public nuisances.

It is the duty of the owner or tenant of any premises within the city to abate such public nuisances in front of and adjoining their premises within the public right-of-way or upon their premises by destroying, removing, or trimming the cause of the public nuisance. MMC§12.28.110 & 12.31.070A (FENCE5)

RESTRICTIONS: See MMC 12.31.070 for Residential Fence Standards and Restrictions, See MMC 12.31.080 for Commercial/Industrial/Agricultural Fence Standards and Restrictions, See MMC 12.31.110 for Construction Site Fence Standards and Restrictions. (FENCE8)

LOCATION OF PROPERTY LINE(S): In most cases, the location of the property line is NOT the edge of sidewalk, curb or asphalt. The width of right-of-ways in Missoula varies greatly, from 60' up to 100'. Within that right-of-way may be the street, curbing, sidewalk and typically a strip of grassy area that may simply appear to be lawn. It is the applicant's responsibility to know where the property lines are, to depict them accurately on a site plan, and to install the fence on or within the property lines. If the location of the property line is unknown or unclear, it is recommended that, at minimum, a retracement survey be performed by a Montana licensed professional land surveyor, prior to fence installation. A dispute over property line location between neighbors is a civil matter and shall be directed to the civil court system. (FENCE9)

COVENANTS: Homeowners are encouraged to check Covenants, Conditions, and Restrictions that may apply to construction of fences in their subdivision before applying for fence permits. MMC 12.31.060F (FENCE 13)

BUILDING PERMITS: Any fence exceeding seven (7') feet in height requires a Building Permit in addition to the required Fence Permit. MMC 12.31.060G (FENCE 14)

FENCE PERMIT ENCROACHMENT CONDITIONS:

This section is only applicable to Fence Encroachment Applications and MUST be completed, ONLY by the Property Owner.

ENCROACHMENT - PERMIT: The City Engineer, or a designated agent, is authorized to grant a fence encroachment permit to the owner of land abutting city right-of-way for a temporary revocable privilege to construct, install, and maintain a fence upon a portion of the public right-of-way that is not currently or prospectively used or needed in the near future for any public travel or public use. This fence encroachment permit shall be a revocable privilege and shall be in the form of a fence encroachment permit signed and acknowledged by the permittee whereby the permittee recognizes that the permit is revocable by the City at any time upon thirty days' notice to the permittee and whereby the permittee recognizes that the City retains its right to use and to access the public right-of-way subject to the fence encroachment permit. The permittee must as part of the fence encroachment permit application process covenant to remove the fence and restore the land to its former condition, all at the permittee's expense, upon the receipt of such notice. The property owner will pay a fence encroachment permit fee as established by City resolution, unless the fee is waived per MMC 12.31.100C.2. MMC§12.31.100 (FENCE6)

ENCROACHMENT – RESTRICTIONS: Restrictions to fences allowed to encroach into the public right-of-way.

A. Fence Encroachment General Requirements.

1. No fence shall be allowed to encroach into Montana Department of Transportation (MDT) right-of-way without MDT approval and the approval of a City of Missoula encroachment permit.
2. If no public sidewalk or curb exists, the City Engineer shall determine the most probable location of the future sidewalk/curb and approve the fence location based on this information. The City Engineer, at his discretion, may require the installation of curb and sidewalk prior to approval of the encroachment permit.
3. Encroaching fences shall have posts not exceeding two and three-eighths (2-3/8") inches outside diameter for metal pipe or four (4") inch square dimension for wooden posts. No fences shall be constructed of stone, rock, masonry, any metal with pointed or projecting tops, cable, or chain. Prior to the issuance of the fence encroachment permit, the fence design shall be approved by the City Engineer or a designee to ensure conformity to this section and to be reviewed for potential hazards.
4. No other structure or storage of personal property inclusive of motorized vehicles other than landscape materials approved by Section 12.48 Boulevards of this code shall be allowed in the public right-of-way behind a permitted encroaching fence. There shall be no shrubs, bushes, or hedges exceeding the height of the permitted fence in the public right-of-way.
5. No electric, barbed wire, or razor wire fences are allowed as Encroachment Fences.
6. Encroaching fences shall meet all applicable requirements of this chapter.

B. Fence Encroachments: Existing. Existing fences that encroach upon a portion of the public right-of-way shall be approved by the City Engineer and are subject to all requirements of this chapter.

1. When twenty-five (25') feet or more of an existing fence in the public right-of-way is replaced, repaired, or reconstructed, a new fence encroachment permit shall be obtained from the City prior to re-construction of the fence. MMC§12.31.100 (FENCE7)

ATTEST:

By signing this Fence Permit Application, I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a Fence Permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Additionally, I certify that the information submitted on this Fence Permit Application and the attached Site Plan is true and accurate and that I fully understand and agree to all applicable conditions listed herein.

Further, I understand that; it shall be unlawful for anyone to construct a fence or allow a fence to be constructed on their real property in violation of this chapter. There shall be a fine of up to five hundred dollars (\$500) for not complying with the above chapter. Any fence not in compliance with this chapter may be ordered removed by the City Engineer or a designated agent. MMC§12.31.131

APPLICANT SIGNATURE: _____ **APPLICATION DATE:** _____

REMEMBER: your property line is not the same thing as the edge of asphalt, curb or sidewalk – generally, there is a strip of right-of-way adjacent to it.

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SKETCH PLAN



CALL 1-800-424-5555
2-days prior to digging
fence posts, for utilities location!

(GRID PAPER: 4 SQUARES = 1 INCH)

SKETCH MUST INCLUDE:

- Street(s) / Alley
- Property Boundary (with dimensions)
- House
- Garage, other structures
- Driveway
- Sidewalk
- Boulevard
- Curb / Gutter;
- Existing Fence(s)
- Proposed Fence(s) (with dimensions)
- Labels for all elements of sketch.