

FENCE GUIDELINES - Village of Eagle, Nebraska

Frequently Asked Questions

1. Do I need a permit?

Fences constructed in residential zoned districts, do not require a permit. Fences less than six feet (6') are exempt from permits per Eagle Municipal Code Chapter 9: Building Regulations, Section §9-106 WORK EXEMPT FROM PERMIT. Height limitations in residential districts range from four feet (4') to 6 feet (6') depending on location on property - reference *height limitations* below for further explanation.

Fences constructed in a commercial or industrial zoned district that exceed six feet (6') but are less than eight feet (8') require a permit.

2. What are the height limitations?

Fences constructed in a residential zoned district along a side lot line (adjacent to the front face of the house) and rear lot line shall not exceed six feet (6') in height. Fences in the front of the house (adjacent to the front face of the house and along the front side yard lot lines) cannot exceed four feet (4') in height and must be of open design. See examples on sheets 4 and 5.

Fences constructed in a commercial or industrial zoned district shall be a minimum six feet (6') and shall not exceed eight feet (8') in height. Where it is demonstrated that for security purposes the perimeter fencing around a building located in an industrial district must be higher than eight feet (8') in height, approval must be granted through the Conditional Use Permit process.

3. What are the design restrictions?

Fences located in the front yard must qualify within the definition of an open fence. Solid fences may be constructed along a side and rear lot line. Solid fences may be placed on a lot line abutting a Commercial District.

4. What type of fence materials can I use?

Permitted types of fence materials include: chain link, wood, wrought iron, aluminum, plastic, vinyl or other ornamental fencing. The use of barbed wire is prohibited except for the use of perimeter security fencing in the industrial zoned district and must be approved by the Village (Eagle Zoning Regulations 9.04.04.01) and farm fencing constructed for agriculture purposes on parcels of 5 acres or more in the agriculture or transitional agriculture zoned districts provided they do not abut a residential zoning district (Eagle Zoning Regulations 9.04.04.02). No above ground electric fence shall be constructed within the Village Limits or within the ETJ except in the agriculture zoned district provided they do not abut a residential zoning district (Eagle Zoning Regulations 9.04.08).

5. What do I need to do before I dig?

Prior to digging please call the Nebraska One Call system at 811 or 800-331-5666 or submit through www.ne1call.com at least 2 business days prior to digging but not more than 10 business days.

6. Can I put my fence along my property line?

Yes, fences can be installed along property lines. However, it is good practice to place the fence between 2 to 6 inches into your yard from the property line. Do not assume your neighbor's fence is on their property line.

7. Where is my property line?

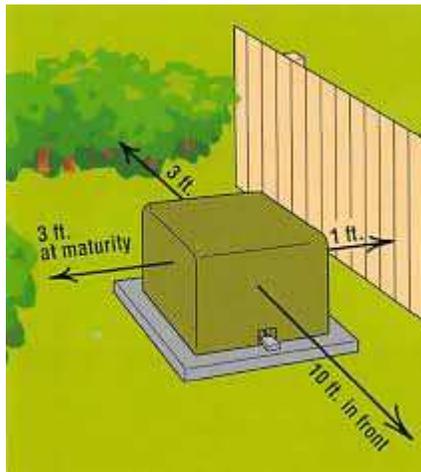
The Village of Eagle does not locate property pins. You may use tools like GIS/Property Lookup mapping found on the Cass County Nebraska webpage to view approximate lot lines and distances between pins. It is your responsibility to locate all of your lot pins or have a land surveyor locate them for you. It is also your responsibility to check your house/property plan for easements and your neighborhood covenants or homeowner's association for any fence restrictions.

8. What are easements?

An easement is a portion of the property to be used by another for a designated service (water, sewer, electrical, etc.). If your fence is built within an easement - know the fence may be removed at owner's expense and will not be reconstructed by any easement owner.

9. What if I have electrical boxes or utility pedestals in my backyard?

Omaha Public Power District (OPPD) requires the following minimum clearances from large green electrical transformers: Ten feet (10') of clearance from the front of the transformer (the side that is padlocked, three feet (3') on two of the sides and at least 1 foot (1') on the fourth side (see detail below). Contact utility companies labeled on other pedestals to ensure you meet their recommended clearances.



OPPD Transformer Clearance Detail

10. Does it matter which side of the fence faces out?

Yes, Section 9.04.09 of the Eagle Zoning Regulations states the following:

The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

11. Should I worry about drainage?

Yes, especially in areas of new construction or varying elevation. Eagle Zoning Regulations state the following:

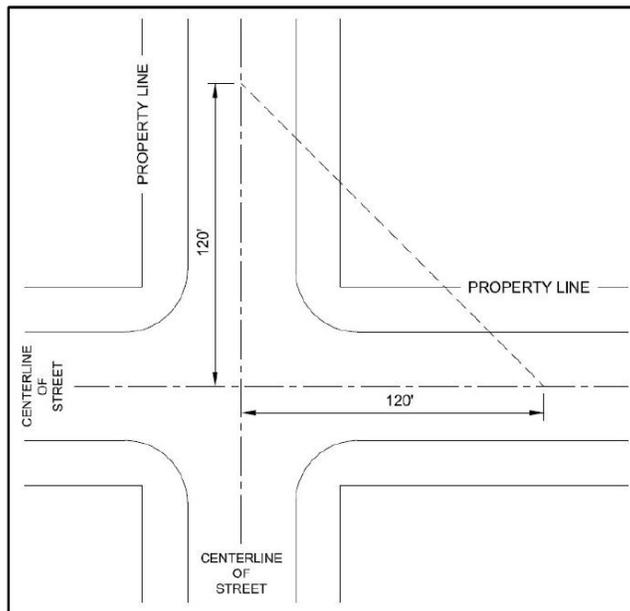
No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the Village or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

12. I have a dispute with my neighbor regarding a fence, what do I do?

If the fence complies with the Village regulations being enacted at the time the fence was installed, this is a civil matter between property owners.

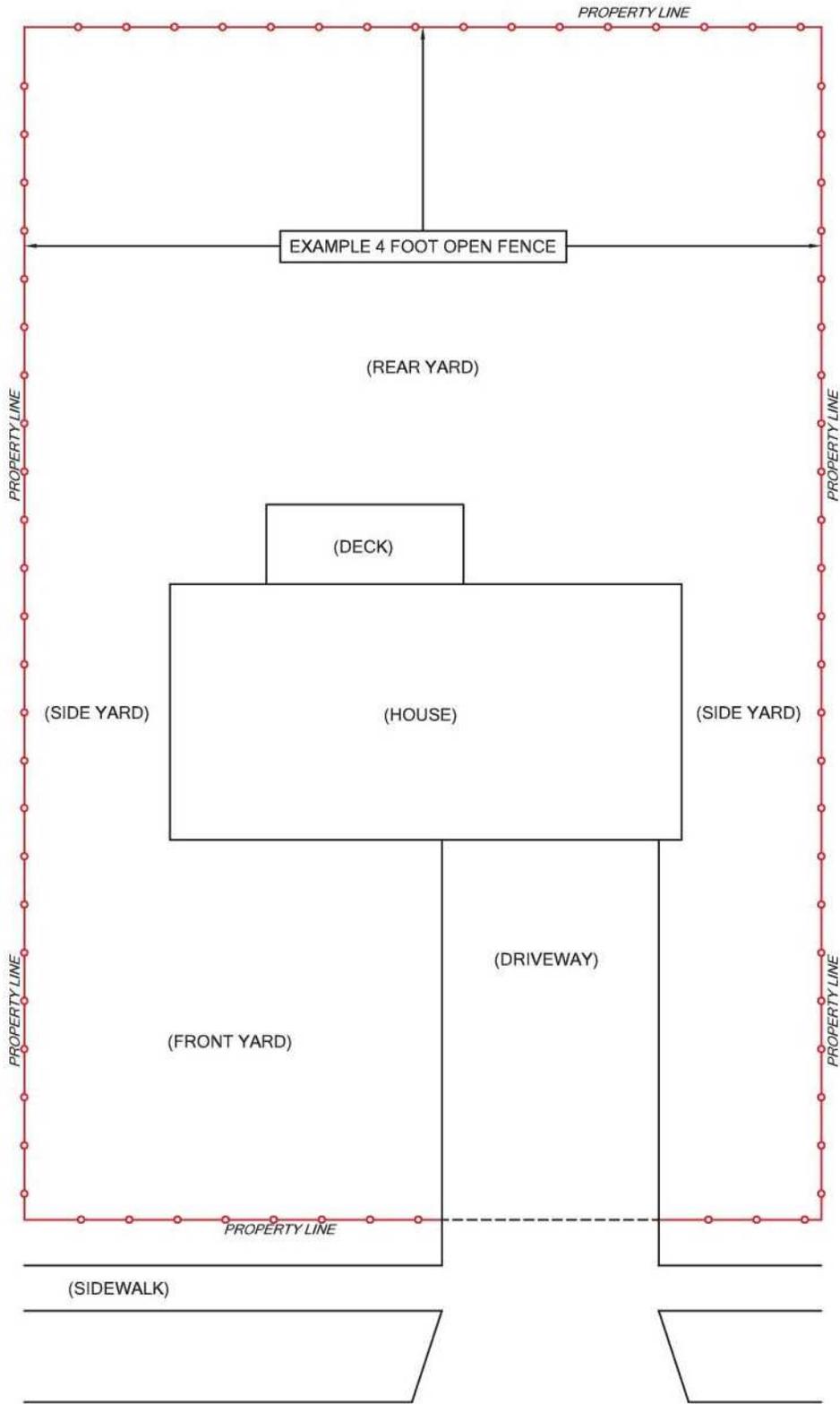
No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard. Note that if your property is on a corner lot, fence placement could affect the sight triangle for the intersection.

The definition of SIGHT TRIANGLE is the following: *an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 60 feet in each direction long the centerline of the streets. At the intersection of major or arterial streets, the 60 foot distance shall be increased to 120 feet for each arterial leg of the intersection. (See example below).*

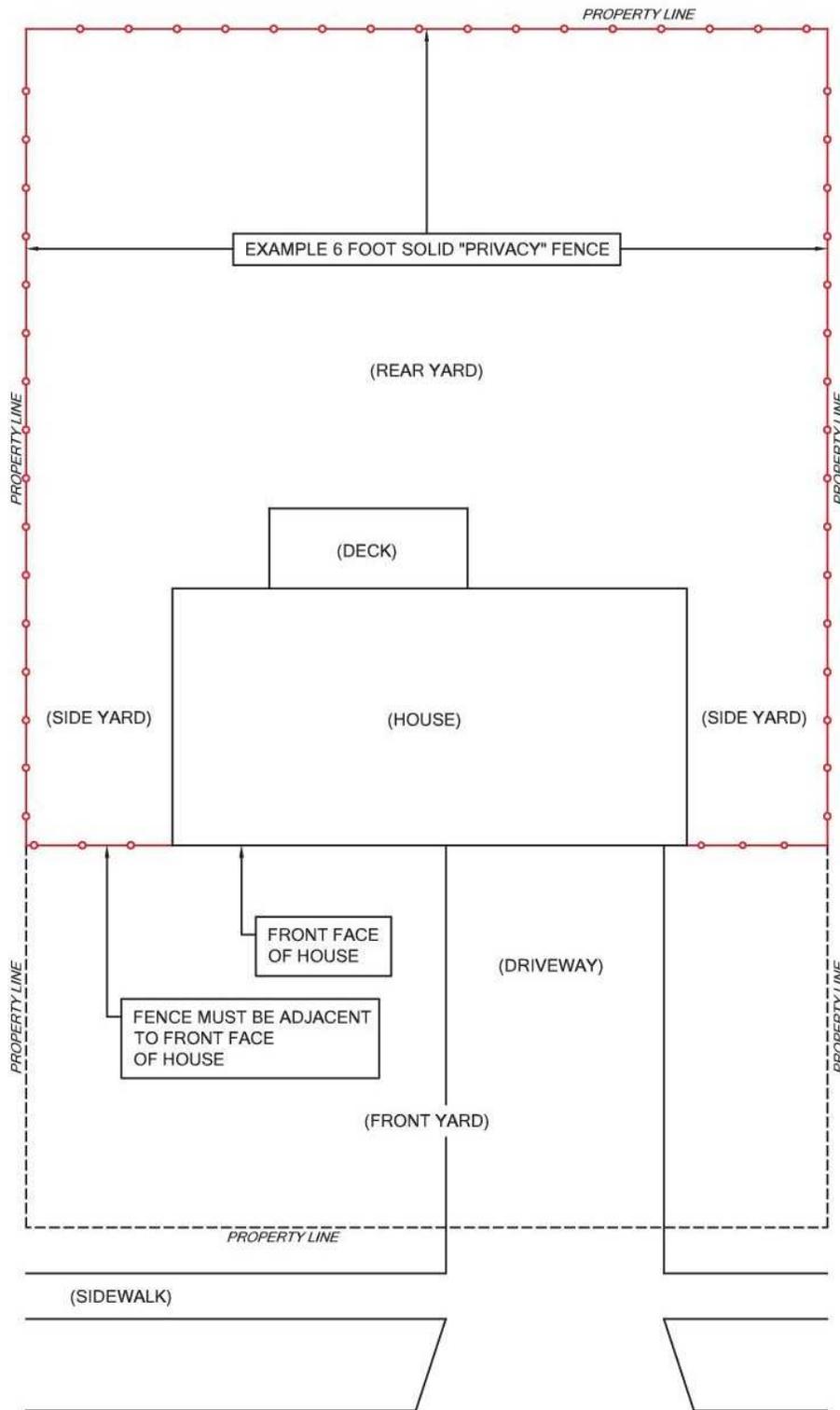


120 Foot Sight Triangle Example

Additional Questions - Call the Eagle Village Office at 402-781-2748 and ask for contact information for Building & Zoning or submit a message to Building & Zoning at <https://eagle.ne.gov/contact-us>. Reference Eagle Zoning Regulations Article 9, Section 9.04 Fences.



EXAMPLE 4 FOOT OPEN FENCE FRONT/SIDE/REAR YARD INSTALLATION



EXAMPLE 6 FOOT SOLID "PRIVACY" FENCE REAR/SIDE YARD INSTALLATION