

Town of Lysander Local Law Number 1 of 2022

A local law to establish a Fence Law in the Town of Lysander

Be it enacted by the Town Board of the Town of Lysander as follows:

FENCE: A structure serving as an enclosure, barrier or boundary to divide a piece of land or property into distinct portions, including, but not limited to, fences made from chain link, wood, concrete, stone, brick, plastic and/or the like.

FRONT YARD: Applies to that portion of the yard in front of the front building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a front yard for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

SIDE YARD: Applies to that portion of the Side Yard which is space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

BACK YARD: Applies to that portion of the Back Yard which is the portion of property between the back of the building and the rear property line.

1. Permit required.

No fence shall be erected without a permit from the Town of Lysander Code Enforcement Officer, except that no permit shall be required for a fence less than four feet in height and located more than six feet from an existing property line.

2. Application for permit; issuance.

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Code Enforcement Office. Said application shall be accompanied by a plan or on a survey sketch showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Town. Upon approval by the Code Enforcement Officer, a permit shall be issued which will be in effect for a period of one year from the date thereon. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Town officials

3. Height limitations.

- A. A fence shall not exceed a maximum height of Seven feet for any residential property and 10 feet for all other uses.
- B. The finished or "good" side of a fence, if different from the other side, shall face away from the property toward the adjacent property or boundary line.

4. Materials and composition.

- C. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard or a dangerous condition to men and equipment for combatting fires or which may affect public safety is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.
- D. The following fences and fencing materials are specifically prohibited:
 - (1) Barbed wire.
 - (2) Pointed fences under three feet high.
 - (3) Canvas fences.
 - (4) Cloth fences.
 - (5) Electrically charged fences.
 - (6) Poultry fences.
 - (7) Turkey wire.
 - (8) Temporary fences, except as authorized by the Code Enforcement Officer.
 - (9) Expandable fences and collapsible fences, except during construction of a building.
- E. All chain link fences erected shall be erected with the closed loop at the top of the fence.
- F. All entrances or gates shall open onto the property.
- G. Notwithstanding the provisions of this section, the Code Enforcement Officer may issue a permit for the construction of a security fence for commercial and industrial properties.
- H. All fences or walls must be erected so as not to encroach upon a public right-of-way or easement unless a waiver is granted by the Code Office of the Town of Lysander All fences or walls must be erected within the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or structures or vehicles, whether stationary or transitory, on private or public property.
- I. The finished or "good" side of a fence, if different from the other side, shall face away from the property toward the adjacent property or boundary line.

5. Powers of Code Enforcement Officer.

The Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Code Enforcement Officer shall be guilty of a violation of this chapter and shall be subject to its penalties.

6. Penalties for offenses.

Any person in violation of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding \$250. Every day of such violation may be held to constitute a separate offense. As an alternative, upon violation of this chapter, the Town, in addition to other remedies, may institute an action or proceeding, including an injunction to prevent violation of this chapter.

7. Applicability.

This local law shall take effect immediately upon filing with the Secretary of State.

8. Agricultural Districts

Agricultural Districts are exempted from the Fence Law.