

## FENCE LAW OF THE TOWN OF TYRONE

### I. TITLE

This law shall be known as the Fence Law of the Town of Tyrone, New York.

### II. SCOPE

This law applies to all fences erected or placed within the Town of Tyrone, New York.

### III. PURPOSE

The purpose of this law is to regulate the materials, location, height, setback and maintenance of fences; prevent the erection of nuisances and preserve the public good and safety.

### IV. AUTHORITY

This law is adopted by the authority granted to the Town of Tyrone, New York by the Municipal Home Rule Law of the State of New York.

- A. The Code Enforcement Officer is authorized to administer and enforce the fence law. He shall have the authority to issue/deny/ revoke/ permits for erection or placement of a fence, perform all inspections, and issue notices to insure compliance.
- B. Complaints shall be made in writing to the Code Enforcement Officer.

### V. DEFINITIONS

- A. Approved
  - acceptable to the Code Enforcement Officer or other authority having jurisdiction.
- B. Fence
  - any man-made structure, or hedge, regardless of composition, that prohibits or inhibits unrestricted travel or view between properties or portions of properties or between roadway or public right-of-way and a property.
- C. Natural Grade
  - The grade unaffected by construction techniques, such as fill, landscaping, or berming.
- D. Height
  - The distance measured from the natural grade to the highest point of a fence, excluding decorative caps.
- E. Lakefront property
  - a property that abuts and joins or is contiguous to Lamoka or Waneta Lakes in the Town of Tyrone.
- F. Mean High Water Level
  - the approximate average high water level for Lamoka and Waneta Lakes, as determined by the United States Geological Survey, is 1099 feet.

## VI. REQUIREMENTS

- A. A permit is required from the Code Enforcement Officer for the execution or placement of a fence upon any property in the Town Of Tyrone.
- B. Exclusions
  - 1. Erosion control fences
  - 2. Safety/security fence around building sites (with a valid building permit), unsafe structures, or hazards.
  - 3. Fences to enclose crops, livestock, livestock products at farm operations (as defined in Article 25-AA, Section 301 of the NYS Agricultural and Markets Law).
  - 4. Crop Trellising
  - 5. Snow fence placed between November and April.
  - 6. Fences erected by a civil authority to protect life, safety and property.
  - 7. Waterfowl restriction fence on lakefront property: maximum allowable height is 24 inches, must be flow through in design, permitted April 1<sup>st</sup> thru November 1<sup>st</sup>.

**\*\*EXISTING NON-CONFORMING FENCE**, constructed previous to this law, shall be permitted to stand if it does NOT present a proven hazard. Upon replacement, the fence is required to conform to required provisions and standards set forth in this law.

## VII. PERMIT APPLICATION

- A. All fence permit applications shall be made through the Code Enforcement Officer.
- B. Permit Applications shall include the following
  - 1. Owners name and address
  - 2. Location address of proposed fence
  - 3. Description of fence: type, height, location upon property, material.
  - 4. Survey as appropriate to insure fence will be located entirely within owner's property boundaries.
- C. Revocation of permit
  - 1. If the Code Enforcement Officer determines that any fence or portion thereof is not in compliance with the terms of issue of the permit, or standards and requirements outlined in the law, he or she shall revoke or suspend the permit and order the fence replaced, reconstructed or removed.

## VIII. STANDARDS

- A. Materials
  - 1. Fences shall consist of industry standard materials normally manufactured for, used and recognized as residential fencing materials. Wooden fence posts whose parts are below ground must be treated to prevent rot.
  - 2. Wooden fence supports can be no less than 4"x4"
- B. Prohibited Materials.

1. Spiked fences less than 6 ft.
2. Scrap wood, pallets, metal panels, bedsprings, extrusions, stampings or tarps, barbed wire, electrically charged fence and poultry fence.

#### C. Location

1. The minimum setback distance of a fence to the MHWL of Lamoka and Waneta Lakes and contiguous waters shall be 25 feet.
2. No fence shall be erected which would obstruct or obscure the view from surrounding properties of the lake or other natural scenic vistas.
3. No fence in the rear, front, or side yard shall be erected to a height exceeding 6 feet above ground level.
4. No fence located in a rear yard adjoining Lamoka or Waneta Lakes or their contiguous waters, shall exceed 4 feet in height.
5. Any fence placed in an area subject to high water should have its lowest edge 6" above ground level or be flow through in nature.
6. The minimum setback distance of a fence to any public right-of-way shall be 10 feet.
7. No fence shall obstruct the view of pedestrians or motorists so as to create a traffic/safety hazard.
8. The minimum set back distance of a fence to the owners property line is 1 foot.

#### D. Orientation

1. Fences shall be installed with the structural members or framing directed inward towards the fence owners property.

#### E. Maintenance

1. All fences shall be maintained in a safe, sound and upright condition.
2. The fence shall be complete, upright and securely fastened, with no broken parts or in any way exist in a hazardous condition.
3. If the Code Officer upon inspection, determines that any fence or portion of fence is not being constructed, altered, reconstructed, relocated or maintained, the owner shall be notified by the Code Officer, findings described and such fence ordered repaired, reconstructed, or removed within 30 days of notice.