

LOCAL LAW NO. 1 OF 2021

AMENDING CHAPTER 70, FENCES OF THE CODE OF THE TOWN OF MOREAU

Chapter 70 shall be amended as follows:

§ 70-2 Approval required.

No fence, wall or other type of construction shall be erected without the approval of the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer. The Building Inspector and/or Code Enforcement Officer shall secure approval of the Superintendent of Highways and the Bureau of Fire Prevention, where applicable.

§ 70-3 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 Building Inspector, Zoning Administrator, and/or Code Enforcement Officer on a form provided by the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer. Said application shall be accompanied by a scaled plan or sketch showing the proposed location of any fence, 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 and be accompanied by an appropriate fee. Upon approval by the Building Inspector, Zoning Administrator, and/or 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.

§ 70-4 Height limitations.

No fence shall be more than eight feet in height at the rear yard or side yard of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the front [rear] building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 48 inches. This restriction shall not apply to construction in all zoning districts.

§ 70-6 Materials and composition.

- B. The following fences and fencing materials are specifically prohibited in all zoning districts except in the R-3, R-4, and R-5 Zoning Districts:
- E. Notwithstanding the provisions of this section, the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer may issue a permit for the construction of a security fence for commercial and industrial properties, upon due application to and approval by the Building Inspector, Zoning Administrator, and/or Code Enforcement Officer of the Town of Moreau. The Building Inspector, Zoning Administrator, and/or Code Enforcement Officer may deny such application if it is found that the application for such fence is not appropriate and is unnecessary. Upon such denial, the applicant may appeal the decision of the Building Inspector and/or Code Enforcement Officer to the Planning

Board of the Town of Moreau by notice to the same within 30 days of such denial. In the event that the Planning Board substantiates the denial of the Building Inspector and/or Code Enforcement Officer, the applicant may resort to proper legal proceedings according to the statutes of the State of New York.

§ 70-7 Variances.

Any variance to this chapter shall be granted by the Zoning Board of Appeals in accordance with the standards and procedures set forth in §149-59 A. for area variances. In granting a variance, the Zoning Board of Appeals may impose conditions to protect the best interest of the surrounding property, the neighborhood and the town as a whole

§ 70-8 [7] Authority of town officials.

The Building Inspector, Zoning Administrator, [and/or] Code Enforcement Officer, Superintendent of Highways or Bureau of Fire Prevention 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 Building Inspector, Zoning Administrator, [and/or] Code Enforcement Officer, [or] Superintendent of Highways or Bureau of Fire Prevention shall be guilty of a violation of this chapter and shall be subject to its penalties.

§ 70-9 [8] Applicability.

The provisions of this chapter shall not apply to any fences erected pursuant to any other legislation of the town.

§ 70-10 [9] Penalties for offenses.

Any person, firm or corporation or his or her or its agent, servant, workman or employee violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.