

INTRODUCTORY LOCAL LAW #1-2023

Resolution #114 Motion made by Councilperson Yager and seconded by Councilperson Hurlbutt to approve the Introductory Local Law #1-2023

WHEREAS, the Town Board of the Town of Hamlin did heretofore hold and conduct a Public Hearing to consider the enactment of Introductory Local Law # 1-2023; and

WHEREAS, such Public Hearing was duly held and conducted by the Town Board of the Town of Hamlin on the 13th day of March, 2023 at 6:00 p.m. at which hearing, all interested persons were heard concerning the subject matter thereof; and

WHEREAS, after due consideration, the Town Board believes it would be appropriate to enact such Local Law so as to amend Chapter 520 of the Code of the Town of Hamlin;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Hamlin, Monroe County, New York, as follows:

Section 1. By the adoption of this Resolution, the Town Board does hereby enact Local Law # 1-2023 amending Chapter 520 of the Code of the Town of Hamlin to read and provide as follows:

§ 520-29. Fencing.

Fencing is permitted subject to the following provisions and restrictions:

- A. A building permit shall be required prior to the construction, movement or replacement of any fence permitted in this section.
- B. No fence shall be erected in any rear yard higher than six feet above the highest point of ground directly below the fence.
- C. No fence shall be erected in any side yard higher than six feet above the highest point of ground directly below the fence.
- D. No fence shall be erected in any front yard except for one of open and decorative design and not more than four feet in height. Open design shall mean the area covered by the fence will be a maximum of 50% opaque. Any wire fence is not permitted in a front yard.

[Amended 9-20-1994 by L.L. No. 3-1994; 3-12-2001 by L.L. No. 2-2001]

E. Snow fences shall be permitted on any lot between November 15 and April 1 of each year, provided that the snow fence does not cause snow to be deposited on adjacent property owned by others or on public streets or sidewalks. The end of any snow fence shall be a minimum of 15 feet away from any paved public street. Only standard snow fences shall be permitted that are no higher than four feet with metal posts 10 feet apart and wood slats 1 1/2 inches wide, connected by wire, with two-inch spaces between the slats. All snow fences and posts must be completely removed by April 1 of each year. Permits are not required for snow fencing. Any other provisions in this section concerning fence location and setbacks do not apply to snow fencing.

F. On corner lots, no fencing shall be erected in front of the front and street side main foundation lines of the principal dwelling or building on any lot, with the exception of split-rail fencing as noted in Subsection D.

G. The face or good side of any fence shall be located so as to face any adjoining lots or property owned by others. Fence posts shall face in and away from any adjoining lots or property owned by others. The location of any fencing in relation to property lines shall be the responsibility of the homeowner or property owner.

H. Fencing on vacant lots or lots without a house or dwelling shall be permitted, provided that such fencing does not extend beyond the average of the front setbacks of the existing dwellings within 200 feet of either side of the property and is not more than four feet in height.

I. Barbed wire fencing or electrification of any fence is permitted in R-VL Districts only and shall be for agricultural purposes only. Single-strand wire fences or the anchoring of any fence post by guy wires to stakes is prohibited except for agricultural purposes. No building permit is required.

K. Upon application to and with the approval of the Board of Zoning Appeal a special permit may be issued for the use of barbed wire or other similar sharpened enclosure material (including but not limited to razor wire and razor tape) on fences in nonresidential districts only, provided that the purpose of such enclosure material is to prevent entry into an area:

- (1) In which materials or equipment are stored; or
- (2) Which could otherwise be hazardous to the public health, safety or general welfare.

(A) Any application for a special permit for the use of barbed wire or other similar sharpened enclosure material (including but not limited to razor wire and razor tape) shall specify:

- (1) The number of strands of such enclosure material which are to be used.
- (2) Whether such enclosure material slants inwardly or outwardly.
- (3) The dimensions, location and extent of the placement of such enclosure material.
- (4) Any other details which may be required by the Board of Zoning Appeals.

J. In extreme cases involving public and/or child safety, the Zoning Board of Appeals may grant a renewable five (5) year accessory permit for fencing otherwise prohibited by this section, as appropriate and only as necessary, to meet the minimum safety and/or security requirements

Section 2. That the Town Clerk's shall give due notice of the enactment of this Local Law by the filing of the same with the Secretary of State as required by statute.

VOTE OF THE BOARD

Polled votes: Councilperson Hurlbutt aye, Councilperson Voelkl aye, Councilperson Yager aye, Supervisor Baase aye. Motion carried.