

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of _____

Local Law No. 2 of the year 2022

A local law Adding Regufalgions Related to the Installation and Maintenance offences in Residential
(Insert Title)
Districts

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Holley as follows:

WHEREAS, Chapter 183 of the Official Code of the Village of Holley currently regulates issues related to building maintenance in the Village of Holley, and

WHEREAS, it has become necessary to examine changes in certain aspects of the Village of Holley Code as related to property maintenance, and

WHEREAS, this proposed amendment supplements Chapter 183 by adding regulations related to the installation and maintenance of fences in residential districts in the Village of Holley, and

NOW, THEREFORE be it resolved that the following proposed local law was published for public review in accordance with the Municipal Home Rule Law and the Village Law, and that a public hearing was held thereupon on the 10th day of May, 2022, for the purposes of consideration of adoption of the proposed local law which reads as follows:

Local Law No. 2 of the Laws of 2022 of the Village of Holley

I. AMENDMENT: - The following provisions, entitled Fences in Residential Districts shall be added to Chapter 183 of the Village of Hofiey Code as section 183-4:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

FENCES IN RESIDENTIAL DISTRICTS

1. Definitions

As used in this article, the following terms shall have the meanings indicated: FENCE- any substantially vertical structure or appurtenance regardless of material composition

PRIVACY FENCE - a fence constructed of solid material such as wood, vinyl, or other material that obscures view and provides privacy from within **DECORATIVE FENCE:** a fence that does not obstruct View

TEMPORARY FENCE - a fence designed to be temporary and removed after a stated period of time

CORNER LOT - a lot on any intersection of 2 or more roadways

2. Privacy fences

- A. Must be located at least 25 feet from the centerline of any abutting roadway**
- B. Permitted only on side and rear yards, except on corner lots (see "visibility at Intersections")**
- c. Permitted location is on the owner's property line; it is the homeowner's responsibility to prove the lot line with a survey if the lot line is contested**
- D. Maximum of 7 feet from surface grade to top of fence**
- E. The finished or decorative side of the fence shall face away from the owner's property**
- F. It shall be the owner's responsibility to make provisions for maintenance of both sides of the fence. The owner is encouraged to discuss the placement of the fence with his/her attorney prior to installation to prevent any title issues arising from the location of the fence**

3. Decorative fences

- A. Permitted within a frontyard of no more than 3 feet in height**
- B. Cannot obstruct view or present a safety risk**
- C. Must be no less than 36 inches to any public sidewalk**

4. Installation

- A. A building permit is required for all fences, freestanding walls, or retaining walls except for decorative fences less than 2 feet in height used for protection of home gardens or as lawn accents and being of visually nonobstructive construction**
- B. A site plan showing the site property lines and proposed fence or wall location shall accompany all permit applications**
- C. Fence posts must be surrounded in the ground by concrete or crushed stone at least 6 inches greater than the post diameter**
- D. No fence or wall shall be erected which creates a traffic hazard or endangers public safety**

E. Fences and walls shall be maintained in a good state of repair and in a safe condition as determined by the Code Enforcement Officer

5. Barbed wire and electric fences

A. Barbed wire and electric fences are not permitted in the Village of Holley

6. Harmful devices on fences

A. In no case shall spikes, chipped glass, or Similar materials or devices be used in conjunction with or as a part of any fence

B. No fence shall be permitted which is expressly designed with the intent to injure or malign anyone who attempts to climb such a fence

7. Temporary fences

A. Snow fences shall be permitted only on a seasonal basis November 15-April 15.

B. Construction site safety-type fences shall be allowed at construction sites only

8. Visibility at intersections

A. On a corner lot, no fence, wall, hedge, or other structure in excess of 30 inches in height shall be erected, placed, or maintained closer to the street than 30 feet from the center of the intersection

B. No fence on any corner lot can impede the safety and/or visibility of traffic or pedestrians at the intersection

9. Fences in nonresidential district

A special use permit from the Zoning Board of Appeals is required to erect a fence in the Downtown District

II. **AMENDMENT:** The current text of section 183-4 Penalties for offenses shall remain the same, but be renumbered as section 183-5.

III. **AUTHORITY:** The Legislative body of the State of New York has granted authority to local government units to adopt and amend local laws from time to time as necessary in order to protect the health, safety and welfare of the persons and properties within such local municipality. In addition, the Legislative body of the State of New York has specifically deemed that the local government unit shall adopt a local law in certain situations. That, pursuant to such grant of authority, and pursuant to the provisions of Section 714 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Holley, being the local legislative body of such municipality, is empowered to adopt a local law creating and/or modifying in the Village of Holley.

The Village of Holley Board of Trustees has authorized that these changes be made to the Village of Holley Code and that same be implemented into, and enforced as set forth in the Village of Holley Code.

III. EFFECTIVE DATE OF AMENDMENT: The amendment as described above shall become effective upon the filing of this local law in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the (County)(City)(Town)(Village) of Holley was duly passed by the Village Board of Trustee's (Name of Legislative Body) on May 10th 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

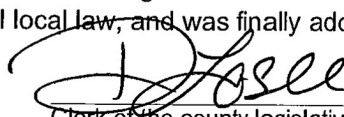
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 10/16/23

(Seal)