ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NO. 37-2021 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 78 (ANIMALS), ARTICLE VII (DEER MANAGEMENT), § 78-41 (PERMITTED ACTS), CHAPTER 87 (BUILDING CONSTRUCTION), ARTICLE VII (DEFINITIONS), § 87-46 (DEFINITION OF TERMS), ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS), § 87-52 (FENCES, FREESTANDING AND RETAINING WALLS), AND CHAPTER 198 (ZONING), ARTICLE I (GENERAL PROVISIONS), § 198-2 (DEFINITIONS AND WORD USAGE)

Resolution for Town Board Meeting Dated: August 11, 2021

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN COOK**

WHEREAS, the Town Board having held a public hearing on the 13th day of July, 2021 at 2 p.m., to consider adopting Local Law Introductory No. 37-2021, amending the Code of the Town of Huntington, Chapter 78 (Animals), Article VII (Deer Management), § 78-41 (Permitted acts), Chapter 87 (Building Construction), Article VII (Definitions), § 87-46 (Definition of terms), Article VIII (General Restrictions and Requirements), § 87-52 (Fences, freestanding and retaining walls), and Chapter 198 (Zoning), Article I (General Provisions), § 198-2 (Definitions and word usage), and due deliberation having been had; and

WHEREAS, the adoption of regulations regarding deer fencing is a Type II action pursuant to SEQRA, 6 NYCRR Part 617.5(c)(12 & 33), and therefore no further SEQRA review is necessary.

NOW, THEREFORE, THE TOWN BOARD

HEREBY ADOPTS

Local Law Introductory No. 37-2021, amending the Code of the Town of Huntington, Chapter 78 (Animals), Article VII (Deer Management), § 78-41 (Permitted acts), Chapter 87 (Building Construction), Article VII (Definitions), § 87-46 (Definition of terms), Article VIII (General Restrictions and Requirements), § 87-52 (Fences, freestanding and retaining walls), and Chapter 198 (Zoning), Article I (General Provisions), § 198-2 (Definitions and word usage), as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW NO. **39**- 2021
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 78 (ANIMALS),
ARTICLE VII (DEER MANAGEMENT), § 78-41 (PERMITTED ACTS),
CHAPTER 87 (BUILDING CONSTRUCTION),
ARTICLE VII (DEFINITIONS), § 87-46 (DEFINITION OF TERMS),
ARTICLE VIII (GENERAL RESTRICTIONS AND REQUIREMENTS),

§ 87-52 (FENCES, FREESTANDING AND RETAINING WALLS),
AND CHAPTER 198 (ZONING),
ARTICLE I (GENERAL PROVISIONS),
§ 198-2 (DEFINITIONS AND WORD USAGE)

Section 1: Chapter 78 (Animals), Article VII (Deer Management), § 78-41 (Permitted acts), Chapter 87 (Building Construction), Article VII (Definitions), § 87-46 (Definition of terms), Article VIII (General Restrictions and Requirements), § 87-52 (Fences, freestanding and retaining walls), and Chapter 198 (Zoning), Article I (General Provisions), § 198-2 (Definitions and word usage), are hereby amended as follows:

CHAPTER 78

ANIMALS

* * *

ARTICLE VII

DEER MANAGEMENT

* * *

§ 78-41 Permitted acts.

(A) In an effort to control deer populations, the following methods shall be permitted:

(1) Installation of <u>commercially-approved</u> deer fencing<u>, provided further that razor wire, barbed wire, chicken wire, chain links, cloth, canvas, and electrically-charged mechanisms may not be used as, nor a part of, such fencing</u>;

* * *

CHAPTER 87

BUILDING CONSTRUCTION

* * *

ARTICLE VII

DEFINITIONS

§ 87-46 Definition of terms.

As used in this Chapter, the following words shall have the meanings indicated:

* * *

<u>DEER FENCE - See Chapter 198 (Zoning), § 198-2.</u>

* * *

ARTICLE VIII

GENERAL RESTRICTIONS AND REQUIREMENTS

* * *

§ 87-52 Fences, freestanding and retaining walls.

A. Fences.

(1) No fence more than six (6) feet in height shall be constructed, installed, located or modified without a building permit having been issued by the Department of Engineering Services. The height of fence posts including decorative tops shall not exceed six feet six inches (6' 6") from grade without a permit. Notwithstanding the preceding section, and notwithstanding anything to the contrary in this Code, a deer fence of up to eight (8) feet in height may be constructed, installed, located or modified without a building permit having been issued by the Department of Engineering Services.

* * *

CHAPTER 198

ZONING

ARTICLE I

GENERAL PROVISIONS

* * *

§ 198-2. Definitions and word usage.

* * *

(B) Definitions. For the purpose of this chapter, the following terms and phrases shall have the meanings indicated:

* * *

DEER FENCE - A commercially-approved fence, the sole purpose of which is to protect gardens, vegetation and yards from deer, designed as to be invisible or open when viewed from a distance. Materials such as razor wire, barbed wire, chicken wire, chain links, cloth, canvas, and electrically-charged mechanisms, may not be used as, nor a part of, a deer fence.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
*** INDICATES NO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: **5** NOES: **0** ABSTENTIONS: **0**

Supervisor Chad A. Lupinacci	**AYE**
Councilwoman Joan A. Cergol	**AYE**
Councilman Eugene Cook	**AYE**
Councilman Mark A. Cuthbertson	**AYE**
Councilman Edmund J. Smyth	**AYE**

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED