

§ 121-1. Title.

This chapter shall be known and may be cited as the "Fence & Wall Law of the Village of Sodus Point, New York."

§ 121-2. General Intent.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize the impact of walls, fences, barricades and likeness thereof on Village residents and/or property owners.

§ 121-3. Definitions and word usage.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural number include the singular, unless the context indicates the contrary. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a co-partnership and any other agency of voluntary action. The phrase "used for" includes "arranged for" and "occupied for," "maintained for," "intended for" and "designed for."

BARRICADE – An improvised barrier erected across a street or other thoroughfare to prevent or delay movement of opposing forces.

FENCE – A barrier, railing, or other upright structure, typically of wood, vinyl or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

INVISIBLE FENCE – A fenceless boundary composed of electrical components designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier.

KENNEL (SMALL) - A small shelter for a dog, cat or other domestic pet equal to or under 25 square feet in area and less than 4 feet in height.

KENNEL (LARGE) – A shelter for a dog, cat or other domestic pet equal to or above 26 square feet in area and greater than 4 feet in height.

LIVING FENCE – A fence made of living trees and/or shrubs. May also be referred to as a green fence, or hedge.

WALL – An upright structure of building material, such as masonry, vinyl or

wood, serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

§ 121-4. Fence permit.

It is hereby stated that all fences in excess of 4 feet shall require a permit after first receiving approval by the Planning Board. The following conditions shall be met for approval:

- A. Does not impede or block the flow of traffic to public ways and or right of ways from public or private easements.
- B. Corner clearance shall be subject to §190-22(F).
- C. Electric or barbed wire shall be subject to §190-22(G).
- D. Fences on waterfront properties shall stop 10 feet from the high water mark or sea wall as required to maintain a safe distance from the coastal erosion zone.
- E. Living fences must be maintained at their approved height.
- F. Height of fencing is to be measured from the top of the fence to the ground directly beneath the fence including any built up berm. Fencing must follow the natural contour of the land.
- G. Decorative caps located on top of the fence posts shall limited to 12 inches in height and width. Any caps greater than this shall be included into the height of the fence.
- H. Fences shall not be constructed in excess of four feet in height that block the view of Sodus Bay or Lake Ontario from an adjoining property or parcel of land.

§ 121-5. Compliance.

All pre-existing fences that do not comply with this chapter, if removed, destroyed, or die, in the case of a living fence shall, if rebuilt or replanted conform to the requirements of this chapter.

§ 121-6. Invisible Fence.

No invisible fence may be installed on any lot or parcel within one foot of the property lines. Invisible fences are required to be a minimum of 8 feet from any sidewalk, right of way, or easement to ensure safety and peacefulness amongst neighbors, and residents.

§ 121-7. Retaining wall permit.

All walls greater than 5 feet in height, and or are protruding more than 2 feet from the finished grade of the earth being retained, shall require a permit after first receiving planning board approval. The following conditions shall be considered:

- A. The top portion of the wall measured to the ground being retained greater than 2 feet shall meet the same requirements as those stated within this chapter for fences.
- B. Retaining walls protruding into corner lots shall comply with §190-22(F).
- C. Retaining walls shall be permitted within the coastal erosion zone after receiving permission from the appropriate offices with no portions protruding above the retained earth and with approval from the planning board.

§ 121-8. Kennel permit.

Small kennels shall not require a permit. All other sized kennels shall require a permit and the following shall be considered:

- A. Planning board approval shall be required if the kennel is placed within the front of the property or if the height of the fence is greater than four feet.
- B. Large the kennels shall meet the setbacks of §190-11.

§ 121-9. Break wall permit.

Break walls shall be subject to proper approval from all applicable agencies as stated on the Joint Form Application of NY State. Break walls shall be permitted only after receiving Planning Board approval.

§ 121-10. Inspections.

The Code Enforcement Officer is authorized to conduct inspection of premises or parts of premises at such times and in such manner as the Code Enforcement Officer may find convenient or necessary, with the consent of the person in possession or occupancy of the property, to ensure compliance with the standards as stated in this chapter and all others applicable provisions of the uniform code.

§ 121-11. Refusal of Inspection.

If admission is refused or cannot be obtained from the person in possession or occupancy, the Code Enforcement Officer is authorized to obtain an administrative search warrant to make an inspection, provided that reasonable or probable cause is shown.

§ 121-12. Signage.

Unless otherwise specified and in accordance with § 190 no fence, wall, barricade, kennel or likeness thereof shall act as any form of representational or direct advertisement in any district for any amount of time.

§ 121-13. Fees.

The Village Board shall establish by resolution a fee to be charged for the procurement of a fence permit which fee may be changed from time to time by resolution of the Village Board.

§ 121-14. Violation and enforcement.

- A. Any person violating any provision or regulation of this chapter, upon conviction thereof, shall be fined a minimum of \$50.00 up to a maximum of \$100.00. Each day's continued violation, after notice of violation from the Code Enforcement Officer, shall constitute a separate and additional violation.
- B. In addition to all other remedies available under the law, the Village Board may also enforce compliance with this chapter by injunction.
- C. This chapter shall be enforced by the Village Board and/or the Code Enforcement Officer for the Village of Sodus Point.