

FENCES

Chapter 20

FENCES

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**(History: Adopted by the Attica Village Board 06-6-2000 by L.L. No. 8-2000.
Amendments noted where applicable.)**

GENERAL REFERENCES

Swimming pools –see Ch 52.

Zoning – See Ch. 62.

20-1. Intent.

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating fences within the confines of the Village of Attica. It is intended to protect property values, to enhance and protect the physical appearance of the village and to provide a more enjoyable and pleasing community.

20-2. Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively ascribed to them:

CURBLINE- The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

DECORATIVE FENCES- Fencing enclosing gardens and/or shrubbery totally contained within the property limits, not exceeding 36 inches in height.

FENCE - Any structure, regardless of composition, except a living fence, or temporary enclosure for playpen use, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FRONT YARD - Applies to that portion of the yard in front of the rear building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as "front yard" for the purposes of this chapter. However, this definition shall specifically not apply for the purpose of swimming pool protection.

HEIGHT - The distance from the existing grade to the top of the fence.

LIVING FENCE - Any fence or hedge composed of live materials.

20-3. Fences requiring permits.

No fence, wall or other type of construction, except decorative fencing (unless the decorative fencing falls upon a boundary line), shall be erected without a zoning permit being issued by the Zoning Officer of the Village of Attica.

20-4. 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 for a zoning permit at the Village Clerk's office, on a form provided by the Village of Attica. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent ordinance regulating construction within the village, and shall be accompanied by an appropriate fee. Upon approval by the Zoning 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 village officials. Work must be commenced within six months of issuance or another permit must be applied for.

20-5. Height limitations.

No fence shall be more than six feet in height in the rear and side yards of any property; fences in the front yard will not exceed 42 inches in height.

20-6. Location restrictions.

Any fence erected under this chapter shall be placed at least one foot from any property line. Any fence erected in a front yard shall be set back a minimum of three feet from the sidewalk or six feet from the curb line where no sidewalk exists. Living fences

shall be planted so as to be maintained no closer than two feet to a property line. Living fences in a front yard shall be planted no closer than two feet to the sidewalk and trimmed to remain at least one foot from the sidewalk at all times.

20-7. Materials and compositions.

Any fence, wall or similar structure, as well as shrubbery, shall conform to the general character of the neighborhood and be uniform in appearance. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition or obstruction which may affect public safety is hereby expressly prohibited. Any fence, wall or similar structure, as well as shrubbery, shall be constructed and/or planted and maintained so as to permit access from the front yard to the rear yard for fire-fighting and ambulance personnel and their equipment. Further, no fence shall be erected in a front yard or along a public right-of-way unless the fence is uniformly less than 50% solid.

20-8. Prohibited fences.

The following fences and fencing materials are specifically prohibited.

- A. Barbed wire.
- B. Short, pointed fences less than 42 inches in height.
- C. Canvas fences.
- D. Cloth fences.
- E. Electrically charged fences.
- F. Poultry fences.
- G. Turkey wire.
- H. Temporary fences, such as snow fences.
- I. Expandable fences and collapsible fences, except during construction of a building.
- J. Chain link fences without the closed loop at the top of the fence.

20-9. Spacing on horizontal or vertical fences.

The horizontal or vertical spacing on slats, posts or whatever is used to construct the fence shall be three inches or less and more than nine inches on any fence that is not solid.

20-10. Entrances and gates.

All entrances or gates shall open into the property.

20-11. Finished side; posts.

Any fence, wood, stockade, chain link or other type of fence, shall have the smooth side or finished side facing to the outside of the property of the owner installing the

fence. Fence posts or pipes will be placed on the inside of the fence and shall be fixed permanently in the ground at a minimum depth of 42 inches to ensure stability. Any materials, such as braces, shall also be placed on the inside of the fence.

20-12. Security fences; appeals.

Notwithstanding the provisions of this chapter, the Zoning Officer may issue a permit for the construction of a security fence for commercial and industrial properties, upon due application and approval by the Zoning Officer of the Village of Attica. The Zoning Officer may deny such application if it is found that the application for such fence is unnecessary. Upon such denial, the applicant may appeal the Zoning Officer's decision to the Zoning Board of Appeals of the Village Of Attica by notice to the same within 30 days of such denial. In the event that said Zoning Board of Appeals substantiates the denial of the Zoning Officer, the applicant may resort to proper legal proceedings according to the statutes of the State of New York.

20-13. Erection within property line.

All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on private or public property.

20-14. Visibility at intersections; enforcement authority.

The Zoning Enforcement Officer of the Village of Attica 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 interferes with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply, within 15 days, with the written direction of the Zoning Officer shall be guilty of a violation of this chapter and shall be subject to its penalties.

20-15. Fees.

The Village Board of Trustees shall set applicable fees for the permit.

20-16. Penalties for offenses.

Any person, firm or corporation, or his or her agent, servant, workman or employee, violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250.00 and/or by 15 days' imprisonment. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.

20-17. Severability.

If any part of this chapter is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.