

## Chapter 102

### FENCES

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[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 6-7-1988 by L.L. No. 1-1988 (Ch. 55 of the 1981 Code); amended in its entirety 7-6-2004 by L.L. No. 2-2004. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Enclosure of water areas — See Ch. 97.

Zoning — See Ch. 215.

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#### § 102-1. Title.

This chapter shall be known as the “2004 Fence Law of the Village of Caledonia.”

#### § 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CONSTRUCTED FENCE** — Any wall, screening, or barrier erected on premises used or to be used for residential purposes and erected for the purpose of enclosing an area of land, dividing an area of land, and/or screening a portion of land from adjacent properties.

**FRONT YARD** — That portion of the premises between the front foundation of a dwelling on the premises extended to the side lines of the premises and the curb.

**LIVING FENCE** — A screening or barrier consisting of bushes, trees, or other vegetation planted in such a manner as to impede a person from seeing through and/or gaining access through or over the barrier.

**REAR YARD** — That portion of premises other than the portion described hereinabove as a “front yard.”

#### § 102-3. Permit required; application fee.

- A. No person, corporation, firm or association shall erect a constructed fence unless the Code Enforcement Officer of the Village of Caledonia has issued a permit for the construction thereof. An application for the construction of a fence shall be made on a form provided by the Code Enforcement Officer and shall be accompanied by a plan sketch showing the

proposed location of a fence in relation to the boundaries and other improvements on the property. The application shall also show the materials that will be used in the construction of the fence. The applicant shall, at the time of application, pay such fee as may be called for by separate resolution of the Board of Trustees. The Code Enforcement Officer shall issue a permit for construction only if the proposed constructed fence complies with all provisions of this chapter. The permit shall permit construction within a period of six months from the date of issuance thereof.

- B. No permit shall be required for repair or replacement of a constructed fence, provided the repair or replacement fence is identical in location and height, with materials similar to the original constructed fence, and that the proposed repaired or replacement fence complies with all provisions of this chapter.
- C. No permit shall be required for a living fence.

#### § 102-4. Constructed fences.

- A. Constructed fences shall be constructed and maintained, through the provisions of gates, passageways, and other such openings, so as to permit access from the front yard to the rear yard for fire fighting and ambulance personnel and their equipment.
- B. Constructed fences shall not be erected closer than two inches from a property line such that the owner can perform maintenance on the constructed fence without trespassing on adjoining properties. If the fence is agreed as jointly owned and maintained by two adjacent property owners, then the fence may be located on the property line.
- C. Constructed fences may be erected in front yards, provided the materials are not prohibited and provided the fence is located not closer than 24 inches to the edge of a public sidewalk nor three feet from the front property line, whichever is less. Constructed fences located in front yards shall not exceed a maximum height of three feet for closed fencing, nor four feet in height for open fencing. For the purposes of this section, the term "open fencing" shall refer to fencing that is at least 75% open (i.e., post- and rail-fence). Fencing that is less than 75% open shall be considered "closed fencing."
- D. Constructed fences may be erected in rear yards. The height of such fences shall not exceed six feet measured from the preexisting grade of the premises to the top of the fence.
- E. A temporary snow fence may be erected in front yards and rear yards between November 1 and April 1.
- F. All materials, such as braces, pipes, and posts used to support a fence along a property boundary, shall be constructed on the side of the fence away from the property boundary.

#### § 102-5. Prohibited materials.

The following materials are prohibited in the construction of a fence, unless otherwise noted:

- A. Barbed wire.

- B. Chain link fence. (Except chain link is permitted for rear yard fences; a closed top loop shall be provided at the top of all chain link fences.)
- C. Short pointed metal fences.
- D. Canvas fences.
- E. Cloth fences.
- F. Electrically charged fences.
- G. Poultry fences.
- H. Turkey wire.
- I. Expandable and collapsible fences, except during temporary construction of a building or other excavations.
- J. Gates, unless the gates open into the property.

**§ 102-6. Living fences.**

- A. Living fences shall not be maintained closer than two inches from a property line.
- B. Living fences in a front yard shall not exceed three feet in height.
- C. A Living fence in a rear yard may be maintained at any height.
- D. A living fence shall be constructed and maintained, through the provisions of passageways and other such openings, so as to permit access from the front yard to the rear yard for fire fighting and ambulance personnel and their equipment.

**§ 102-7. Safety and maintenance of all fences.**

- A. Neither a constructed fence nor a living fence shall be installed, repaired, or replaced that poses a potential hazard to either pedestrians or motorists by restricting vision.
- B. It shall be the responsibility of the property owner whose land contains either a constructed fence or living fence to maintain such fence so that it remains structurally sound and does not aesthetically detract from neighboring properties. The property owner is also responsible for regular upkeep of a living fence, and for regular mowing and trimming of vegetation around a constructed fence.

**§ 102-8. Penalties for offenses.**

Any person, firm, or corporation who or which shall violate any of the provisions of this chapter shall be subject to a penalty in the amount not to exceed \$250 or 15 days' imprisonment, or both. Appropriate actions and proceedings may be taken at law or in equity to prevent the unlawful construction or to restrain, correct, or abate a violation, and these remedies shall be in addition to the penalties described in New York Penal Law.