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**Town of Woodstock**

**Proposed Local Law No. #2 of the Year 2025**

**A Local Law** updating Chapter 260-32 Fences, walls, gates. These changes are being made to maintain the character of Woodstock while providing property owners the ability to protect their properties.

**Be it enacted by the Town Board of the Town of Woodstock as follows:**

**SECTION 1 STATUTORY AUTHORITY**

This Local Law is enacted in accordance with Article XIII of Chapter 260 of the Woodstock Code, the Zoning Law of the Town of Woodstock, as amended; Articles 9 and 16 of the Town Law of the State of New York, which grant the Town Board of the Town of Woodstock authority to enact local laws for the purpose of promoting the health, safety and welfare of the people of the Town; Article 2, Section 10 of the Municipal Home Rule Law, which gives the Town of Woodstock the power to protect and enhance its physical environment; Article 12-B, Sections 239-l and m, of the General Municipal Law; Section 10 of the New York Statute of Local Governments; Article IX of the New York State Constitution; the Executive Summary of the Woodstock Comprehensive Plan, and other legislative authority of the State of New York, as amended from time to time.

**SECTION 2 PURPOSES AND FINDINGS**

The purpose of this Local Law to amend Chapter 260 is to refine the fence regulations to better maintain the character of Woodstock by clarifying the approved use of 8-foot fences and adjusting electric fence regulations, while providing property owners the ability to protect fruit in addition to vegetables grown on their properties, and to temporarily protect vegetation during the difficult winter months.

**SECTION 3. AMENDMENTS TO CHAPTER 260 OF THE WOODSTOCK CODE AS FOLLOWS:**

§ 260-32. Fences, walls and gates.

§260-32 is hereby amended to read as follows:

§ 260-32 Fences, walls and gates.

A. Except as otherwise provided in Subsection B or D below, in any residential or commercial district, fences and walls shall not exceed six feet in height when erected in a rear or side yard nor four feet in height when erected within a front yard. Height shall be measured from the finished grade to the top of fence.

[Amended 7-3-2013 by L.L. No. 1-2013]

B. In the Light Industrial (LI) District, fences and walls shall not exceed eight feet in height, except that on a residential district boundary line such fences or walls shall not exceed six feet in height, as determined by the Planning Board.

C. In any district, all fences and walls shall conform to the requirements of § 260-27B of this chapter, as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety.

D. Fences and walls shall be permitted within the required front, side and rear yard, except that fences and walls shall be set back five feet from the edge of pavement (or alternative surface) or ditch line when bordering a public or private road, highway, shared drive, or right-of-way. Further, fences and walls, for the purposes listed below, shall be permitted as follows, but shall not be located within the required front yard nor within 20 feet of any lot line in the R8, R5, R3, and LI Districts nor within 10 feet of any lot line in the HC, HR, R1.5, and NC Districts unless otherwise specified herein. All such fences shall be removed within 12 months of the termination of the use for which they were erected.

[Amended 7-3-2013 by L.L. No. 1-2013]

(1) Tennis court enclosure. Chain link fence is permitted up to 10 feet in height.

(2) Swimming pool enclosure. Fence is permitted up to six feet in height.

(3) Enclosures to prevent animal intrusion or escape.

(a) Vegetable and fruit garden enclosure. Chain link or open mesh fence is permitted up to eight feet in height. If the fence is to be less than four feet in height, it may be located within the front yard or within 20 feet of any lot line and may be built from material chosen by the property owner or lessee. No such fence shall enclose a residence or other principal building.

(b) Electric fence enclosure.

[1] Electric fence for agricultural (livestock, edible fruit, vegetable, grain crop) purposes only is permitted in R3, R5 and R8 districts up to four feet in height and not permitted in the front yard, Area enclosed must not exceed 20% of the property when the property is 3 acres or less, 15% of the property when the property is greater than 3 acres but 5 acres or less, and 10% of the property when the property is 5 acres or more.

[2] Electric fence shall be conspicuously posted at intervals of not more than 25 feet so as to warn the public that it is electrified.

[3] The area around the electric fence must be cleared of undergrowth and debris for a minimum of six feet on the exterior side and two feet on the interior side of the fence.

[4] High-tensile smooth steel wire (12 1/2 gauge) utilizing current supplied by a high-voltage, low-impedance charger or a conventional charger emitting short, high-voltage pulses must be used.

[5] Fences that conduct a continuous electric current, such as those advertised as pet deterrents or weed burners, are prohibited.

[6] All electric fences shall comply with the minimum specifications of the Underwriters' Laboratories, Inc.

[7] No electric fence shall enclose a residence.

[8] Any legally pre-existing electric fence that does not conform with this section shall be required to be removed by May 1, 2030. The Town considers five years to be a fair period of amortization.

(c) Livestock enclosure. Fencing, other than electric fencing, is permitted up to six feet in height.

(d) Dog enclosure. Chain link or open mesh fence is permitted up to six feet in height. Area enclosed must not exceed 20% of the property if one acre or less. If the property is more than one acre in size, the area enclosed must not exceed 10% of the property or 9,000 square feet, whichever is greater.

(e) Enclosure for fowl. Chain link or open mesh fence or cage is permitted up to eight feet in height, which fence must be at least 25 feet from any property line.

E. Barbed wire fence is prohibited in all districts.

F. The installation of fences consisting of flexible plastic, vinyl mesh or any other nonrigid material or a fence that is constructed in a manner without posts and supports of the type associated with permanent construction is prohibited in all districts. This type of material may be used as a siltation fence or similar protective barrier employed and installed on a temporary basis if it is being used in conjunction with site development or construction work. This material shall be removed prior to the issuance of a certificate of compliance by the Building Department.

Natural burlap, black plastic, vinyl, mesh, or wire fence employed on a seasonal basis to protect natural landscaping from snow, deer and other damage, is allowed and not considered to be a "fence" within the meaning of this law as long as it is removed at the end of the season.

G. Any fence, wall or gate erected or installed in accordance with this section shall be maintained in good order.

H. The height of gates shall not exceed permitted fence heights, except that ornamental overhead architectural features, such as arches and trellises, shall be allowed provided that the feature's height shall not exceed 15 feet above ground level at the location of the gate.

I. Active agricultural operations in New York State certified agricultural districts, as identified on the New York State agricultural districts website, are exempt from this section § 260-32. Fences, walls and gates.

#### **SECTION 4 SEVERABILITY**

If any section, sub-section, sentence, clause, phrase, or other part of this Law is, for any reason, held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion(s) of this Law.

#### **SECTION 5 EFFECTIVE DATE**

This Law shall take effect upon being filed in the Office of the Secretary of State.