

Section 1. Title.

This Local Law shall be known as Local Law #4 - 2025, a Local Law to amend Chapter 340-32 of the Code of the Village of Spencerport

Section 2. Purpose.

The purpose of this Local Law is to amend Chapter 340-32(A) of the Code of the Village of Spencerport to amend the applicable regulations pertaining to fences in residential districts.

Section 3. Authority.

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law of the State of New York.

Section 4. Changes to Code.

§ 340-32(A) of the Code of the Village of Spencerport is repealed, in its entirety, and replaced with the following:

A. Fences in residential districts.

- (1) No fence, wall or other type of construction shall be erected without the approval of the Building Inspector/ Code Enforcement Officer. The Building Inspector/Code Enforcement Officer shall secure approval of the Superintendent of Public Works, where applicable.
- (2) Any person or persons, corporation, firm or association intending to construct a fence shall, before any work is commenced, make application to the Building Inspector/Code Enforcement Officer on the form provided. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence, height of the entire fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Village, and shall be accompanied by an appropriate fee. Upon approval by the Building Inspector/Code Enforcement Officer, a permit shall be issued, which will be in effect for a period of one year from the date thereon. Once construction has been started, it must be completed, inspected and approved in a timely fashion. Said permit shall be posted and visible during the progress of the work so that the proper Village official may inspect it. When the installation is complete, the Building Inspector/Code Enforcement Officer will issue a certificate of compliance.
- (3) Fences and walls shall be permitted, provided that, in any residential district, no fence or wall shall exceed three feet in height in any front yard or six feet in height in any rear or side yard. Exceptions to this are corner lots. Both the Building Inspector/Code Enforcement Officer and Superintendent of Public Works must approve the height of

fences on corner lots.

- (4) Any fence erected under this chapter shall be placed upon the owner's property line, but must be entirely upon the owner's property as close to the owner's property line as possible without infringing on adjacent property. Any fence erected in a front yard shall be placed at least four feet back from the sidewalk where it exists and, where it does not exist, from the edge of the right-of-way. Both the Building Inspector/Code Enforcement Officer and Superintendent of Public Works must approve the location of fences on corner lots.
- (5) The following fences and fencing materials are specifically prohibited:
 - (a) Barbed wire.
 - (b) Pointed fences that are a hazard to public safety or welfare.
 - (c) Cloth fences.
 - (d) Electrically charged fences except for invisible fences which are buried underground and designed to emit a radio transmission for the purpose of keeping pets that are wearing a special radio receiver collar within a confined area. Invisible fences must be 10 feet from sidewalks, and small signs indicating that there is an invisible fence are required. For this type of fence, a permit will be required and signage provided, but no permit fee will be charged.
 - (e) Poultry fences.
 - (f) Turkey wire.
 - (g) Expandable fences and collapsible fences, except during construction of a building.
- (6) All chain-link fences erected shall be erected with the closed loop at the top of the fence
- (7) All entrances or gates shall open into the property.
- (8) Any wood, stockade, chain-link or other type of fence shall have the smooth side or finished side facing to the outside of the property owner installing the fence. Fence posts will be placed on the inside of the fence.
- (9) 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.
- (10) The Building Inspector/Code Enforcement Officer or Superintendent of Public Works 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 shall interfere 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 Building Inspector/Code Enforcement Officer or the Superintendent of Public Works shall be guilty of a violation of this chapter and shall be subject to its penalties.

(11) Any denial of a fence permit application may be appealed to the Zoning Board of Appeals.

Section 5. Repealer.

If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

