

**VILLAGE OF OLD BROOKVILLE
PROPOSED LOCAL LAW NO. 1 OF 2006
"AMENDMENT TO CHAPTER 30, THE ZONING CODE OF THE
INCORPORATED VILLAGE OF OLD BROOKVILLE"**

A local law to amend §30.54 entitled Fences of the Zoning Code of the Inc. Village of Old Brookville.

BE IT ENACTED by the Trustees of the Incorporated Village of Old Brookville as follows:

SECTION 1. Chapter 30, "Zoning Code of the Incorporated Village of Old Brookville", Article V, "Supplementary Regulations", Section 30.54, "Fences" is hereby repealed.

SECTION 2. A new Section 30.54 entitled "Fences, Walls, Piers, Gates and Gate Posts" shall be added to read as follows:

§30.54 - Fences, Walls, Piers, Gates and Gate Posts

A. For purposes of this section a "fence" shall mean collectively any fence, wall, pier, gate, gate post or any other structure in the nature of a fence, wall, pier, gate or gate post regardless of composition, except a living fence, which is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

B. No fence, except fences or enclosures required by State Law for swimming pools, shall be hereafter erected or maintained on any premises which shall exceed 6½ feet in height, such height to be measured from the curb level or ground, whichever is higher. In the case of a fence to be located on top of a berm, the height of the fence shall be measured from the ground below the berm and not from the top of the berm.

C. No fence shall be hereafter erected or maintained unless the fence is uniformly less than 50% solid. Solid stockade fences are specifically prohibited. All chain link fences shall be erected with the closed loop at the top of the fence. No fence shall be multi colored. The design and materials of all fences shall be approved by the Architectural Review Board prior to the issuance of a building permit.

D. The yard requirements of this Chapter shall not be deemed to prohibit the erection or maintenance of any necessary fence provided that all fences must be erected or maintained within the property line and none shall be erected or maintained so as to encroach upon a street or public right of way. The locations of all fences shall be subject to site plan review and approval of the planning board pursuant to section 30.63 of this chapter. Fences shall not be erected in locations which will result in the disturbance, alteration or destruction of natural buffers or living fences consisting of existing natural vegetation and/or trees. The "good", "face", or "finished" side of all fences located on or

near property lines shall be faced outward from the property on which they are located toward the property line of the adjacent owner or adjacent street. The Building Inspector shall designate which side of the fence is the good, finished or face side of the fence.

E. Any existing fence which does not conform to the requirements of this Chapter shall not be reconstructed or structurally altered during its life to an extent exceeding in the aggregate cost fifty (50%) of the full replacement cost of the fence unless such fence is made to conform to the requirements of this Chapter.

F. The provisions of Section 30.62 of this Chapter, "Building Permits," shall apply to fences. No fence shall be hereafter erected or maintained unless a Building Permit therefore shall have been issued by the Board of Trustees. In addition to the requirements set forth in Section 30.62 of this chapter, the application for a Building Permit for a fence shall also be accompanied by a plan or sketch showing the exact location of the fence in relation to property lines and the materials to be used therein which must be in accordance with this section and any other pertinent local law regulating construction within the Village. The Board of Trustees may require that an applicant for a Building Permit for a fence submit a current property survey showing the exact proposed location of the fence, an affidavit of the owner that the fence will be installed on his property and evidence that the applicant has notified all adjacent landowners by certified mail, return receipt requested of the permit application.

SECTION 3. If any clause, sentence, paragraph or section or other portion of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the particular clause, sentence, paragraph or section or other portion of this local law that shall be directly involved in the controversy in which said judgment shall have been rendered.

SECTION 4. This local law shall take effect immediately upon filing with the New York Secretary of State.