

## PART II – GENERAL LEGISLATION

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### Chapter 86 – Fences, Hedges and Landscape Screens

[Adopted as Local Law #5, 11-28-1988, Amended and Adopted, December 27, 2012, as Chapter 86 of the Code]

#### Article I      Fences, Hedges and Landscape Screens      Sections 86-1 – 86-6

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#### Article I      Fences, Hedges and Landscape Screens

**Section 86-1 – Permit** – a building permit shall be required for the installation of any fencing in the Village.

**Section 86-2 – Location and height of fences and hedges** – A fence may be erected and maintained and a hedge planted and maintained within any zoning district within the Village of Marcellus provided the following conditions are met:

- a. Fences and hedges creating safety hazards are prohibited. It shall be unlawful under any circumstances for any person to erect, install or maintain any fence, or, plant or maintain any hedge which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.
- b. No fence shall be constructed or maintained or hedge planted or maintained which is:
  - 1) Within 10 feet of the edge of the pavement of any street
  - 2) Higher than three (3) feet facing any street from the foundation wall of any building to the aforesaid set back, or
  - 3) Otherwise higher than six (6) feet
- c. Other Considerations
  - (1) Front yard. Screening devices permitted within required front yards may not exceed four feet in height and shall be of an open design (such as ornamental iron, rail and picket) with a uniform ratio of space to fence material of at least 1:1. Opaque fences such as basket weave or stockade are prohibited within the required front yard. On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered as front yard area for the purpose of applying the regulations herein.
  - (2) Side and rear yards. No fence or wall shall exceed six feet in height within required side and/or rear yards.
  - (3) Prohibitions. In front yards, chain link fence, barbed wire and electrified screening devices are prohibited. If chain link fence is install in side or rear yards, each section of a chain link fence must be topped with a pole.

#### **Section 86-3 – Design**

In those zoning districts subject to site plan review, the design of fences, walls, and landscape screens is subject to review by and approval of the Planning Board.

**Section 86-4 – Exemptions**

Any fence or hedge in existence at the effective date of this Local Law #5 of 1988 shall be grandfathered (exempted from the provisions hereof) providing that it does not create a safety hazard or obscure clear view of traffic at intersections or driveways whether vehicular or pedestrian.

**Section 86-5 – Violations**

a) A complaint regarding any alleged violation may be filed by any person with the Village Clerk for referral to the Planning Board. The Planning Board, after investigation and upon a finding of a probable violation and if warranted, shall cause the property owner to be served with a written notice of a scheduled hearing to confirm its probable finding and to correct the alleged violation if appropriate. Said hearing shall be within 30 days of the postmarked date of said notice, which will be served by certified mail return receipt requested.

b) After a hearing before the Planning Board (whether or not the property owner where the alleged violation takes place attends), the Planning Board, in the event it determines that the violation involves a safety hazard as described in Section (a) hereof, may cause removal of the fence or hedge which creates the safety hazard and the costs thereof shall be added to the Village taxes for the subject property for the following taxable year if not paid by the owner of said property.

c) Prior to such removal by the Village of the fence and/or hedge in violation, the property owner shall be given 10 days after the hearing to remove said violation. Otherwise, the Village may file a complaint with the local court seeking fines as set forth in *Article XXI* of the Zoning Code hereof regardless of any determination to remove said violation which constitutes a safety hazard.

**Section 86-6 – Reserved**