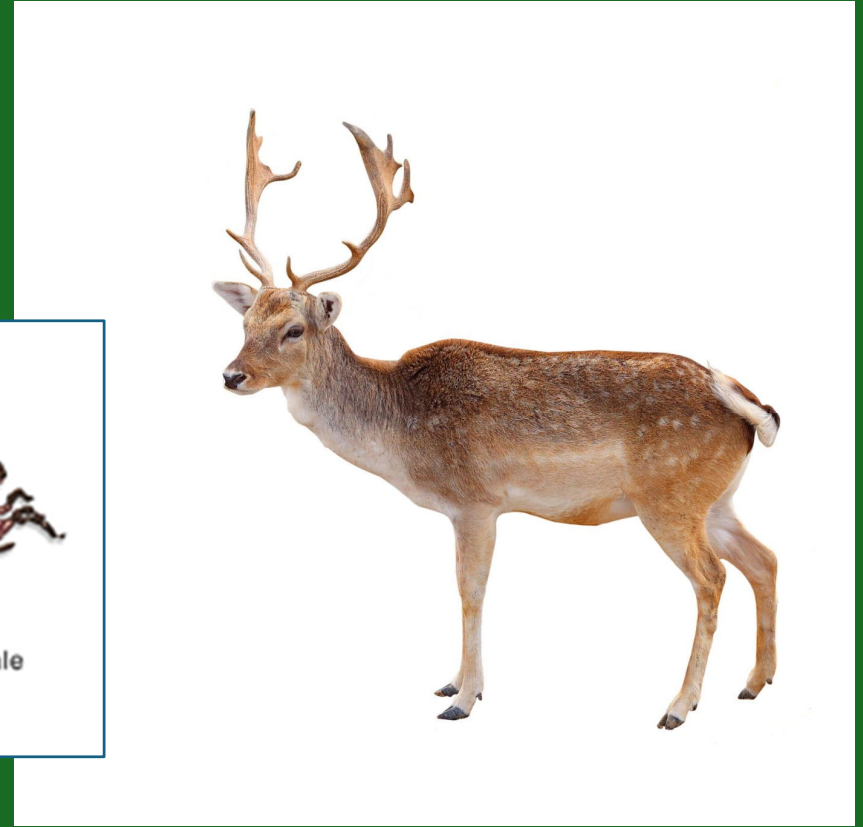
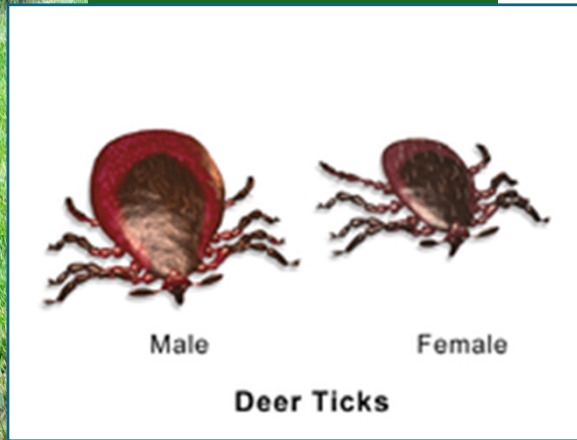


Village of Tuxedo Park Fence Law

“Chapter 49”

Reason for “Chapter 49” Fence Law



“At the same time the Trustees have sought to promote the open and uncluttered appearance of the Village...”

(Explanation of Action 7/27/2001)

Timeline of "Chapter 49" Fence Law

Chapter 49

Adopted by BOT 7-18-2001 (LL No. 2-2001)

Amended and readopted 12-12-2007 (LL No. 2007)

Duration of this chapter is limited to earlier of Jan 31, 2009 or effective date of new local law.

Reason for "Sunset" Provision? – "It is hoped that in 5 years the deer would be under control and fences could be eliminated." (Mayor Kroeber 6/18/2001)

Village Code

Chapter 49 Fences

49-1 Purpose

- Establish a comprehensive fence law for the Village.
- Duration of this chapter is limited to earlier of Jan 31, 2009 or effective date of new local law.
- During this period the BOT and BAR shall study new technologies with regard to fences and wildlife control.
- BOT and BAR will make informed decision to continue these terms, modify terms or return to previous legal arrangements or act in other appropriate way.

Village Code (continued)

49-2 Definitions

- FENCE – A dividing or enclosing or screening structure of rails, pickets, wires, boards, posts, stones or other materials, which structure shall include walls, dikes, trellises, berms, balustrades, etc. (Chapter 100-2)
- INTERIOR FENCE – Any fence other than a perimeter fence.
- PERIMETER FENCE – Any fence erected on or along the boundary line of any lot, street line or shoreline.
- PERSON – Owner of lot where fence is located, and any person, firm or other legal entity erecting fence.
- PRIMARY FENCE – An interior fence designed and intended to be permanent.
- [SECONDARY] FENCE – Any interior fence designed and intended to be seasonal or temporary.

Village Code (continued)

49-3 Prohibitions

- Perimeter fences are prohibited in the Village.
- No person shall erect a perimeter fence of any kind.
- No fence shall be electrified or constructed of hazardous material designated by BOT.

Village Code (continued)

49-4 Permits and approvals; setback

- No person shall be required to obtain a permit of any kind from Building Inspector or BAR for secondary fence if constructed in the manner set forth herein.
- All other fences shall be subject of approval by Building Inspector and/or BAR.
- All fences of any kind shall be subject to setback provisions of Chapter 100.

Village Code (continued)

49-5 Manner of Construction of Fences

- A secondary fence may be erected to a height of eight feet.
- No fence shall enclose an area in excess of 35% of the lot upon which it is erected.
- A secondary fence shall be constructed only of black plastic mesh on thin black metal stakes. (BOT approved)
- Secondary fences will preferably be located behind shrubs or vegetation to hide from public view.
- A primary fence shall be of design, material and construction as determined by BAR. (review required by law)

Village Code (continued)

49-6 Variances

- The BZA has jurisdiction to grant variances on placement of fences, except for the construction of permanent perimeter fences.
- Variances may be based on hardship considerations due to lot size and/or terrain conditions.
- Variance shall be in the nature of an area variance.

49-7 Violations

- Violation punishable in the same manner as Chapter 100. (Zoning)

Village Code (continued)

75-3 Deteriorated Fence *(Added 2-21-1990 LL No. 1-1990)*

- A fence of any kind that is not in a state of good repair due to following conditions:
 - The fabric (wire, pickets, etc.) becoming dislodged from the supporting structures or posts.
 - The supporting structures of posts not being vertical or capable of supporting fence fabric.
 - The fabric of fence being in a rotted, decayed or unmaintained condition or overgrown with nonarbor cultural growth. *(Added 1-21-1998 LL No. 2-1998)*

Village Code (continued)

75-9 Exterior Maintenance Standards

- The exterior of all premises shall be kept free of the following matter, materials or conditions:
 - Refuse, Rubbish, abandoned appliances.
 - Construction materials.
 - Abandoned, uncovered or structurally unsound wells, shafts, chimneys, cellar/basement openings foundations or excavations, etc.
 - Vehicles, including boats and trailers, in state of visible disrepair.
 - Deteriorated Fences and structures. (Added 1-21-1998 LL No 1-1998 & No 2-1998)

Village Code (continued)

100-18 Fences

- No fence over two feet - six inches in height erected without Building Permit and approval of BAR.
- Any Fence in front yard shall not exceed four feet in height.
- Any fence in rear or side yards may not exceed six feet in height.
- No fence closer than five feet to any roadway nor closer than two feet to any property line.
- No fence or structure that may cause danger by reducing vehicular line of sight <250 ft.
- Chief of Police is authorized to report to Board any fence that constitutes hazard to traffic.

Board of Architectural Review Guidelines

Openness and shared views can coexist with strategic screening. *(Page 10)*

Fences, Gates and Walls *(Page 42)*

- In general, Village properties are open in feel with natural screening.
- High fences can isolate properties from community and interrupt natural views.
- Preserve and maintain fences that contribute to overall historic character.
- Site new fences, gates and walls in locations consistent with homes of similar style.
- Utilitarian fences, if necessary, ONLY in rear or rear side yard.
- Deer fencing and gates should be minimally visible and blend into landscape.

Recommendations

- No sunset to law.
- Use setbacks instead of % of lot coverage.
- Submit Application to Building Inspector who has authority to approve without BOT/BAR process.
- Nominal fee for processing permits for secondary fences.
- Restore “SECONDARY” in definitions.
- Deer control.