

Fence Consent form available at www.saltaire.org/fenceconsent.pdf

A LOCAL LAW AMENDING CHAPTER 55 OF THE VILLAGE CODE OF THE VILLAGE OF SALTAIRE REGARDING FENCES WHICH SHALL BE KNOWN AS “LOCAL LAW #3 OF 2007: AMENDMENTS TO CHAPTER 55 REGARDING FENCES OF THE VILLAGE CODE OF THE INCORPORATED VILLAGE OF SALTAIRE.”.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date,
Purpose.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendments to Section 55-10 of Chapter 55.

2.2 Amendments to Section 55-19 of Chapter 55

3.0 Enforcement and Penalties for offenses.

4.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and
Purpose.

1.1. Title

This Local Law shall be entitled, "Local Law #3 of 2007: Amendments to Chapter 55 Regarding Fences of the Village Code of the Village of Saltaire”

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and Zoning regulations and the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law #3 of 2007, a Local Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose of this Local Law is to promote and protect the health, safety and welfare of the residents of and visitors to the Village of Saltaire; to preserve, protect and enhance the environment and esthetic assets of the Village of Saltaire, including the environmentally sensitive areas within the boundaries of the Village; and to safeguard the value of public and private property within the Village of Saltaire, through the regulation of the construction of fences within the Village.

2.0 General Provisions.

2.1 Amendment to Subsections E & F of Section 55-10 of the Village Code

Section 55-10E of the Village Code of the Village of Saltaire is hereby amended to read as follows:

- (1) For purposes of this Section 55-10E, the terms Enclose, fence, Mesh Fence, Privacy Screen, Restrictive Fence, Split Rail Fence and Wall shall have the meanings ascribed to them in Section 55-19 of the Village Code.
- (2) A Mesh Fence shall not be erected at any point closer to the front line of the property than one-half (1/2) the distance of the front line setback as specified in §55-10 of this code. In the case of a property having two front lines, the setback as specified in this Section shall be applicable to both front lines. For the purposes of this Section, the term “front line” shall be as defined in §55-10 of this code. Mesh Fences shall not be erected within 5 feet of all other

property lines, except when permission is granted by the adjoining property owner allowing installation of the Mesh Fence closer to the common property line, as evidenced on such form and filing as shall be required by the Building Inspector.

- (3) A Privacy Screen otherwise conforming to the requirements set forth in §55-19 of the Village Code may be erected along the front, sides or rear of a building plot at any point no closer to the property line than one-half (1/2) the distance between such line and the setback line described in the appropriate Subsection of this Section.
- (4) A Restrictive Fence shall be subject to the setback requirement in §55-22 of the Village Code.
- (5) A Split Rail Fence otherwise conforming to the requirements set forth in §55-19 of the Village Code may be erected along the front, sides and rear of a building plot at any point from the property line to the setback line described in the applicable Subsection of this Section with respect to the location of the building plot on which the Split Rail Fence is located or is to be located.
- (6) A Wall greater than eighteen (18) inches in height from the average undisturbed grade, and otherwise conforming to the requirements set forth in §55-19 of the Village Code, shall meet the required setbacks of the applicable Subsection of this Section with respect to the location of the building plot on which the Wall is located or is to be located.
- (7) Section 55-10(F) of the Village Code is hereby deleted.

2.2 Amendments to Section 55-19 of the Village Code.

Section 55-19 of the Village Code of the Village of Saltaire is hereby amended to read as follows: § 55-19. Fences. [Added 9-29-1979 by L.L. No. 3, 1979; amended 7-15-1983 by L.L. No. 10, 1983; 10-8-1988 by L.L. No. 9, 1988; 9/2/00 by L.L. No.1, 2000; XX-XX-XXXX by L.L. No. 1 of 2007]

A. Definitions

“Enclose”: To be arranged in such a manner so as to divide or separate one area from another area whether or not the area to be divided or separated from the other area is entirely divided or separated, and whether or not the fence is actually arranged in such a manner so as prevent entry from one area to another area.

“Fence”: A structure of wood, metal, plastic, stone, concrete, or other masonry materials or other material, or any combination thereof, erected to enclose, separate, divide, retain or define a building lot or portion thereof. For purposes of this Section 55-19, a fence shall not include hedges or other densely growing shrubbery.

“Mesh Fence”: A fence erected around or by the side of any open space to prevent passage in or out, constructed of non-metallic vertical and/or horizontal support posts and non-metallic mesh fabric with a maximum gauge of 12 and a minimum mesh clearance of one and one-half (1.5) inches in any direction.

“Privacy Screen”: A fence erected by the side of any open space for the purpose of increasing privacy for a portion of any side of any residential dwelling, deck or open porch constructed in such a way that at least 33% of any twenty-five (25) square feet of the face of the privacy screen is made up of clear and open space.

“Restrictive Fence”: A fence used strictly to enclose a swimming pool as required by and in compliance with §55-22 of this Code and all relevant provisions of the New York State Uniform Fire Prevention and Building Code.

“Spilt Rail Fence”: A fence constructed entirely of wood erected around or by the side of any open space, constructed of vertical posts of a maximum height of four (4) feet as measured from the surrounding ground level and spaced a minimum of six (6) feet apart with no more than two (2) horizontal members interconnecting the posts. All wooden members may not exceed six (6) inches in width or diameter.

“Wall”: A fence erected by the side of any open space, constructed in such a way that less than 33% of any twenty-five (25) square feet of the face of the wall is made up of clear and open space.

B. Building Permit Application

1. No fence, including a Mesh Fence, Split Rail Fence, Privacy Screen, Wall or Restrictive Fence, that is eighteen (18”) inches or higher at any point above the average, undisturbed grade shall hereafter be erected or reconstructed without a building permit, except as otherwise permitted in this Section 55-19. Height is to be measured from the base of the fence, whichever base yields the greatest height measurement.
2. The following fences shall not be subject to obtaining a building permit, provided they otherwise comply with all other provisions of Chapter 55 of this Code.
 - a. A Mesh Fence that enclose(s) a combined area of less than seventy-five (75) square feet, or which is/are less than thirty (30) feet in length.
 - b. Fences that exist at the time of the adoption of this local law that enclose areas of property owned by the Saltaire Yacht Club, Inc, which do not include any building

thereon, and any substituted or replacement fence of a height not great than feet at any point above the average, undisturbed grade, provided that the material may be plastic coated metal or other material approved by the Building Inspector and cannot be covered by mesh or fabric on the west side of the property. This exception shall cease upon a transfer by the Saltaire Yacht Club, Inc. of all or a portion of the property on which such fence is located, or upon the placement of a building or other structure on such property.

C. Placement and location

The granting of a building permit to erect a Fence, including a Mesh Fence, Split Rail Fence, Wall, Privacy Screen or Restrictive Fence, shall be contingent upon a determination by the Building Inspector that the design, height, placement and construction thereof will assure:

- (1) Adequate access to existing or contemplated village water lines;
- (2) Adequate right-of-way for maintenance of village walks, unhampered provision of service by public utilities and control of vegetation immediately bordering such walks; and
- (3) Adequate access to fire hydrants, and not otherwise impede fire-fighting procedures; and
- (4) Compliance with the applicable Subsection(s) of §55-10 of this Chapter.

D. Prohibited Materials.

- (1) No electric fencing of any kind shall be installed or maintained within the village.
- (2) All new or reconstructed Mesh Fences, Split Rail Fences, Walls, Privacy Screens or Restrictive Fences shall be constructed of materials which the Building Inspector has determined do not conduct electricity.
- (3) All new or reconstructed fences, including Mesh Fences, Split Rail Fences, Walls, Privacy Screens or Restrictive Fences, shall be constructed so as the smooth or finished side of the fence shall face the outside of the property, and all posts and braces located on the inside of the fence.
- (4) Any material, including but not limited to monofilament string or wire, which may, as determined by the Building Inspector, impede upon public safety or be injurious to animals or human beings, is prohibited, including

emergency access gates devoid of padlock or locking devices requiring keys or codes.

- (5) Concrete or other masonry walls other than in a Wall used to retain and enclose a septic tank, are not prohibited.
- (6) The thickness of Walls and Privacy Screens cannot be in excess of 1 foot at any point.

E. Mesh Fences.

- (1) The fabric of a Mesh Fence may be only black or green in color.
- (2) No portion of any Mesh Fence shall exceed a height of seven (7) feet at any point, as measured from the surrounding ground level.

F. Split Rail Fences.

No portion of a Split-Rail Fence shall exceed a height of four (4) feet at any point, as measured from the surrounding ground level.

G. Privacy screens.

- (1) A Privacy Screen shall not be erected along more than two (2) sides, or portions thereof, of any building plot, and the combined length of all Privacy Screens on any one property shall not exceed 35% of the total length of the perimeter of the property.
- (2) No portion of a Privacy Screen erected at ground level shall at any point exceed a height of eight (8) feet, as measured from the surrounding ground level. No portion of a Privacy Screen erected on a deck shall at any point exceed a height of six (6) feet, as measured from the floor or base on which it is erected.
- (3) The square footage of any deck on which a Privacy Screen is erected shall be deemed enclosed space for the purposes of maximum lot occupancy calculations pursuant to §55-11 of this Chapter. The square footage of the deck that shall be considered enclosed space pursuant to this Section shall be calculated by using the square of the length of the Privacy Screen

erected on the deck, but in no circumstances shall such enclosed space allotment exceed the total square footage of the deck.

H. Walls.

- (1) Any Wall greater than eighteen (18") inches in height from average, undisturbed grade shall meet the setback requirements of §55-10 of this Chapter.
- (2) All Wall eighteen (18") inches in height or less from average, undisturbed grade shall not require a setback or building permit.
- (3) Any Wall greater than eighteen (18") inches in height from average, undisturbed grade shall not be erected along more than one (1) side or portions thereof of any building plot, except that Walls used to retain and enclose a septic tank as required by the Suffolk County Department of Health are permitted, provided that all of the Walls of the septic tank enclosure meet the setback requirement of §55-10 of this Chapter.
- (4) No portion of a Wall erected at ground level shall at any point exceed a height of eight (8) feet, as measured from the surrounding ground level. No portion of a Wall erected on a deck shall at any point exceed a height of six (6) feet, as measured from the floor or base on which it is erected.
- (5) The square footage of any deck on which a Wall is erected shall be deemed enclosed space for the purposes of maximum lot occupancy calculations pursuant to §55-11 of this Chapter. The square footage of the deck that shall be considered enclosed space pursuant to this Section shall be calculated by using the square of the length of the wall erected on the deck, but in no circumstances shall such enclosed space allotment exceed the total square footage of the deck.

I. Restrictive Fences.

All Restrictive Fences shall comply with the provisions of §55-22 of this Code and with all relevant provisions of the New York State Uniform Fire Prevention and Building Code.

“J. Compliance.

All Fences constructed after the effective date of this ordinance shall comply with all requirements of §55-10 and §55-19 of the Saltaire Village Code. All properties within the Village of Saltaire with Mesh Fences, Split Rail Fences or Restrictive Fences that were existing as of November 15, 2007 shall comply with all provisions of §55-19 of the Saltaire Village Code by no later than May 24, 2009.”

3.0 Enforcement and Penalties.

- A. This Local Law shall be enforced by the Building Inspector and Public Safety Department of the Village of Saltaire, and by such other entities to which such responsibility and authority may be delegated or assigned by the Board of Trustees.
- B. Penalties for offenses. Each violation of this Local Law shall be subject to a fine of not more than \$250, per offense or violation, and each and every day that a violation of thereof shall exist shall constitute a separate violation of this Local Law, in addition to which the Village may seek to enforce these provisions through such civil remedies as may be available to it.
- C. In addition or as an alternative to the above-provided penalties, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Section 55-19.

4.0 Severability and Validity

In the event that any portion or portions of this Local Law of 2007 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions, shall remain in full force and effect.