

**Village of Cayuga Heights
Local Law No. 1 of the year 2010**

A local law establishing a moratorium on the enforcement of a portion of section 9 of the Village of Cayuga Heights Zoning Ordinance.

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to establish a moratorium for a period of ninety (90) days on the Villages enforcement of violations of the second sentence of Section 9 of the Village of Cayuga Heights Zoning Ordinance. The Village Mayor and Board of Trustees recognize that fences have been erected within the Village that are non-compliant with the terms of Zoning Ordinance Section 9, that the number of such fences has been increasing at an accelerating rate in recent years, and that such acceleration is apparently the result of the increase in the population of deer within the Village. The intent of this Local Law is to provide the Village Mayor and Trustees the opportunity to analyze and evaluate the Village's options for amendment of said Zoning Ordinance Section 9 in light of the population of deer within the Village, which evaluation and analysis the Village desires to perform prior to the erection of any additional non-compliance fences and before the Village undertakes enforcement action in connection with existing non-compliant fences.

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) Section 10 of the Statute of Local Governments and (iii) Article 5-J of the General Municipal Law.

SECTION III. ESTABLISHMENT OF A MORATORIUM.

A. As of the effective date of this Local Law, and continuing for a period of ninety (90) days from such effective date, the Village of Cayuga Heights will not take or initiate any administrative, judicial or legal action to enforce the requirements set forth in the second sentence in the Village of Cayuga Heights Zoning Ordinance Section 9 which reads "Fences over four feet in height are permitted only when set back to the same yard requirements as for buildings." This moratorium on the Village's enforcement of the terms of the second sentence of Section 9 will apply only to fences in existence as of the effective date of this Local Law.

B. From the effective date of this Local Law forward until the moratorium established hereby has been terminated or otherwise expires, if the erection or construction of any fence or wall is commenced in violation of the terms of the Village's Zoning Ordinance, as such Ordinance may be amended, the Village reserves the right to take any enforcement action as the Village deems necessary or appropriate, including but not limited to such enforcement action as may be necessary or appropriate to cause such construction or erection to cease and/or to be removed.

SECTION IV. SUPERCEDING EFFECT.

All Local Laws, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superceded to the extent necessary to give this Local Law full force and effect.

SECTION V. VALIDITY.

The invalidity of any provision of this Local Law shall not affect the validity of any other provisions of this Local Law that can be given effect without such invalid provision.

SECTION VI. EFFECTIVE DATE.

This Local Law shall be effective as of the date of filing with the New York Secretary of State.

SECTION III. ESTABLISHMENT OF A REQUIREMENT THAT A ZONING PERMIT BE OBTAINED FOR ANY FENCE OR WALL.

As of the effective date of this Local Law, Section 9 of the Village of Cayuga Heights Zoning Ordinance is amended to add the following two sentences after the second sentence of said Section 9:

Prior to the erection or construction of any fence or wall, regardless of the height of such fence or wall above natural grade, the property owner must obtain a zoning permit signed by the Code Enforcement Officer of the Village of Cayuga Heights permitting the height and location of such fence or wall. In any event that any applicant for such a zoning permit for a fence or a wall is denied such permit on the basis that the proposed fence