

**Village of Cayuga Heights
Local Law No. 2 of the year 2010**

A Local Law establishing a requirement that a zoning permit be obtained for any fence or wall.

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 amend Section 9 of the Village of Cayuga Heights Zoning Ordinance to establish a requirement that property owners obtain a zoning permit for any fence or wall to be erected in the Village. 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 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 an opportunity to review proposals for new fences and walls before they are erected in order to insure that said fences and walls comply with the requirements of Section 9 of the Village's Zoning Ordinance.

SECTION 11. 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 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

or wall is non-compliant with any term of the Village's Zoning Ordinance, then the applicant for the zoning permit would have the right to appeal the Code Enforcement Officer's denial and request from the Village's Zoning Board of Appeals an area variance for the proposed fence or wall.

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 provision 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.