

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Deferiet

Local Law No. 3 of the year 2009

FILED
STATE RECORDS
FEB 23 2010

A local law to Amend Chapter 190 of the Code of the Village of Deferiet, Zoning

(Insert title)

DEPARTMENT OF STATE

Be it enacted by the Board of Trustees of the Village of Deferiet as follows:

(Name of Legislative Body)

Section 1.

The definitions contained in Section 190-4 of the Code of the Village of Deferiet shall be amended as follows:

ALLEY – A single lane service roadway or right-of-way that provides a secondary means of access to an abutting lot not intended to support general traffic circulation. The following are examples of alleys in the Village of Deferiet: Regis, Reynolds, Jenica Way, Post Office Drive, School Block Alley, and Store Block Alley.

CORNER SURVEYOR POST - a type of ground marker placed by a professional licensed surveyor to identify the geographical point where a property boundary line changes linear direction. Also referred to as a corner post or corner stake.

FENCE, SPLIT RAIL – An artificial barrier constructed from vertical rail posts and split rails which horizontally join the vertical rail posts. The purpose of the rail fence is primarily a visual separation of two areas.

GATE – A movable barrier hinged to a fence or wall, which closes an opening in the fence or wall.

FENCE – A structure of wood, stone or other materials commonly used as fencing materials or combination thereof intended for defense, security, screening, partitioning, or enclosure.

LOT CORNER – A parcel of land bounded by two or more intersecting streets. A corner lot is formed by either the intersection of two streets or the intersection of a street and an alley. A corner lot formed by two streets is considered to have two front yards while a corner lot bounded by a street and an alley shall have a front yard on the street and a rear yard on the alley.

LOT, INTERIOR – A lot other than a corner lot.

LOT LINE – A property line dividing one lot from another or from the street, alley, or waterway.

LOT LINE, FRONT – The lot line adjoining any street line not including alleys or the Black River. If a lot adjoins two or more streets, it shall be deemed to have a front lot line respectively on each.

LOT LINE – REAR – The lot line opposite from the front lot line. If the lot abuts an alley, the rear lot line directly divides a property from the right-of-way of the alley.

LOT LINE, SIDE – Any lot line other than front or rear lot lines. If a parcel is a corner lot, the lot line that is perpendicular to the rear lot line as well as perpendicular to one of the two front lot lines is a side lot line.

RETAINING WALL – A structure of wood, stone, or other material for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

STREET – A public thoroughfare for motor vehicles which affords a primary means of transportation and access. An alley shall not be considered a street

Except as amended herein, the Definitions contained in Section 190-4 of the Code of the Village of Deferiet shall remain in force and effect.

Section 2.

Section 190-14 of the Code of the Village of Deferiet shall be amended to read as follows:

§190-14. Yard and Fence Requirements

1. Yard Requirements

In all districts the following supplemental regulations apply:

- a. In the case of a corner lot, both yards fronting on streets shall be considered front yards and must meet the appropriate setbacks. Any yard abutting an alley shall be a rear year.
- b. In determining the yard requirements of a lot, porches, carports, private garages, or similar attached structure are considered a part of the principal building. Such structures shall not be required to have a setback distance from the principal building, but they shall maintain required setbacks from adjacent lot, alley and street lines.
- c. Fences and walls are acceptable in all districts. Before a fence or wall is installed or constructed, the applicant will apply for and obtain approval for a fence permit.
- d. Tree branches, dense vegetation, and shrubbery in the front yards of corner lots shall be routinely trimmed to maintain safe motorist visibility.

- e. Property owners are responsible for identifying the exact location of their lot lines.

2. General Fence Requirements.

- a. Under no circumstances shall fences be placed so as to impair motorist visibility or to cause traffic hazards.
- b. No barbed wire or electrically charged fences shall be allowed in residential zoning districts.
- c. Fencing requirements that enclose swimming pools, spas, and hot tubs shall be in compliance with the Residential Building Code of the State of New York.
- d. To maintain the aesthetic character of the neighborhood and street, the finished side of a fence shall face the neighboring lot or street.
- e. Fences which enclose a rear yard abutting an alley shall have a gate that provides a point-of-entry for emergency responders.
- f. All types of fences must be placed a minimum of 2.5 feet from a fire hydrant.
- g. Property owners who place any kind of fencing on a corner lot shall be solely responsible for the upkeep, maintenance, repair, and damage caused during routine snow removal operations and Village right-of-way maintenance.

3. Specific Fence Requirements

a. Front Yard

- 1. No fence greater than three feet (3') in height is allowed
- 2. Fences shall be setback from the lot line a minimum of six inches (6").

b. Side Yard

- 1. No fence greater than six feet (6') in height is allowed.
- 2. Fences may be placed on the lot line.

c. Rear Yard

- 1. No fence greater than six feet (6') in height is allowed.
- 2. In rear yards adjacent to an alley, fences shall be setback from the lot line a minimum of six inches (6").
- 3. In rear yards adjacent to another lot, fences may be placed on the lot line.

d. Corner Lot

On a lot bounded by an alley, a fence shall be no more than three feet (3') in height when within a distance of ten feet (10') from the rear lot line intersection with the street line or the corner surveyor post and no more than six feet (6') for the remainder of the rear yard.

e. Split Rail Fence

The posts of a split rail fence are allowed to be a maximum of four feet (4') in height. Split rail fences are permitted in front, side, and rear yards.

Section 2. This local law shall take effect upon filing in the Office of the Town Clerk and with the Secretary of State as required by the Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)** I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2009 of the Village of Deferiet was duly passed by the Board of Trustees on December 29, 2009, in accordance with the applicable provisions of law.

2. **(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective**

Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer*)

on _____ 20____, in accordance with the applicable provisions of law.

3. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20____, in accordance with the applicable provisions of law.

4. **(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)** I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of

the

of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local

(Elective Chief Executive Officer)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

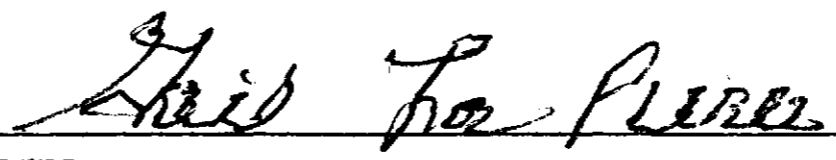
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general)election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



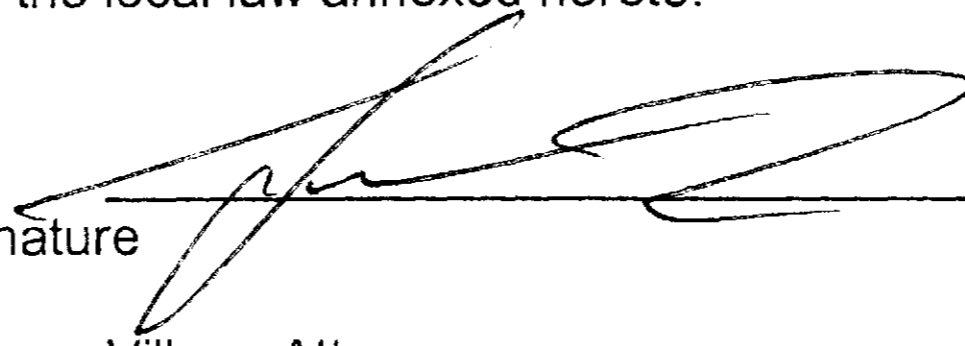
Gail LaPierre,
Clerk, of the Village of Deferiet

(seal)

Date: 2-17-10

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature 

Village Attorney
Title

Village of Deferiet

Date: February 9, 2010