

## LOCAL LAW 4-2010

Article 1. - Statement of Authority. The Town Board of the Town of Martinsburg, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board of the Town of Martinsburg hereby finds that the current regulations under the Development Law for fences are inadequate and do not provide adequate guidance or protection for property owners or their neighbors. It is the purpose of this local law to amend the Development Law of the Town of Martinsburg to provide specific regulations relative to fences.

Article 3. - Enactment. The Town Board of the Town of Martinsburg hereby amends the Development Law of the Town of Martinsburg to add a new § 590 as follows:

### Section 590 - Fences.

1. Fences may be erected on any lot in any district. With the exception of fences for an agricultural use, all fences shall be subject to a special use permit issued for compliance with the following restrictions:

a. All fences must be on the property of the owner. It is recommended that a property surveyed be used to determine fence placement.

b. Fences cannot extend out to the curbs of streets or beyond the edge of the Town right-of-way. Fences must not impede automobile sight distance.

c. Fences shall be four (4) feet or less within twenty five (25) feet of any intersection of any road.

d. Fences shall be placed two (2) feet back from the property line in order that fence maintenance on both sides of the property line can be performed. Fences shall be placed with good side to the neighbor using acceptable materials.

e. No fence shall exceed six (6) feet in height, except pursuant to site plan approval. No fence located within the minimum setback shall exceed four feet in height, or two and one-half (2 ½) feet in height within the visibility triangle of a corner lot.

f. The Town requires an approved barrier as per New York State Residential Code for all swimming pools as stated in that Code.

Article 4. - Severability. If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

Article 5. - Effective Date. This local law shall become effective immediately upon filing with the Secretary of State.