Application No. _____ Permit No. _____

# Village of Central Square
# Application for Fence Permit

Application is hereby made to the Code Enforcement Officer for the issuance of a Fence Permit pursuant to all applicable codes, ordinances, and laws governing the erection, construction , addition to, or replacement, of fences within the boundaries of the Village of Central Square at the following location:

**Address of Subject Property:** _____

**Applicant:** Name: _____ Phone#: _____

Address: _____

**Property Owner:** (if different from applicant)

Name: _____ Phone#: _____

Address: _____

**Property Use:** _____ Residential _____ Commercial; Occupancy Classification: _____

**Project Description** (include dimensions) _____

_____

_____

**Estimated Value of all work** (including all labor and materials) _____

**Is Owner doing all work?** _____ Yes _____ No. If yes, owner must complete a form BP-1, Affidavit of exemption from Worker's Comp. If no, complete next section.

**General Contractor:**

Name _____ Phone _____

Business Name _____ Phone _____

Address _____

Contractor must provide proof of liability insurance and Comp/disability insurance or waiver signed by NYS Worker's Compensation Board on forms provided by the Worker's Compensation Board.

The bellow signed applicant has read the instructions for application for a fence permit and to the best of his/her knowledge, the information given and accompanying this application is accurate and true. The applicant agrees that the work will conform with all applicable laws, ordinances and codes, that all statements contained herein are true to the best of his/her knowledge and belief and that the work will be performed in the manner set forth in the application and the plans and specifications filed herewith.

**Property owner's signature(s)** _____ Date _____

**Applicant's signature(s)** _____ Date _____

(Official use only)

Date submitted: _____ Date denied: _____ Date approved: _____

Tax Map No. _____ Fee: _____

# Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

***This form cannot be used to waive the workers' compensation rights or obligations of any party.***

**Under penalty of perjury**, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

☐ I am performing all the work for which the building permit was issued.

☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.

☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

_____ _____

(Signature of Homeowner) (Date Signed)

_____ Home Telephone Number _____

(Homeowner's Name Printed)

Property Address that requires the building permit:

_____

_____

_____

_____

***Sworn to before me this _____ day of***

_____, _____.

_____

***(County Clerk or Notary Public)***

**Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.**

4. **HEIGHT LIMITATIONS IN REAR, FRONT AND SIDE YARDS**

No fence shall be more than six (6) feet in height at the rear of the homes or buildings situated in said Village of Central Square, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portion of a fence shall be higher than three (3) feet for a solid fence or four (4) feet for a look through fence in any front yard or side yard.

5. **LOCATION RESTRICTIONS**

A. Any fence erected under this chapter shall be placed at least (12) inches from any property line so if repair or maintenance of said fence is to be performed, it may be performed from the property owner's land.

B. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a pubic right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, in private or public property.

6. **MATERIALS AND COMPOSITION**

Any fence, wall or similar structure, which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, an obstruction to persons and equipment in combating fires or which may affect public safety is hereby expressly prohibited.

7. **PROHIBITED FENCES**

A. Barbed wire

B. Short pointed fences less than thirty-six (36") inches in height.

C. Canvas fences.

D. Cloth fences.

E. Electrically charged fences.

F. Poultry fences.

G. Turkey wire.

H. Temporary fences (except snow fences).

I. Expandable fences and collapsible fences, except, during construction of a building or for reasonable and temporary agricultural uses (garden).

8. **CHAIN LINK FENCES**

Chain link fences shall be erected with closed loop at the top of the fence.

9. **FACING OF FENCES; FENCE POSTS**

Any fence, wood, stockade, chain link or other type of fence, shall have the good side facing to the outside of the property owner installing the fence. Fence posts shall be placed on the inside of the fence.

10. **MAINTENANCE**

All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to replacement and/or repair of fences which may become in disrepair. Repairs should be made in accordance with existing fences. Such repair may include missing or broken sections, heaving, collapsed, and/or tilted fences.

11. **SECURITY FENCES**

A. Notwithstanding the provisions of this chapter, the Codes Enforcement Officer may issue a permit for the construction of security and/or equipment yard fences for commercial and industrial properties upon due application. The Codes Enforcement Officer may deny such application if it is found that the application for such fence is not appropriate and is unnecessary.

B. Fences for the enclosure of in-ground pools shall conform to the New York State Uniform Fire Prevention and Building Code.

12. **VISIBILITY AT INTERSECTIONS**

The Codes Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrub, bushes, plants, trees or flowers or other vegetation, fence, wall or hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections, driveways or curbs. Any person who shall refuse or neglect to comply within fifteen (15) days with the written direction of the Codes Enforcement Officer shall be guilty of violations of this chapter and shall be subject to its penalties.

13. **EXISTING FENCES**

Those fences that were constructed prior to the adoption of this law can remain but must be maintained safely. Any replacement fences must comply with this law and will be required to obtain a permit from the Codes Enforcement Officer. In addition, any deed restrictions relating to fencing must be brought to the attention of the Codes Enforcement Officer.

14. **FEES**

The Village Board of Central Square shall set applicable fees for the fence permit.

# Chapter 105

# FENCES


§ 105-1. Definitions.
§ 105-2. Approval required.
§ 105-3. Application for permit; issuance; display.
§ 105-4. Height limitations in rear, front and side yards.
§ 105-5. Location restrictions.
§ 105-6. Materials and composition.
§ 105-7. Prohibited fences.
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§ 105-9. Facing of fence; fence posts.
§ 105-10. Maintenance.
§ 105-11. Security fences.
§ 105-12. Visibility at intersections.
§ 105-13. Existing fences.
§ 105-14. Fees.
§ 105-15. Enforcement.
§ 105-16. Penalties for offenses.



**[HISTORY: Adopted by the Board of Trustees of the Village of Central Square 2-14-2000 by L.L. No. 1-2000. Amendments noted where applicable.]**


GENERAL REFERENCES

Uniform Code enforcement — See Ch. 229. Zoning — See Ch. 250.

## § 105-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE — Any structure, regardless of composition, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FRONT YARD — Applies to that portion of the yard in front of the front building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as front yards for the purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

GOOD SIDE — That part of the fence that is considered the finished side which does not include the structural members. (For this definition, a chain link fence has two good sides.)

HEIGHT — The distance measured from the average grade to the top of the fence.

REAR YARD — Applies to that portion of the yard from the rear building line of any building to the rear of the lot.

SIDE YARD — Applies to that portion of the yard in front of the rear building line of any building and to the rear of the front building line of any building.

### § 105-2. Approval required.

No fence, wall or other type of construction shall be erected without the approval of the Codes Enforcement Officer.

### § 105-3. Application for permit; issuance; display.

A. Any person or persons, corporations, firm or association intending to erect a fence shall, before any work is commenced, make application to the Codes Enforcement Officer on a form provided by the Codes Enforcement Officer. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence on a recent survey map of the property and the materials proposals to be used therefor, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Village and shall be accompanied by an appropriate fee.

B. Upon approval by the Codes Enforcement Officer, a permit shall be issued which will be in effect for a period of six months from the date thereon.

C. Said permit shall be displayed on the property during the progress of the work so that the work may be inspected by the proper Village officials.

### § 105-4. Height limitations in rear, front and side yards.

No fence shall be more than six feet feet in height at the rear of the homes or buildings situated in said Village of Central Square, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than three feet for a solid fence or four feet for a look-through fence in any front yard or side yard.

### § 105-5. Location restrictions.

A. Any fence erected under this chapter shall be placed at least 12 inches from any property line so if repair or maintenance of said fence is to be performed it may be performed from the property owner's land.

B. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, in private or public property.

### § 105-6. Materials and composition.

Any fence, wall or similar structure which unduly cuts off light or air, which may cause a nuisance, a fire hazard, a dangerous condition, or an obstruction to persons and equipment in combating fires or which may affect public safety is hereby expressly prohibited.

### § 105-7. Prohibited fences.

The following types of fences are prohibited:

A. Barbed wire.

B. Short pointed fences less than 36 inches in height.

C. Canvas fences.

D. Cloth fences.

E. Electrically charged fences.

F. Poultry fences.

G. Turkey wire.

H. Temporary fences (except snow fences).

I. Expandable fences and collapsible fences, except during construction of a building or for reasonable and temporary agricultural uses (gardens).

### § 105-8. Chain link fences.

Chain link fences shall be erected with closed loop at the top of the fence.

### § 105-9. Facing of fence; fence posts.

Any fence, wood, stockade, chain link or other type of fence, shall have the good side facing to the outside of the property owner installing the fence. Fence posts shall be placed on the inside of the fence.

### § 105-10. Maintenance.

All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to replacement and/or repair of fences which may become in disrepair. Repairs should be made in accordance with existing fences. Such repair may include missing or broken sections, and heaving, collapsed and/or tilted fences.

### § 105-11. Security fences.

A. Notwithstanding the provisions of this chapter, the Codes Enforcement Officer may issue a permit for the construction of security and/or equipment yard fences for commercial and industrial properties upon due application. The Codes Enforcement Officer may deny such application if it is found that the application for such fence is not appropriate and is unnecessary.

B. Fences for the enclosure of in-ground pools shall conform to the New York State Uniform Fire Prevention and Building Code.

### § 105-12. Visibility at intersections.

The Codes Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees or flowers or other vegetation, fence, wall or hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections, driveways or curbs. Any person who shall refuse or neglect to comply within 15 days with the written direction of the Codes Enforcement Officer shall be guilty of violation of this chapter and shall be subject to its penalties.

### § 105-13. Existing fences.

Those fences that were constructed prior to the adoption of this chapter can remain but must be maintained safely. Any replacement fences must comply with this chapter and will be required to obtain a permit from the Codes Enforcement Officer. In addition, any deed restrictions relating to fencing must be brought to the attention of the Codes Enforcement Officer.

### § 105-14. Fees.

The Village Board of Central Square shall set applicable fees for the fence permit.

### § 105-15. Enforcement. [Added 10-27-2014 by L.L. No. 3-2014]

This chapter shall be enforced by the Code Enforcement Officer, who is authorized to direct, in writing, the removal of any fence in violation of this chapter or for failure to obtain a permit required by this chapter, and is further authorized to issue an appearance ticket, pursuant to the provisions of Article 150 of the Criminal Procedures Law, for violations of this chapter.

### § 105-16. Penalties for offenses. [Added 10-27-2014 by L.L. No. 3-2014; amended 1-12-2015 by L.L. No. 1-2015]

A. The violation of any of the provisions of this chapter shall be deemed an offense, and upon such conviction, such offender may be punished by a fine not to exceed $250 or imprisonment for not more than 15 days, or both. For a repeat offender, the maximum penalty shall be two times that set forth in this section. In either case, each day that such violation shall continue shall constitute a separate violation.

B. The foregoing shall not be deemed the sole right and remedy of Village relative to enforcement, and the Village may also, or alternatively, assert and pursue any other rights, any and all civil or criminal actions, proceedings or remedies available at law.