

VILLAGE OF CAYUGA HEIGHTS
PROPOSED LOCAL LAW “C” OF THE YEAR 2010

A LOCAL LAW AMENDING SECTION 9 OF THE VILLAGE OF CAYUGA HEIGHTS ZONING ORDINANCE TO PERMIT “TEMPORARY DEER FENCES”.

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

SECTION I. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Section 9, “Fences and Walls,” of the Village of Cayuga Heights Zoning Ordinance to permit the erection of Temporary Deer Fences (as defined herein) within the Village of Cayuga Heights (the “Village”) for a period of approximately five (5) years commencing upon the filing of this Local Law and terminating on September 30th, 2015. At the expiration of the foregoing period, all Temporary Deer Fences shall be removed. The intent of this Local Law is to protect the health, safety, and welfare of Village residents and their property from injury and damage due to the growth of the population of deer within the Village. The deer fences permitted under this Local Law are intended to be temporary in nature and will NOT create or vest any rights with regard to a permanent fence. The Village’s Mayor and Board of Trustees desire and expect a reduction of the population of deer in the Village by September 30, 2015, thus negating the further need for the Temporary Deer 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) Section 7-700 of the Village Law.

SECTION III. AMENDMENT OF ZONING ORDINANCE.

As of the effective date of this Local Law, Section 9 of the Village’s Zoning Ordinance shall have the following language added after the first paragraph:

“TEMPORARY DEER FENCES IN SIDE AND REAR YARDS: Temporary Deer Fences not exceeding 8 feet in height above the natural grade (including posts, gates and all other portions of the fence structure) shall be permitted in the side and rear yards of any property, up to and including on the property line. Zoning permits shall be required for all Temporary Deer Fences. Prior to the erection or construction of any Temporary Deer Fence, the property owner must obtain a zoning permit signed by the Code

Enforcement Officer of the Village of Cayuga Heights permitting the Temporary Deer Fence. In the event that any applicant for such a zoning permit for a Temporary Deer Fence is denied such permit on the basis that the proposed fence is non-compliant with the Temporary Deer Fence terms and provisions provided for herein, the applicant for the zoning permit shall have the right to appeal the Code Enforcement Officer's denial and thereupon request from the Village's Zoning Board of Appeals an area variance for the proposed fence. The foregoing authority permitting Temporary Deer Fences shall expire on September 30th, 2015, upon which date all Temporary Deer Fences shall be removed. The deer fences permitted hereunder are intended to be temporary in nature and will NOT create or vest any rights with regard to a permanent fence.

For the purpose of this amended Section 9, "Temporary Deer Fences" shall be defined as a fence commonly used to protect gardens, vegetation and yards from deer and constructed so that (i) at least 90% of its face for at least any portion of such fence that is more than 4 feet above the natural grade is open when viewed from a position that is at a right angle to the fence, and (ii) all of such fence structure and materials are the same color with colors limited to black, brown or green. Notwithstanding the foregoing, chain link fences shall not be considered as deer fences under this Article even if they meet the criteria in this definition."

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 and shall EXPIRE on September 30th, 2015.