

BUILDING CODE ADMINISTRATION

79 Attachment 1

Village of Colonie

**Fence and Demolition Permit Sections Adopted
by L.L. No. 2-1995 and Referenced in 2006
Building Code Administration Provisions**

The following sections were included as part of the Village's building code administration provisions adopted 8-28-1995 by L.L. No. 2-1995. See references in §§ 79-18, 79-21 and 79-22 of provisions adopted in 2006:

§ 79-19. Fences.

- A. Definitions. As used in this section, the following terms have the meanings indicated:

FENCE — Any structure, regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to direct or prohibit passage across land or to enclose a swimming pool or to protect against hazards of an excavation pit, well, spring or hole or otherwise.

FRONT YARD — That portion of a yard that is in front of the front building line of the principal building or residence on the piece of land. For purposes of this section only, corner properties shall have one "front yard." The "front yard" will be that portion of the yard onto which exists the front door. The other portion of the property that abuts the intersecting street shall be considered a side yard. (Note: this definition may differ from the definition of "front yard" in Chapter 242, Zoning.)

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

LIVING FENCE — Any fence or hedge composed of live material.

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- B. Approval required. No fence shall be erected until a permit therefor is issued by the Code Enforcement Officer, except living fences; temporary fences for the purposes of protecting against hazards or excavating and holes or like dangers newly created on the premises; or readily removable fences intended to protect shrubs, plantings or gardening.
- C. Issuance of permit.
 - (1) Applications for fence erection permits shall be made to the Code Enforcement Officer on forms provided by him. The application shall include a plan or sketch of the proposed fence with the buildings and objects around it indicated. It shall state the purpose of the fence as proposed and shall set forth the materials of its construction and its height, and the application shall conform otherwise to building permit applications.
 - (2) A nonrefundable filing fee, as set by resolution of the Board of Trustees from time to time, shall accompany each application. Permits issued shall be for six months after the date of issuance. The issued permit shall be available on the job for inspection during the fence erection work.
- D. Swimming pool enclosures.
 - (1) Outdoor swimming pools, as defined under the Uniform Code, shall be completely enclosed by a wall or fence not less than four feet in height. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.
 - (2) The purpose of this subsection is to exclude unauthorized and uninvited individuals from the area of the swimming pool, and the Code Enforcement Officer shall, in each individual application, decide upon the adequacy of the proposed enclosure.
- E. Height limitations.

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- (1) Rear and side yards. No fence at the rear or side of the principal building or residence on a piece of land shall be more than six feet in height, and such fence shall not extend forward of the front building line of the principal building or residence on the lot.
 - (2) Fences in the side yard abutting a street may be no more than six feet in height if placed at least 12 1/2 feet inside the lot from the property line; fences no more than four feet in height may be erected if placed three feet inside the lot from the street line.
 - (3) Front yards. No fence in any front yard shall be higher than four feet.
 - (4) If zoning regulations for a commercial district permit or require different heights, the zoning regulations shall govern (see Chapter 242).
- F. Location restrictions.
- (1) Any fence may be placed on any property line, except that a fence in a front yard shall be placed at least one foot back from the sidewalk in existence or three feet from the street line.
 - (2) Living fences shall be placed at least two feet back from a property line and three feet from the inside line of a sidewalk in existence or of the street line.
 - (3) No fence shall interfere with the visibility of vehicle operators when approaching corners or when entering a street from a piece of land.
 - (4) No fence shall interfere with the Village right-of-way.
- G. Materials and composition.
- (1) Materials proposed for the construction of fences shall be subject to the approval of the Code Enforcement Officer.

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(2) No fence in any front yard area shall be made of solid composition so as to interfere with or obstruct vision.

- H. Powers of the Code Enforcement Officer. The Code Enforcement Officer of the Village shall have the authority to direct the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation or fence, wall, hedge or other structure on private or public property wherever the same shall be found to be in violation of this section. Any person who shall refuse or neglect to comply with a written direction under this authority shall be guilty of a violation of this section and shall be subject to penalties.
- I. Penalties for offenses. Violations of any of the provisions of this section shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day's continuance of a violation after notice shall be deemed a separate and distinct violation and shall be punishable accordingly.

§ 79-24. Demolition permit.

- A. Before any building or structure or any part thereof is demolished, the owner or his authorized agent shall obtain a demolition permit. No permit is required if an unsafe building is demolished according to the provisions of Chapter 85.
- B. Application forms for demolition permits are available from the Code Enforcement Officer. Applications shall be filed with the Chief Code Enforcement Officer, together with nonrefundable fees as set by the Village Board by resolution from time to time. The application shall be accompanied by evidence that the person proposing to do the work has liability insurance of at least \$500,000. This requirement does not apply when the owner of a one- or two-family dwelling personally proposes to demolish an accessory building. Applications shall describe the work which is proposed, the manner in which it is to be carried out and measures proposed to assure safe and expeditious execution. The Chief Code Enforcement Officer may require additional information reasonably required to evaluate the application.

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- C. The Chief Code Enforcement Officer shall issue a demolition permit if he is satisfied that the work will conform to all applicable state and local laws, rules and regulations and will be executed in a safe and expeditious manner. He may attach reasonable conditions to the permit to achieve these objectives. Any permit shall be valid for one month.