

Local Law Filing

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

4-3-2018

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.

County City Town Village
(Select one.)

of Canandaigua

DRAFT

Local Law No. _____ of the year 20¹⁸

A local law Amendment to Chapter 220 Section 2220-9K: Allowing Fences Associated with an
(Insert Title)
Approved Large Scale Solar Energy Systems to Meet National Electric Code

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Canandaigua

as follows:

(see attached)

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

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ATTACHMENT "A"

SECTION ONE. Town of Canandaigua Town Code § 220-9(K) shall be replaced in its entirety with the following:

§ 220-9(K). Fences erected in the Town shall adhere to the following standards:

- (1) Except as may be otherwise provided in this subsection (K), no fence in a front yard within any parcel zoned and occupied for residential use or in a rear yard adjoining Canandaigua Lake shall be erected, altered, or reconstructed to a height exceeding four (4) feet above ground level.
- (2) Except as may be otherwise provided in this subsection (K), no fence in a rear yard or side yard within any parcel zoned and occupied for residential use shall be erected, altered, or reconstructed to a height exceeding six (6) feet above ground level.
- (3) Fencing used to enclose a tennis court may be permitted up to twelve (12) feet in height, provided that such fencing is not less than the minimum permitted setback for accessory structures in the applicable zoning district.
- (4) These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- (5) Except as provided in §220-60, fences in the Restricted Business, Industrial, and Commercial Districts may be up to eight (8) feet in height.
- (6) Fences for kennels and for the purpose of enclosing farmland, horses, and cattle shall not exceed eight (8) feet in height.
- (7) No fence shall be erected to encroach on any property line or upon a public right-of-way.
- (8) No fence shall be erected in a delineated area of special flood hazard, except for farm fences, unless that it can be demonstrated that such fence would not restrict the flow of floodwaters nor would it have any impact on any buildings. No fence shall be erected in such area of special flood hazard until a development permit is obtained in accordance with Chapter 115 of this Town Code.
- (9) Snow fences may be allowed without a permit, provided that the placement does not result in snow drifting onto adjacent properties or the public highway. Said

fences may be erected for a period not to exceed six (6) months and must be removed not later than May 1st of each year.

(10) Fencing surrounding telecommunications towers shall be as set forth in § 22-0-60.

(11) Fences on lots adjoining Canandaigua Lake shall not be erected within fifteen (15) feet of the mean high water mark and shall not be erected in a way that will impair the view from any neighboring property.

(12) Fences for Large Scale Solar Energy Systems shall conform to the minimum size required per National Electric Code. This requirement shall be confirmed by the Code Enforcement Officer.

SECTION TWO. Partial Invalidity. If any provision of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

SECTION THREE. Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

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

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1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20¹⁸ of the (County)(City)(Town)(Village) of Canandigua was duly passed by the Town Board _____ on _____ 20¹⁸ in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (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____. Such local 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 towns 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 _____ above.

DRAFT

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

(Seal)