CITY OF TONAWANDA, NEW YORK

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Sec. 82-447. Fences.

(a) *Height restrictions in residential districts.* Fences in R districts shall not be erected in excess of five feet in height above the surface of the ground, except that in a rear yard, when in compliance with all other requirements of this chapter, the height may be six feet.

(b) *Regulations applicable in all zoning districts.*

(1) *Materials and construction standards.*

a. All fences shall be constructed of steel or wood posts supported and braced by top and bottom rails that will be located on the inside of the fenced enclosure. Except as otherwise permitted by the building inspector, all posts for solid fence erection are to be firmly imbedded in concrete 42 inches in depth, with a minimum thickness of three inches on all sides. Fencing shall consist of steel or wood pickets, wire mesh or solid boards. Barbed wire shall not be permitted.

b. Mechanical devices approved by the building inspector may be used to secure posts in the ground when open-mesh fencing is used.

c. A picket fence shall be considered a solid fence when erected in any yard other than a rear yard.

(2) *Location.*

a. No fence shall be erected nearer than two feet from the inside line of the sidewalk, and, in the case of any corner lot, section 82-443, pertaining to visibility, shall govern the erection of fences.

b. The definition in section 82-1(b) shall be used in determining a rear yard.

(3) *Visibility.* No solid fence in excess of 36 inches in height shall be erected or allowed in any yard within 15 feet of the street right-of-way.

(4) *Separation from dwellings; hazardous conditions; maintenance.*

a. No fence shall be erected in any yard that will shut off light or ventilation to any window or opening in a habitable space of a dwelling. A minimum distance of three feet shall be maintained between any solid fence and any such opening in a dwelling in determining such light and ventilation.

b. It shall be a violation of this chapter to place or drive metal, wood or other types of stakes along a lot line, or to place any material along any lot line that may act as a barricade, or to string along any lot line any wire or other material that may cause tripping or other dangerous or hazardous conditions. Any construction determined

to be a fence under the provisions of this section shall not be subject to this subsection (b)(4)b.

c. Every fence erected shall be maintained by the owner in such a way that it will remain plumb and in good repair.

(c) *Permit required.*

(1) Any person making an application for a fence permit must pay a permit fee and present a survey of the premises so that a true and valid location of the proposed fence erection can be determined.

(2) It shall be a violation of this chapter to commence to erect a fence without first obtaining a fence permit. Fence permits may be obtained in the building inspector's office.

(d) *Contractors to be licensed.* Contractors that erect fences within the city must have a contractor's license issued by the city.

(e) *Failure to correct violation; continuing violations.* A person shall be subject to the penalties imposed by section 1-7 in any case where an order to remove any violation of any of the provisions of this section has been served by the building inspector upon the owner, general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or upon the architect, builder, contractor or anyone who commits or assists in any such violation and where such person shall fail to comply with such order within ten days after the service thereof. Each week's continued violation shall constitute a separate additional violation and shall be punishable under this subsection.

(Code 1989, §§ 320-48(A), (B), 320-50(A), (B), (D), (E), (H); Res. of 2-15-2000; Res. of 6-6-2017, § 146)