

## Local Law 6 of 2019

### **“Shed and Fence Amnesty in the Town of East Fishkill”**

#### 1. Legislative Intent

The Town Board of the Town of East Fishkill understands that despite acting in good faith, residents have erected sheds and fences in ways that do not comply with the Code of the Town of East Fishkill. This local law shall allow residents, under the circumstances set forth herein, to legalize existing sheds and fences.

#### 2. Applicability

This section shall apply only to the following types of sheds and fences constructed or erected on or prior to December 31, 2013, without benefit of a building permit that meet the following criteria:

##### A. Sheds having a size of 144 square feet or less and that are:

- i. Without electrical service;
- ii. Not located in a front yard;
- iii. Not located in a water, sewer, storm sewer or other utility easement;
- iv. Not located in a wetland, wetland buffer area, or floodplain; and
- v. Minimum of five feet from rear or side yard property lines; or

##### B. Sheds having a size greater than 144 square feet without electrical service or sheds less than 144 square feet with electrical service and that are:

- i. Not located in a front yard;
- ii. Not located in a water, sewer, storm sewer or other utility easement;
- iii. Not located in a wetland or wetland buffer area; and
- iv. Located at least ten feet from the rear or side property line; or

##### C. Fences that are:

- i. In good repair, which excludes fences with peeling or chipping paint or fences that are missing pieces;
- ii. Level with grade and without any slanting;

- iii. Contain fence panels that are securely fastened to fence posts;
- iv. No larger than six (6) feet in height;
- v. Not located in a front yard; and
- vi. Not located in a wetland, wetland buffer area, or floodplain.

### 3. Amnesty

Such sheds and fences and described in the “Applicability” section of this local law shall be eligible for a certificate of legal nonconformity issued by the Building Department upon registration of the shed or fence with the Building Department and upon submission of the owner’s certification as hereinafter provided.

### 4. Registration

Unless a valid certificate of occupancy exists for a shed or fence, as of the date of this local law, all property owners must register the shed or fence with the Building Department, on or before, June 1, 2020, and apply for a certificate of legal nonconformity upon forms to be supplied by the Building Department. Each property owner may only register one shed per lot.

### 5. Owner’s Certification

Any owner who registers a shed or fence erected on or prior to December 31, 2013, may obtain a certificate of legal nonconformity for said shed or fence upon submission of an Owner’s Certification containing the following information:

- A. A photograph of the shed or fence;
- B. Proof that the shed or fence was erected on or prior to December 31, 2013. Acceptable proof includes, but is not limited to, invoices or affidavits;
- C. For all sheds with electrical service, a certificate of compliance or equivalent from a third-party electrical inspector approved by the Building Department; and
- D. A survey completed by a licensed land surveyor or an owner’s verification providing that the shed or fence complies with all requirements of this local law. The approval is invalidated if neither of these is received.

### 6. Certificate of Legal Nonconformity

Upon registration of the shed or fence and submission of the Owner’s Certification, the property owner shall be entitled to a Certificate of Legal Nonconformity issued by the Building Department indicating that the shed or fence is not in violation of the Zoning Ordinance.

7. Requirements for Sheds and Fences Not Registered

Effective with the adoption of this local law, all requirements in the Zoning Ordinance shall apply to sheds and fences constructed on or prior to December 31, 2013 that were not registered with the Building Department on or before June 1, 2020 pursuant to the requirements of this local law.

8. Enforcement; Penalties

Any violation of this local law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Chapters 80 and 194 of the Town Code.

9. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF EAST FISHKILL  
CAROL HURRAY, TOWN CLERK**

**Adopted at a Regular Meeting  
held on the 27<sup>th</sup> day of June 2019**