

VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW 3-2017

A Local Law to Adopt Chapter 99 of the Village Code Concerning Fences

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, as follows:

Section 1. Chapter 99 of the Village of Garden City Code, entitled "Fences", is hereby adopted as follows:

§99-1 Building permits required.

- A. No person or legal entity shall commence or carry on any work to construct, reconstruct or enlarge a fence or wall, including retaining walls, within the Village of Garden City unless such person or entity first obtains a permit therefor from the Building Department.
- B. Notwithstanding any other provision of this code, no permit shall be issued for the construction, reconstruction or enlargement of a fence on a commercial property unless approved by the Village of Garden City Architectural Design and Review Board.

§99-2 Regulations for permitted fences.

- A. Fences in residential districts. No fence or wall in a residential district may be erected to a height in excess of four feet, as measured from the average level of the nearest finished grade. Notwithstanding the preceding sentence:
 - (1) Fence posts may be erected to a height of four and one-half feet, as measured from the average level of the nearest finished grade.
 - (2) Fences and walls on residential property may be erected to a height of six feet, as measured from the average level of the nearest finished grade, where the fence or wall borders one of the following kinds of properties:
 - (a) A railroad;
 - (b) A park; or
 - (c) A property used for commercial or industrial purposes.

Where the contour of the land features significant changes in grade, the level over which the height of the fence or wall is measured shall be based on the average grade over every eight (8) linear feet of distance.

- B. Fences in non-residential districts. In non-residential districts, and on the side of any property fronting on a non-residential district, fences and walls may be erected to a height not to exceed six feet, as measured from the average level of the nearest finished grade. Notwithstanding the preceding sentence, fence posts may be erected to a height of six and one-half feet, as measured from the level of the nearest finished grade. Where the contour of the land features significant changes in grade, the level over which the height of the fence or wall is measured shall be based on the average grade over every eight (8) linear feet of distance.
- C. Where a non-residential property abuts the side or rear yard of a residential property, any site plan approved for the non-residential property shall include a condition that a fence, wall or landscape buffer be provided to adequately screen the residential property. Applications for such screening shall be referred to and approved by the Architectural Design Review Board.
- D. A gate or permanent opening of three (3) feet in width shall be provided in all fences and walls which fully enclose an area. No gate, when in the open position, shall obstruct a street, sidewalk, or public right-of-way.
- E. Fences, including posts, must be set back at least six inches from any adjacent property line on the property on which they are located.
- F. Fences located on private property and which face public places in the Village shall be kept in a clean and well-maintained condition at all times. The obligation to maintain fencing described in this section shall be on the property owner(s) and any occupants.

§99-3 Prohibited fences.

The following types of fences and walls are hereby prohibited:

- A. Chicken wire, barbed wire, razor wire, welded mesh wire, electric fences.
- B. Fences made of solid plywood, flake board, or scrap lumber.
- C. Walls made from bare concrete or cinder blocks.
- D. Fences or walls topped with barbed wire, razor wire, sharp edges or broken glass, not including the points of picket fences.
- E. Fences and walls located on Village property or public rights-of-way, except those expressly authorized or constructed by the Village, or with Village permission.
- F. Fences or walls which obstruct natural drainage or runoff.

- G. Construction barriers, silt fences, or similar constructions, except in connection with actual, on-going construction projects.

§99-4 Fence on property line of corner lot.

Nothing in this chapter shall prevent the erection along or adjacent to the street lines of a corner plot of a fence or wall intended as a deterrent to shortcutting the corner by pedestrians, provided that:

- A. No part of the fence or wall shall extend more than six (6) feet from the point of intersection of said street lines.
- B. The average height of the fence or wall shall not exceed 24 inches.
- C. The maximum height of the fence or wall shall not exceed 30 inches above grade.
- D. Said fence or wall shall not violate the provisions of §200-58 of the Village Code.

§99-5 Good neighbor fencing.

All fences featuring a rough or unfinished side shall be constructed such that the rough or unfinished side of the fence faces the interior of the property on which the fence is situated. This requirement shall not apply to any fence located on the side of a property facing a railroad.

§99-6 Grandfathering.

Any fence or wall existing on the date this chapter is adopted shall be grandfathered and exempt from the requirements of this chapter until destroyed, replaced, removed, reconstructed or enlarged. Fences and walls which are grandfathered pursuant to this section may be repaired pursuant to §99-7, provided they may not be replaced, reconstructed or enlarged without coming into conformity with all requirements of this chapter.

§99-7 Repair.

Notwithstanding §99-1, no permit shall be required to repair or repaint an existing fence or wall with the same materials or finishes. A fence or wall will be deemed replaced rather than repaired if (a) work is performed on more than 50% of the fence or wall; or (b) the cost of such work is greater than 50% of the estimated cost of full replacement of the fence or wall. Intentional segmentation of work on a fence or wall shall not prohibit a finding by the Superintendent of Buildings that such work is a replacement rather than a repair.

§99-8 Enforcement.

The provisions of this chapter shall be administered and enforced by the Department of Buildings.

§99-9 Penalties for offenses.

A violation of this chapter shall be a violation of the Village Code punishable by a fine of Three Hundred Fifty Dollars (\$350.00), or up to fifteen days imprisonment, per offense, or both. Every calendar week a violation continues to exist after service of the initial summons shall constitute a separate violation of this chapter. Violation of this chapter shall not be deemed a criminal offense.

Section 2. Chapter 200 of the Village Code, entitled "Zoning", is hereby amended as follows:

§200-55 Accessory buildings and structures.

An accessory building shall not exceed 15 feet in height. A trellis or pergola shall not exceed 10 feet in height; a clothesyard or an outdoor fireplace shall not exceed seven feet in height.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.