



Incorporated Village

of Massapequa Park

VILLAGE HALL, 151 FRONT STREET, MASSAPEQUA PARK, NEW YORK 11762-2794

WEBSITE: www.masspk.com

BUILDING DEPARTMENT

APPLICATION FOR FENCE PERMIT

\$55.00

(ATTACH COPY OF SURVEY AND INDICATE LOCATION OF FENCE WITH X's)

DATE: _____ SECTION: _____ BLOCK: _____ LOT(S): _____

NAME: _____

ADDRESS: _____ TELEPHONE: _____

HEIGHT OF FENCE REQUESTED: _____ TYPE OF FENCE: _____

IS FENCE INSTALLED OR TO BE INSTALLED? _____

IF INSTALLED, DOES FENCE FACE OUTWARD? _____

IS THIS PROPERTY A CORNER PROPERTY? YES: _____ NO: _____

IS THERE A SWIMMING POOL ON THE PROPERTY? YES: _____ NO: _____

HAVE YOU READ THE FENCE ORDINANCES ATTACHED? YES: _____ NO: _____

IS THE NATURAL GRADE OF THE PROPERTY SLOPED OR FLAT? _____

I, the undersigned owner of the property, do hereby certify that the statements made on this form are true and correct to the best of my knowledge and belief.

I hereby authorize the building inspector to enter the premises in the performance of his duties.

Homeowner's Signature: _____

Approved: _____

Rejected: _____

Building Inspector



IMPORTANT FENCE INFORMATION

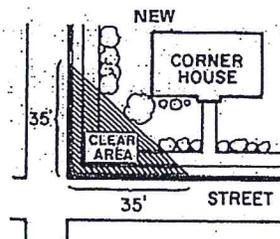
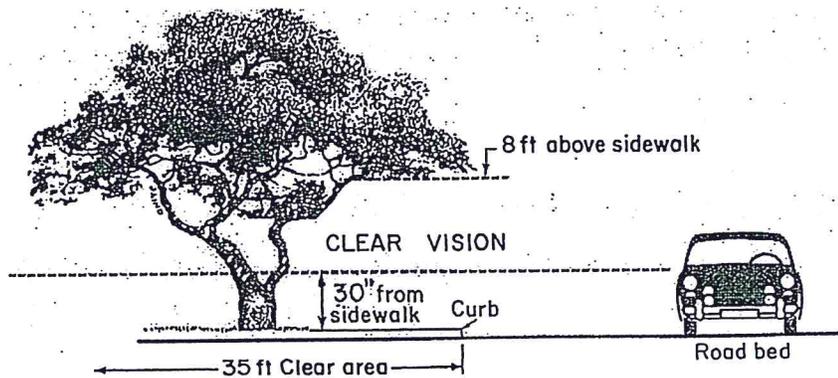
PLEASE READ ATTACHED VILLAGE ORDINANCES

- GATES FOR SWIMMING POOLS MUST BE SELF-CLOSING AND SELF-LATCHING.
- FINISHED SIDE OF FENCE MUST FACE OUTWARD
- IF A 4' OR LOWER PICKET FENCE IS TO BE INSTALLED IN THE FRONT YARD, A MINIMUM 2" SPACE IS REQUIRED BETWEEN THE PICKETS.
- PLEASE BE AWARE THAT PRIOR TO INSTALLATION OF ANY AND ALL NEW FENCES, ALL EXISTING FENCES MUST BE REMOVED.
- ALL FENCING SURROUNDING A YARD WITH A POOL MUST BE A MINIMUM OF FOUR (4) FEET HIGH.

CALL FOR INSPECTION WHEN FENCE IS COMPLETED

**CODE OF THE VILLAGE OF MASSAPEQUA PARK NEW YORK, v122 Updated:
12-01-2008 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE
IV, Height and Area Regulations / § 345-30. Front yards.**

- E. Vision clearance. On any corner lot on which a front yard is required by this chapter, it shall be unlawful to construct or maintain or permit to remain any fence or any other structure, whether temporary or permanent, within 35 feet of the curbline which obstructs a view of more than 30 inches above the level of the sidewalk of the adjacent street pavement.
[Amended 9-18-2006 by L.L. No. 4-2006]



**CODE OF THE VILLAGE OF MASSAPEQUA PARK NEW YORK, v122 Updated:
12-01-2008 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE
VI, Special Use Regulations / § 345-40. Fences and similar obstructions.
[Amended 3-4-1996 by L.L. No. 3-1996; 12-22-1977 by L.L. No. 17-1997; 7-26-1999
by L.L. No. 9-1999; 6-12-2000 by L.L. No. 12-2000]**

**§ 345-40. Fences and similar obstructions. [Amended 3-4-1996 by L.L. No. 3-1996;
12-22-1977 by L.L. No. 17-1997; 7-26-1999 by L.L. No. 9-1999; 6-12-2000 by L.L. No.
12-2000]**

- A. Erection restricted. No person shall erect in any residential district of the Village a solid fence, such as but not limited to a basket-weave-type fence, a solid board fence or any synthetic or metal solid fence that is greater than six feet in height or is before the front house setback; nor shall there be erected in such zone any fence more than 48 inches in height, excepting in the rear of the front line of the house, in which case the same shall be not more than six feet.
- B. Corner plots.
- (1) On corner plots, the front side shall be limited to nonopaque, not solid fences no higher than 48 inches. The street side (side yard) shall be entitled to a six-foot opaque (solid) fence, provided a minimum thirteen-foot setback from the property line is maintained.
[Amended 3-27-2006 by L.L. No. 2-2006]
- (2) Obstruction of view prohibited. On any corner plot on which a front or side yard is required, no wall, fence or structure shall be erected and no hedge, tree, shrub or other growth shall be maintained in such location within such required front or side yard space as to cause danger to traffic by obstruction of the view.
- C. Location of posts and unfinished side facings. Any fence constructed in accordance with this section shall have the fence posts and/or unfinished side facings and/or horizontal and diagonal cross member pieces facing inward and located on the inside and/or that side of the property of the person who is erecting said fence. In the event that there is any question in reference to the above, it shall always be construed in favor of the adjoining property owner and against the person who is erecting said fence as to the location of said fence posts and/or unfinished side facings and/or horizontal and diagonal cross member pieces of the fence and/or any other item relating to the fence.

- D. Permit required. No fence shall be erected within the Village in accordance with this section without first obtaining a permit from the Building Department of said Village.
- E. Compliance required. No fence shall be permitted except as provided in this section or as authorized by the Zoning Board of Appeals after a public hearing.
- F. The height of a fence shall be measured from the natural grade of the property at all points along the fence run. The height of the fence shall be the highest point of the fence measured at the natural grade. Man-made berms, retaining walls and other structures shall not be considered part of the natural grade. [Added 12-23-2002 by L.L. No. 10-2002]
- G. All fences legally existing as of December 23, 2002, shall be permitted to remain as legal nonconforming fences. Legal nonconforming fences may be repaired and maintained. Any fence replaced or repaired to the extent of more than 50% of the existing fence must conform to § 345-40F. [Added 12-23-2002 by L.L. No. 10-2002]

**CODE OF THE VILLAGE OF MASSAPEQUA PARK NEW YORK, v122 Updated:
12-01-2008 / PART II GENERAL LEGISLATION / Chapter 345, ZONING / ARTICLE
VI, Special Use Regulations / § 345-41. Pools. [Amended 11-8-1967]**

K. Fences. [Amended 4-9-1984 by L.L. No. 1-1984]

- (1) All outdoor pools shall be completely surrounded by an impregnable enclosure fence or as hereafter provided. A dwelling or house shall be construed as part of the enclosure or fence and at no point be less than the height of the fence or impregnable enclosure. Such fence must be erected in a structurally sound manner so as to completely enclose the pool itself or the particular rear yard in which the pool is situated.
- (2) Said fence or enclosure is to remain on the property only as long as the pool remains on said real property. If for any reason said pool is removed from said real property, then the owner or owners of the real property must make proper application to the Village of Massapequa Park or to the Zoning Board of Appeals, as the case may be, for said fence to remain on said real property, or, in the alternative, said fence must be removed from said real property. If after the pool is removed from the real property, proper application is not made by the owner or owners of the real property to the Village of Massapequa Park or to the Zoning Board of Appeals, as the case may be, then within 60 days after the pool has been removed from the property or the pool has been filled in, the owner must remove the fence erected or constructed or installed on said real property.
- (3) All fence openings or points of entry into the pool area shall be equipped with gates. All gates shall be constructed with a self-closing device and shall have self-acting devices placed at the top of the gate, except for the door of the dwelling that forms a part of the enclosure.
- (4) Fences shall be decay- or corrosion-resistant and shall be permanently installed. To be considered impregnable, an enclosure shall be constructed to not have openings, holes or gaps larger than four inches in any dimension except for door and gaps, and except if a picket fence is erected and maintained, the horizontal dimension of the holes or gaps shall not exceed four inches. [Amended 1-14-2008 by L.L. No. 1-2008]
- (5) The fence and gate shall not be less than four feet nor more than six feet in height above the grade level.

