



Fence Permit Application
City of Rye, New York Building Department
 1051 Boston Post Road, Rye, New York 10580
 Phone: (914) 967-7372 Fax (914) 967-7185
www.ryeny.gov

Date: _____ Application #: _____

Property Owner: _____
 Address: _____
 Telephone: _____

Sheet: _____ Block: _____ Lot: _____

Property Location: _____

Type of Fence and materials: _____

Fence Installer: _____ Telephone: _____

Address: _____

I have read the Fence Ordinance in the City of Rye Code and submit this application in conformity with its provisions.

I hereby certify that the above statements are correct and are true, to the best of my knowledge and belief.

Applicant: _____ Signature: _____

An accurate plan showing the property lines, the height and the location of the proposed new or modified fence on or within the applicant's property lines shall be submitted with the application

DO NOT WRITE BELOW THIS – FOR OFFICIAL USE ONLY

Approved Disapproved Reason: _____

Survey/site plan: _____ Fee \$100.00: _____ Permit #: _____

Building Inspector: _____ Date: _____

Chapter 90. FENCES AND WALLS

[HISTORY: Adopted by the Council of the City of Rye 12-1-1999 by L.L. No. 7-1999; amended in its entirety 1-16-2002. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land -- See Ch. 170.

Zoning -- See Ch. 197.

§ 90-1. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by establishing regulations for the design, construction and maintenance of fences and walls which, to the maximum extent practicable, would continue the open appearance of the community while allowing residents to have reasonable privacy in the use and enjoyment of their homes.

§ 90-2. Definitions.

When used in this chapter, the following words shall have the meaning stated here. Words used in this chapter which are not defined here shall have the meaning defined by Chapter 197. Words not defined by this chapter or by Chapter 197 shall have the meaning established by common usage.

DIVISION LINE, FRONT -- In the case of a lot abutting upon only one street, the property boundary line separating the lot from the street; in the case of a lot abutting more than one street, other than a corner lot, any such property boundary for the area which has been previously designated by the lot owner, pursuant to Chapter 197, as being the front yard or which has been irrevocably designated by the lot owner, pursuant to this chapter, as being the front division line. Each lot may have only one front division line unless it is a corner lot, as defined by Chapter 197 (§ 197-1), which would have two front division lines.

DIVISION LINE, REAR -- The line forming a property boundary of the lot which is generally opposite the front division line.

DIVISION LINE, SIDE -- The property boundary line or lines forming any part of the connection of the front division line with the rear division line.

FENCE -- A structure made of any materials, or combination of materials, with clearly visible spaces between component parts, which encloses, separates, divides or defines a lot or portion

thereof "Fence" includes a barrier of the stockade type made of parallel wooden posts or split poles.

HEIGHT (FENCE or WALL) -- The vertical distance between the natural grade of the property at the base of the fence or wall and the highest horizontal member at the top. In the case of picket fences, wrought-iron fences with decorative elements, fences made of vertical boards with rounded ends or other structures of similar design, the top of the fence shall be a line parallel to the tops of the several points.

- A. The measurement of the height of a fence or wall shall not include the height of an appropriate accessory structure, such as an entrance gate, an archway or a decorative column at the corner of the lot.
- B. The measurement of the height of a fence or wall which has a top that is curved, with the height of the central portion being higher or lower than the height at the ends, is the vertical distance between the natural grade of the property at the base and an average of the height of the central portion and the height at the ends.
- C. The height of a fence or wall erected on a grade approximately equal to the top of a retaining wall, situated within three feet horizontally from the face of the retaining wall, shall be measured from the bottom at the grade immediately adjacent to the base of the fence or wall.

PROPERTY BOUNDARY LINE -- A line forming the perimeter of a lot, delineating the separation between the lot and an adjoining lot or the right-of-way of an abutting street as described by a recorded deed.

STRUCTURE -- An assembly of materials forming a construction framed of component parts for occupancy or use, including buildings, but not including a small object which is an accessory to a building or another structure (such as decorative statuary or railing for a walkway).

WALL -- A structure made of any materials or combination of materials, without clearly visible spaces between components parts, which encloses, separates, divides or defines a lot or portion thereof "Wall" does not include a stockade type of fence.

WALL, FREESTANDING -- A wall which is not a retaining wall.

WALL, RETAINING -- A wall designed to retain or resist the lateral displacement of earth or other materials, whether or not it serves to enclose or subdivide any part of the lot in which it is located. This chapter does not establish standards for design, location, construction or maintenance of retaining walls and does not affect any such standard as may be required by other applicable law.

§ 90-3. Permit required.

- A. For the purposes of this section, the term "fence" also includes every type of wall, and a repair made to more than 25% of an existing fence shall be considered a replacement. No person shall erect or install a new fence or shall extend, enlarge, replace or substantially modify an existing fence without having obtained a permit from the Building Inspector.
- B. An application for a permit shall be made to the Building Inspector, on forms provided by the Building Department, and shall contain the following information:
 - (1) An accurate plan showing property lines and the location of the proposed new or modified fence on or within the applicant's property lines and the height of the proposed new or modified fence.
 - (2) The full name and address of the owner and of the applicant.
 - (3) A brief description of the materials to be used.
 - (4) Such other information as may reasonably be required by the Building Inspector to establish compliance with all applicable requirements.
- C. The application for a permit shall be submitted for review by the Building Inspector upon receipt of payment of such fees as may be required by resolution of the City Council.
- D. A determination by the Building Inspector which denies an application must be made in writing and must state the reason for denial.
- E. Failure of the Building Inspector, within seven business days after receipt of a completed application and fee, to deny the application or to make any other determination shall be deemed to be approval.
- F. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.

§ 90-4. Front line fences.

Except as otherwise provided by this chapter, no fence or freestanding wall which exceeds four feet in height shall be erected along a front division line or anywhere on the lot within 35 feet of a front division line (measured by the shortest distance to such line).

§ 90-5. Rear line fences in residence districts.

In all residence districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear division line or anywhere on the lot within 35 feet of a rear line (measured by the shortest distance to such line).

§ 90-6. Side line fences in residence districts.

In all residence districts, no fence or freestanding wall which exceeds four feet in height may be erected along a side division line if such fence or wall would be situated within any part of an area of the lot that is within 35 feet of the front division line (measured by the shortest distance to such line) or if such fence or wall would be situated within 35 feet of the right-of-way of an abutting street. However, if the shortest distance from the front division line to an existing residential structure is less than 35 feet, the limitation requiring that the height of a fence or wall may not exceed four feet extends from the front division line along the side line to the point that is the shortest distance to the residential structure. No such fence or wall which exceeds six feet in height may be erected along any other segment of the side line or within 35 feet of the side line (measured by the shortest distance to such segment).

§ 90-7. Side line fences where residential use adjoins business use.

If such fence or freestanding wall is erected near the side line of a lot being used as a residence which abuts property in a business district being used as a business, and if a point on the side line nearest to the building on either the residential property or the business property is within 35 feet of the front division line, the height of such fence or wall may not exceed four feet for a distance from the front division line until such point and may not exceed six feet in height beyond such point.

§ 90-8. Side line fences where residential use adjoins I-95 or I-287.

A fence or freestanding wall erected on a residence lot which abuts I-95 or I-287 and is situated within one foot of the property line may exceed four feet in height but may not exceed six feet in height.

§ 90-9. Fences on property with steep grade.

The height of a fence or freestanding wall may exceed four feet but may not exceed six feet

above the natural grade if it is:

- A. On a corner lot; and
- B. Within 10 feet from the property line of an abutting roadway; and
- C. Situated where the average natural grade at the location of the fence or wall is at least four feet higher than the average natural grade on the property within six feet from the fence or wall.

§ 90-10. Rear or side line fences in business districts.

In all business districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear or side division line or anywhere on the lot within 35 feet of such line (measured by the shortest distance to such line); except that, if the lot abuts a street, the height of a fence or wall located within 35 feet of the line abutting a street may not exceed four feet; and, if the lot adjoins a lot within a residence district, the height may not exceed the height that would be allowed on the adjoining lot.

§ 90-11. Fences or walls prohibited in all districts.

In all districts, the following are specifically prohibited:

- A. Barbwire fences or fences using razor wire or any other material likely to cause physical injury to persons or animals.
- B. Fences or walls erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water creating ponding.
- C. Fences or walls which may create a fire hazard or other dangerous condition or which may result in obstruction to effective fire fighting.
- D. Fences or walls more than eight feet in height located anywhere on a lot, unless permitted by a section of Chapter 197 referring to outdoor tennis courts or other structures required for recreational activities.

§ 90-12. Fences and walls prohibited in all residence districts.

In all residence districts, the following are specifically prohibited:

- A. Chain-link fences having an unfinished or jagged top edge; and chain-link fences having the

opening spaces between wires covered by fabric sheeting or by strips of plastic or other material woven through the open spaces. In the case of a fence constructed before the effective date of this chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.

- B. Temporary fences, such as snow fences or expandable and collapsible fences, unless necessary for use on sites under construction or for snow control; canvas and/or cloth fences, except when necessary for protection of shrubs and vegetation.

§ 90-13. Traffic visibility across corners.

In all districts, except the Central Business District, no structure or planting of bushes or trees shall be maintained, or shall be allowed to remain, on any lot within 25 feet of any street corner intersection, measured in any direction by the shortest distance to the nearest corner, at a height in excess of three feet above curb level or so as to interfere with the visibility of vehicle traffic across the corner.

§ 90-14. Fence posts or supporting members.

In all districts, a fence or wall shall be erected with the smooth, finished or better side facing out toward the adjoining lot or abutting street; and all fence posts or supporting members shall be placed on the inside of the fence or wall. In the case of a fence or wall constructed before the effective date of this chapter, the requirements of this section shall apply upon the repair or replacement of that fence or wall.

§ 90-15. Responsibility for maintenance.

Fences, walls and the area between their exterior side and the nearest property line (or the nearest curblineline if there is an abutting street) shall be properly maintained at all times; broken, cracked, rotted or rusted structural components shall be removed or repaired promptly; grounds shall be kept clear or planted with vegetation appropriate to the site. A property owner who fails to provide proper maintenance may, after notice by the Building Inspector and an opportunity to correct the situation, be required to remove the fence or wall.

§ 90-16. Duty of Building Inspector to issue notice of violation.

The Building Inspector shall have the duty and all power necessary to issue appropriate notices or

orders directing a property owner to correct any conditions which are in violation of this chapter.

§ 90-17. Jurisdiction of Board of Appeals.

The Board of Appeals, acting pursuant to Chapter 197, is specifically vested with the additional jurisdiction necessary to hear and decide appeals by persons who may be aggrieved by a determination made by the Building Inspector in the enforcement of the provisions of this chapter.

§ 90-18. Persons eligible to appeal; time limit for filing.

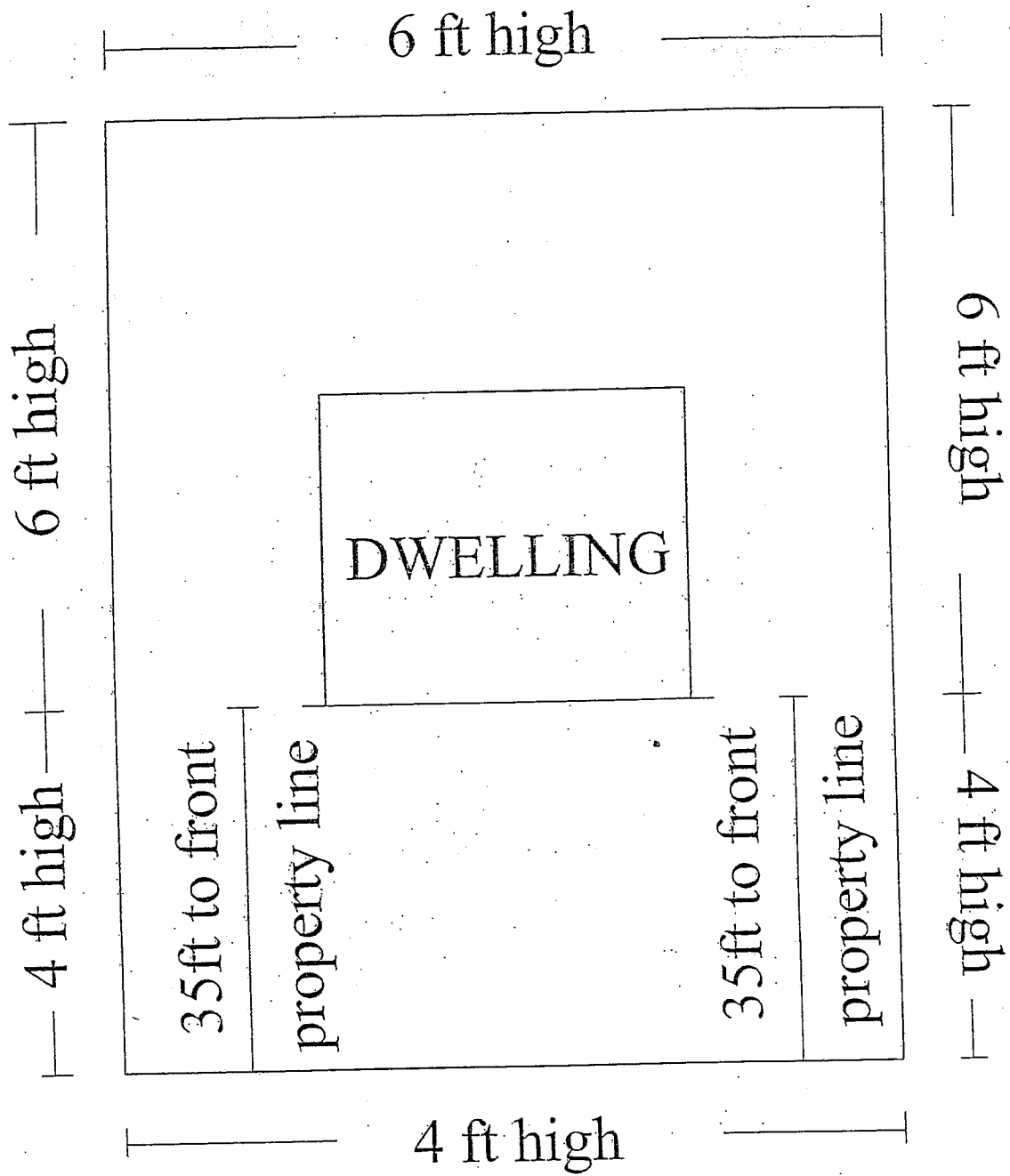
For the purposes of this chapter, a person who may claim to be aggrieved must be an owner of a lot where a fence or wall has been erected or is sought to be erected or must be an owner or occupant of a lot which adjoins such lot or is situated on the opposite side of a street across from such lot. An appeal must be filed with the Clerk of the Board within 30 days after the determination being appealed was made.

§ 90-19. Standard for review of appeals.

The standard that shall be used by the Board of Appeals in determining appeals made pursuant to this chapter shall be the most restrictive standard generally applicable in the State of New York for the granting of a variance from enforcement of provisions of a zoning ordinance limiting the height of structures located in a residential district. In making a determination on an appeal, the Board may consider the unusual amount of automobile traffic on a street adjoining a residence lot as being a relevant factor. Any roadway designed with four lanes for use by vehicles is presumed to have an unusual amount of traffic.

§ 90-20. Rules or regulations for administration of provisions.

The Board of Appeals is authorized to adopt and issue such rules or regulations as may be necessary for orderly administration of this chapter. A copy shall be on file in the Building Inspector's office.

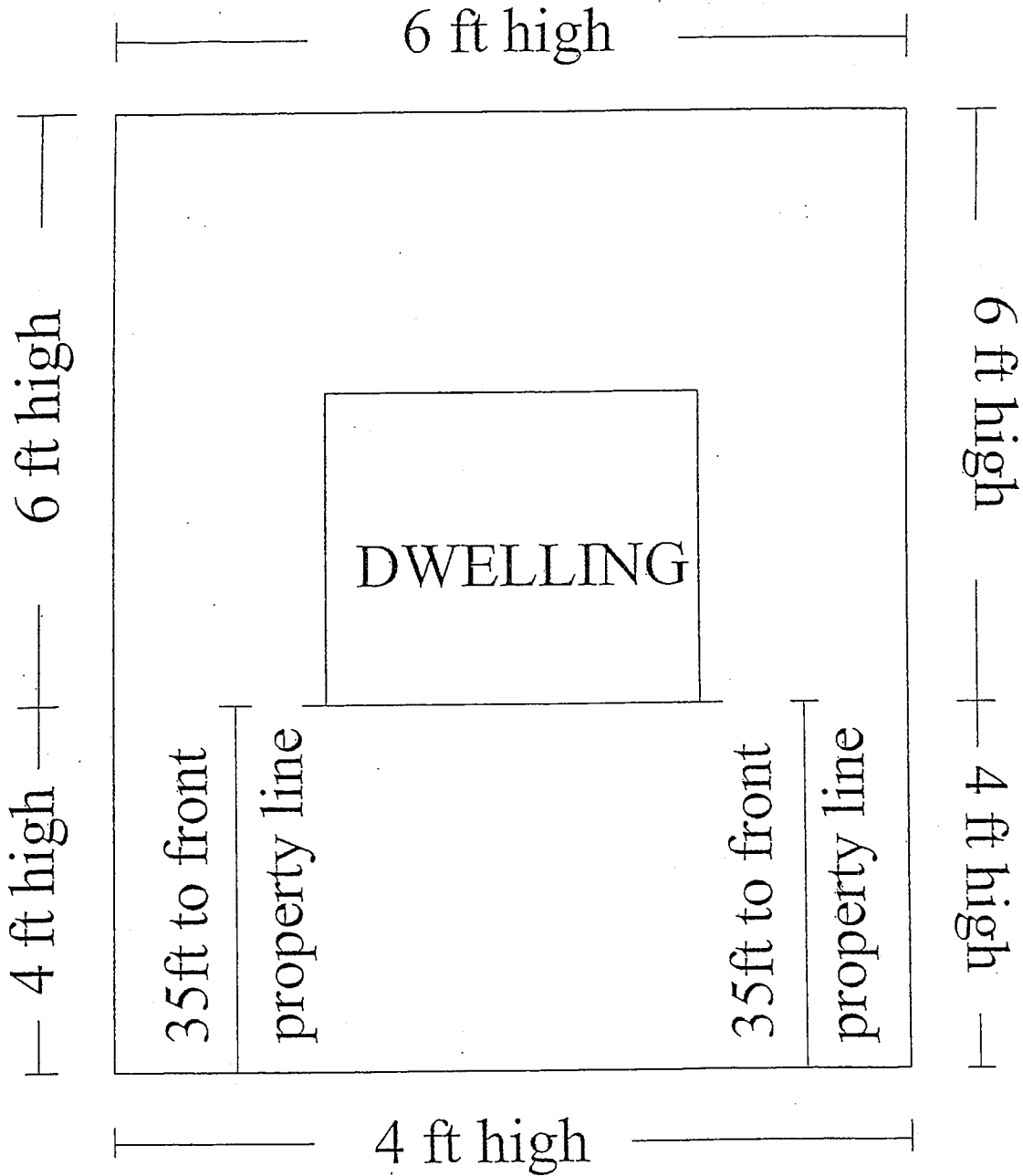


curb line

CONVENTIONAL LOT

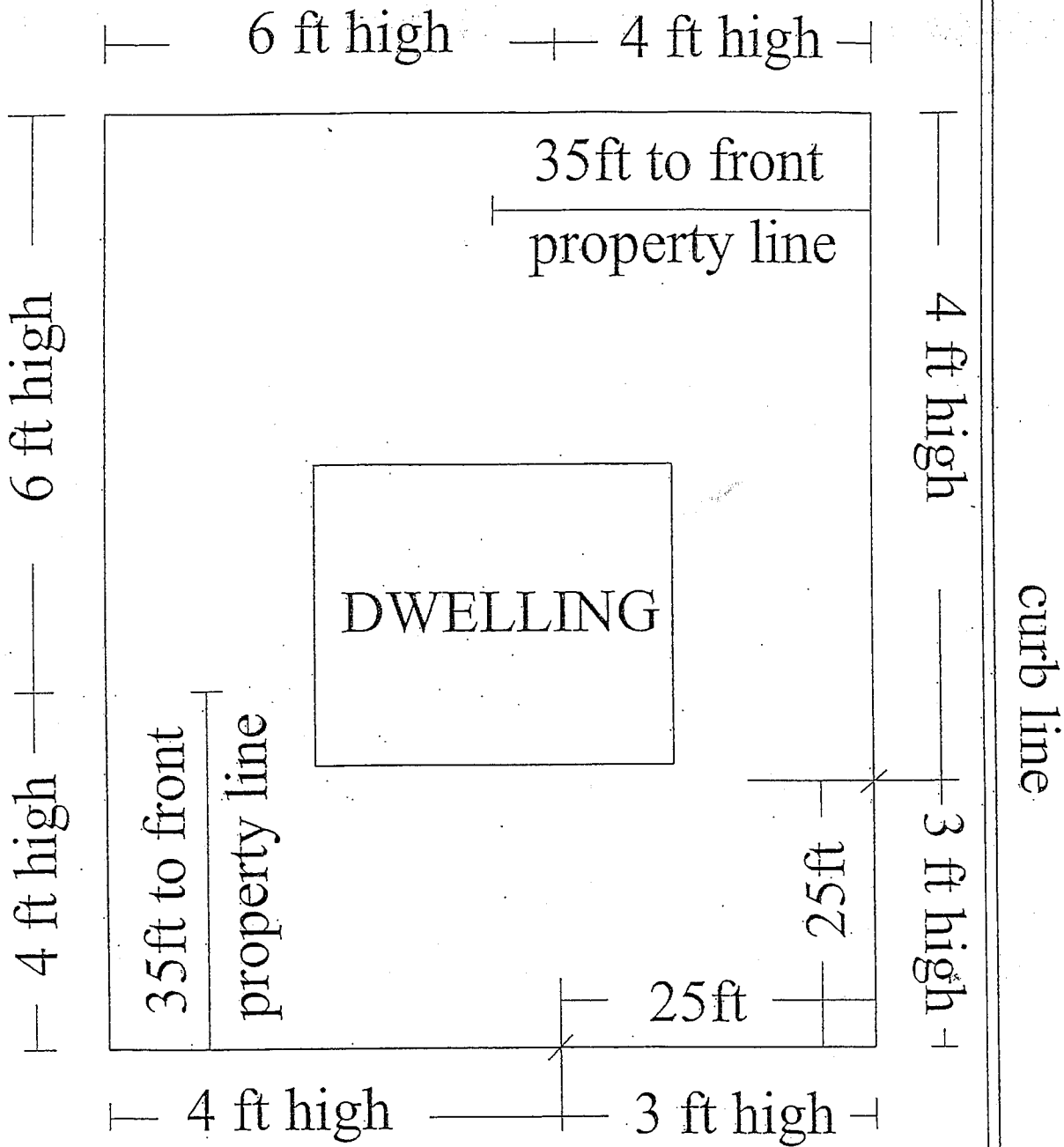
FENCE REQUIREMENTS
AND RESTRICTIONS

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FOR LOTS FRONTING ON TWO STREETS
FENCE REQUIREMENTS
AND RESTRICTIONS



curb line

CORNER LOT

FENCE REQUIREMENTS
AND RESTRICTIONS