

Chapter 144

HEDGES AND FENCES

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[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook as Ch. 13 of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 126.
Property maintenance — See Ch. 185.
Streets and sidewalks — See Ch. 212.
Vegetation — See Ch. 226.
Zoning — See Ch. 252.

§ 144-1. Size of hedges restricted. [Amended 8-15-1977 by L.L. No. 12-1977; 3-2-1998 by L.L. No. 6-1998]

It shall be the duty of every owner or lessee of land in the village, or the agent of such owner or lessee having control thereof, upon which there is or may hereafter be planted or

grown a hedge, to keep such hedge cut and trimmed to a height of not more than the height of an approved fence from the level of the ground where same is planted or grown and not more than two feet six inches in width and to keep such hedge, which fronts or faces upon a street or highway, from extending, overlapping or encroaching upon the public streets. The above provision notwithstanding, nothing in this section shall be construed to permit any vegetation in excess of the heights permitted for certain growths by Chapter 185, Property Maintenance, Chapter 212, Streets and Sidewalks and Chapter 236, Vegetation.

§ 144-2. Prohibited accumulations.

It shall be unlawful for any owner or lessee of land in the village, or the agent of such owner or lessee having control thereof, to allow dried grass, dried leaves or other dried articles to accumulate in or about hedges or fences in such manner or in such quantity as will tend to make same a fire hazard or hinder the extinguishment of fires or be dangerous to firemen in the performance of their duties as such firemen in protecting from or extinguishing fire in the buildings on such land or adjacent land.

§ 144-3. Permit required for erection of fence.

It shall be unlawful for any owner or lessee of land in the village, or the agent of such owner or lessee having control thereof, to erect a fence upon such land without first having obtained a permit therefor from the Building Superintendent.

§ 144-4. Permit fee. [Amended 11-19-1984 by L.L. No. 12-1984; 3-2-1998 by L.L. No. 6-1998]

The fee for the permit required in § 144-3 shall be in such amount as set by resolution of the Village Board of Trustees.

§ 144-5. Height of fences. [Amended 7-12-1976 by L.L. No. 7-1976; 11-6-1978 by L.L. No. 16-1978; 12-7-1981 by L.L. No. 13-1981]

A. [Amended 1-9-1995 by L.L. No. 1-1995] In Dwelling A, Dwelling B and Dwelling C Districts, a fence not exceeding six feet in height shall be permitted on the rear lot line and those linear portions of the side lot lines enclosing a rear yard; provided, however, that the six-foot fence shall not exceed a greater distance frontward to the street than the rear building line. The term "rear building line" shall refer only to the principal structure and shall not include patios, porches or other extensions thereto. Fences for all other lot lines shall not exceed four feet in height. The finished side of the fence shall face the adjoining property.

- (1) On a corner lot, any fence on the rear lot line or on the side lot line enclosing the rear yard which fronts or faces a sidewalk or street and which is located less than six feet from the property line shall be subject to the following requirements if such fence, or any portion thereof, exceeds four feet in height:
 - (a) Prior to the issuance of a permit, the application for such fence shall be submitted to the Architectural Review Board, which shall review the design and aesthetics of such fence.
 - (b) Such fence shall be set back from the property line not less than two feet; however, the Architectural Review Board may require that such fence be set back up to six feet from the property line if the Board finds that a setback of greater than two feet is required for aesthetic or other reasons.
 - (c) The Architectural Review Board may require decorative fencing and may require plantings to be installed and maintained on the street side of the fence or may impose other conditions as the Board deems necessary and proper.

(d) The finished side of such fence shall face the street.

B. A fence, not exceeding six feet in height, shall be permitted in the Commercial, Light Manufacturing and Industrial Districts, as designated on the official Zoning Map of the village. The finished side of the fence shall face the adjoining property.

§ 144-6. Height of fences for schools.

A fence for any public or private school in the village may be erected to a height of six feet above the ground.

§ 144-7. Use of barbed-wire fences. [Amended 3-2-1998 by L.L. No. 6-1998]

Fences in the Light Manufacturing or Industrial Zone may have barbed wire on the tops thereof. Barbed wire shall be completely on the property side of the fence.

§ 144-8. Appeals.

A. Right of appeal. Any owner, lessee or person aggrieved by any order served upon him by the Building Superintendent or by a member of the Police Department with respect to any hedge or fence may make application to the Board of Appeals, within 10 days after such order has been served upon him, to revoke such order or for other relief.

B. Effect of appeal. The operation of any order served shall be suspended pending the hearing thereof by the Board of Appeals, and all operation or contemplated action with reference to a fence, except as herein set forth, shall also be suspended.

C. Authority as to appeal. The Board of Appeals may confirm, revoke or modify any such order and may

impose such conditions as it deems necessary in the premises.

§ 144-9. Noncompliance. [Amended 7-12-1976 by L.L. No. 7-1976; 3-2-1998 by L.L. No. 6-1998]

- A. Where a failure to comply with any provision of this chapter constitutes a hazard to public health, safety or welfare, a written order shall be given by the Superintendent of the Department of Buildings or by a member of the Police Department directing compliance.
- B. The failure to comply with any provision of this chapter within 10 days after an order is served by the Superintendent of the Building Department or by a member of the Police Department, when no appeal is taken therefrom, or within 10 days after an order has been made by the Board of Appeals affirming said order or modifying the same on appeal, shall be deemed a violation of this chapter.
- C. The order herein may be served upon the owner or lessee of the land, or the agent of either, by personal service or, if such person cannot be served by personal service, a copy of the order shall be served by certified mail upon the owner as the name and address thereof appear on village records and a copy of the order affixed to the premises.

§ 144-10. Remedies upon failure to comply.

- A. Compliance to be secured. If any owner or lessee of land, or the agent of such owner or lessee having control thereof, fails to comply with the order served upon him as aforesaid with respect to same, or if no person can be found in the village who is or claims to be the owner, lessee or agent in control of such land, the Board of Trustees may cause a hedge to be cut and trimmed or otherwise made to conform to this chapter, may cause

the dried grass, dried leaves or other dried material to be removed, may cause a hedge which exceeds the maximum permitted height or width to be cut and trimmed and/or may cause all fences erected to conform to this chapter. [Amended 7-12-1976 by L.L. No. 7-1976; 8-15-1977 by L.L. No. 12-1977; 3-2-1998 by L.L. No. 6-1998]

- B. Collection of cost. The actual cost of any and all such work performed by the village, plus an additional charge of 5% for the cost of inspection, shall be certified by the Village Clerk to the Board of Trustees, and the amount so certified shall thereupon become and be a lien upon the property affected and shall become a part of the taxes next to be assessed and levied on such land, to be collected and enforced in the same manner as taxes.