



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

21 of the year 20 26

Local Law Title: Repealing Chapter 600, Article X, Section 10.2 of the Municipal Code of the Incorporated
Village of Malverne entitled "Regulations for Permitted Fences " and adopting in its place a
new Section 10.2 entitled "Regulations for Permitted Fences and Gates."

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one)

of Incorporated Village of Malverne as follows on the attached pages:
(Name of Local Government)

For Office Use Only

FILED
STATE RECORDS

FEB 03 2025

DEPARTMENT OF STATE

Department of State Local Law Index Number: 21 of the year 20 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 21 of 2026 of the (County)(City)(Town)(Village) of Incorporated Village of Malverne was duly passed by the Board of Trustees on January 22 2026 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____ became operative.

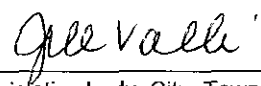
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

(Seal)



Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Date)

1/22/26

§ 600-10.2 Regulations for permitted fences and gates.

A. Regulations in residential districts. Fences may be erected to a height not to exceed 6 feet, measured from adjacent finished grade to the highest point of the fence, except that fence posts may be 6 1/2 feet measured from adjacent finished grade in the rear yard only from the rear of the main building line to the rear property line and along the rear property line. Where the contour of the land contains abrupt changes of grade, the fence may be stepped with the 6 feet height measured over grade, as an average for an eight-foot linear section of fence. All other fencing from the rear of the main building line to the front of the main building line shall be no higher than 5 feet.

B. Regulations in nonresidential districts.

(1) In nonresidential districts, or on any residential lot which is adjacent to any nonresidential district or lot, fences may be finished to a height of six feet, measured from adjacent finished grade to the highest point of the fence, except that fence posts may be 6 1/2 feet measured from adjacent finished grade. Where the contour of the land contains abrupt changes of grade, the fence may be stepped with the six-foot height measured over grade, as an average for an eight-foot linear section of fence.

(2) Where a nonresidential lot abuts a residential zone to the rear of the lot, an appropriately landscaped and screened buffer of no less than 10% of the nonresidential lot depth shall be created along such abutting line.

(3) Where a nonresidential lot abuts a residential zone, which zone is located to the side of the nonresidential lot, an appropriately landscaped and screened buffer of no less than five feet shall be created on the nonresidential plot along such abutting line.

C. Supplemental regulations applicable to all districts.

(1) No fence, except as provided in this article, shall be constructed or installed in any front yard, or along or adjoining any street line, or between the street line and the front building line of any improved lot, except open picket type fencing no higher than 4 feet and is allowed up to the front property lines. Chain-link style fences and gates are not permissible in any front yard. No other types of fence shall be constructed or installed beyond the front corner of the primary structure of the property upon which the fence will be constructed, unless otherwise permitted by other sections of the chapter. The primary structure shall not include any freestanding garage, shed or storage facility. When a property abuts two or more streets, the boundary of the property adjacent to a street which has the shortest distance in linear feet shall be considered the front yard. The boundary of the property adjacent to a street which has the longest distance in linear feet shall be considered the "secondary front" yard.

(2) Corner Lots. It is permissible to install a 5 foot maximum high fence of an approved type in the secondary front yard no closer than 3 feet and parallel to the secondary front lot line, and no closer to the primary front yard lot line than the front line of the main building on the lot.

(3) No fence or landscaping shall obstruct site lines at each side of an end of a driveway at the street. A right triangle shall be created with the fencing to assist a vehicle operators view of the sidewalk and street and have a minimum length of 7 feet long sides of the right triangle.

(4) All fences except unless otherwise noted in this code shall be constructed as near as practicable to, but not more than 12 inches from, a property line:

(a) Approved materials of fencing shall include PVC, Composite, Wood, Black Aluminum / Steel.

(b) Any fence used to connect a primary structure to a fence located along a property line.

(c) Landscaping fences less than one foot in height which are intended to protect landscaping, including, but not limited to, trees, shrubbery and gardens; however, such fences are not to be placed in any manner that would present a hazard to pedestrians on any public sidewalk or right-of-way.

(d) Fences surrounding swimming pools.

(5) A gate or permanent opening of at least three feet in width shall be provided in any fence that fully encloses an area. No gate, when in the open position, shall obstruct a public walkway.

(6) Except as allowed under this article, no fence shall be erected on any lot not in conformance with this section without the prior approval of the Zoning Board of Appeals on proper application made to such Board. The Zoning Board of Appeals, in reviewing an application for a variance for the erection of a fence other than a fence allowed in this article, shall, in addition to other factors, consider the following:

(a) The parcel size;

(b) The placement of structures upon the parcel, if any;

(c) The needs of the applicant;

(d) The type, size and height of the fence to be installed;

(e) The proximity of structures upon adjacent parcels;

(f) The type, size and height of fences upon adjacent parcels;

(g) The proximity of driveways upon the parcel;

(h) The proximity of driveways upon adjacent parcels;

(i) The safety and welfare of persons using sidewalks and public rights-of-way on the parcel;

(j) The safety and welfare of persons using sidewalks and public rights-of-way on adjacent parcels;

(k) The safety and welfare of the applicant; and

(l) Any other factors relevant to the application.

(7) Nothing in this article shall be deemed or construed to prohibit the repair, as distinguished from replacement, of a legally preexisting, nonconforming fence. A fence shall be deemed to be replaced and not repaired if the cost of such alteration or repair is greater than 50% of the current structural replacement value of the nonconforming fence.