

Town of Malta Town Code

§167-2(46) DEFINITIONS

FENCE - A hedge, structure or partition erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two contiguous estates.

FENCE ETIQUETTE

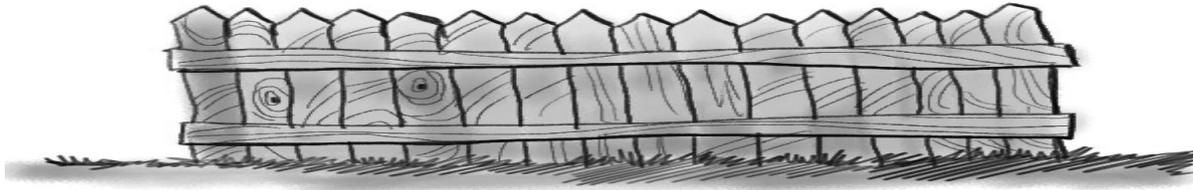


Town of Malta

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Good Fences Make Good Neighbors



Dear Resident:

The Town of Malta Town Code §89-4 B4 Building Permits states:

“No building permit shall be required for installation of fences which are not part of an enclosure surrounding a swimming pool, and which are within setback limitations and, if otherwise within setback limitations, are located two feet or more from the property line”*

*See §167-35.2 Swimming Pools

The only segment of Town Code that pertains to fences is in regard to fences near a street intersection. More restrictive rules often apply to corner lots, where blind curves can limit driving visibility.

§167-31A Traffic Hazards.

Visibility At Intersections. “On a corner lot, no fence, wall, hedge or other structure or planting more than two feet in height above the grade of the street shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 50 feet distant from the point of intersection, measured along said street lines.”

Here are a few helpful tips for you to consider before you install a fence:

MUST-DOS

Observe Boundaries:

Don't risk having to tear down that fence by going even one inch over your property line. Fence companies usually install a foot inside the line, to be on the safe side.

If you decide to place it on or very close to the property line, we recommend getting a survey prior to installing the fence. The survey is considered the 'gold standard', especially if the surveyor shows the placement of the fence on a map to indicate it is indeed on your property.

Respect Limits:

Setbacks - There is no setback required from your property line (unless your HOA says otherwise). Keep in mind the need to access both sides of the fence for future maintenance.

Height - Town of Malta Town Code has no height requirements but NY State Building Code or HOA guidelines may apply.

Follow HOA Rules:

Neither the Town nor a fencing company is responsible for knowing a homeowners association dos and don'ts; that's your job.

NICE-TO-DOS

Share Your Plans: No one likes surprises. Before installing, save yourself a fence dispute and have a conversation with neighbors. If property line issues exist, resolve them before installation.

Put The Best Face Outward:

It's common practice to put the more finished side of your fence facing the street and your neighbor's yard. Fence 'etiquette' calls for the 'nice side' of the fence to face toward your neighbor. It's not a legal requirement (unless your HOA has made it one).

Maintain And Improve Your Fence:

It's your responsibility to clean and maintain both sides of your fence. If an aging section starts to lean, shore it or replace it.

