

# BOROUGH OF DEAL

## ORDINANCE NO. 1131

### **AN ORDINANCE AMENDING CHAPTER XXX DEVELOPMENT REGULATIONS, SPECIFICALLY SECTION 30-41 ADDITIONAL REGULATIONS CONCERNING FENCES, HEDGES, SHRUBBERY AND WALLS, OF THE BOROUGH OF DEAL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED, by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey, not less than two thirds of all members thereof affirmatively concurring, and the Board of Commissioners having referred the within ordinance to the Borough of Deal Planning Board pursuant to NJ.S.A. 40:55D-64 and NJ.S.A. 40:55D-26, and the Borough of Deal Planning Board having reviewed the ordinance on June 8, 2016 and reported to the Board of Commissioners its recommendations, and the Board of Commissioners having reviewed the recommendations of the Planning Board, as follows:

Section 1. Chapter XXX, Section 30-41 of the Ordinances of the Borough of Deal are hereby amended by the following:

#### **CHAPTER XXX**

#### **DEVELOPMENT REGULATION**

#### **30-41 FENCES, HEDGES, SHRUBBERY AND WALLS.**

##### **a. Maintenance.**

Every fence or wall shall be maintained in a safe, sound upright condition. If the Borough, upon inspection, determines that any fence or wall or portion of any fence or wall is not being maintained in a safe, sound, upright condition, the Borough shall notify the owner of such fence in writing of its findings and state briefly the reasons for such findings and order such fence or wall or portion of such fence or wall repaired or removed within fifteen (15) days of the date of the written notice.

##### **b. Prohibited Fences.**

The following fences and fencing material are specifically prohibited: barbed wire, razor wire, sharp pointed fences, canvas, cloth, electrically charged fences.

**c. Location**

All fences, walls and hedgerows must be erected or installed within the property lines, and no fences, walls and hedgerows shall be erected so as to encroach upon a public right-of-way. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected. Back-to-back fences are permitted at the property line. Hedgerows shall be located so that foliage, at full maturity, shall not extend into the public right-of-way.

**d. Sight Triangle**

No hedge, ornamental bush, shrubbery, fence or wall shall be permitted to grow or be constructed to a height in excess of three (3) feet on any lands located within a radius of thirty (30) feet from the corner formed by the intersection of two (2) roadways, nor shall any limbs or foliage on any tree situated upon lands within such radius be permitted to overhang and grow nearer to the ground than ten (10) feet, the purpose being to provide a clear view to the driver of a vehicle passing along any street, avenue or highway of another vehicle approaching on his right at an intersecting street, avenue or highway

**e. Height**

All fences or walls may be erected, altered or reconstructed to a height not exceeding three feet above ground level when located in any front yard and/or along the property line of any premises bordering the streets, avenues and highways of the Borough of Deal.

Fences and walls located in the side and rear yards shall not exceed five feet in height above ground level.

Hedges in the side or rear yards are not limited in height.

Unnatural and/or structural alterations to the topography of a property to achieve a greater height elevation of a fence shall not be permitted.

**f. Violation**

Any owner or tenant of property within the Borough of Deal who shall, for more than a period of ten (10) days after having been notified by the Borough Clerk, permit this condition to remain unchanged shall be in violation of this section.

This section shall not apply to fences around tennis courts which are governed by Chapter XXIV, subsection 24-2.7 of the Revised General

## Ordinances.

Section 2. The Borough Administrator /Clerk is directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).

Upon the adoption of this Ordinance after public hearing thereon, the Borough Administrator/Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of this ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Introduced by Commissioner Ades on June 10, 2016

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon

Motion to Adopt by Commissioner Ades on June 29, 2016

Seconded by Commissioner Simhon

Roll Call: Ayes 3; Cohen, Ades & Simhon