

### **30-7.25 Fences and Walls.**

- a. No fence shall be constructed on any property unless a fence permit for such fence has been issued. An application for a fence permit shall be submitted to the Construction Official accompanied by an application fee (see below) and shall be accompanied by a plan showing the height, type, and location of the proposed fence in relation to lot lines, the street, buildings and other structures. The application shall be acted upon by the Construction Official within fifteen (15) days of submission. Decorative and animal control fences for use around gardens, shrubs, etc., shall be exempt from the permitting process, but must comply with all height and type requirements.
- b. No fence shall exceed six (6) feet in height except as follows:
  1. On park, recreation or school properties, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.
  2. Fences specifically required or approved by the Borough Planning Board, Board of Adjustment, Borough Council or required by other provisions of this chapter or other municipal and State regulations.
- c. No fence exceeding forty-two (42) inches in height shall be erected within a front yard, or within fifty (50) feet of any river, lagoon, or other body of water. Residents living adjacent to public property used for waterfront access may have the height requirement waived after application to the Construction Official. For fence posts only, when designed with an ornamental or decorative cap molding or trim or a newel cap, are permitted to have a maximum height of forty-eight (48) inches.
- d. Fences constructed of stone, block, brick or other masonry construction shall not exceed thirty (30) inches in height. Freestanding pillars shall be exempt from the height requirement. Any fence constructed of concrete or concrete block shall have a decorative finish surface of stucco or shall be constructed of concrete masonry units having a decorative finish surface such as a split face, fluted or ribbed or scored block.
- e. Fences located within a front yard or within fifty (50) feet of any river, lagoon, or other body of water shall be open fences as defined in this chapter.
- f. Chain link, open wire, or wire mesh fence shall not be located in a front yard.
- g. In any business zone, a chain link, open wire, or wire mesh fence not exceeding six (6) feet in height may be erected in the rear or side yard of a multi-family or nonresidential use in accordance with a site plan approved by the Municipal Agency.
- h. All fences must be erected within the property lines and no fence shall be erected as to encroach upon a public right-of-way.
- i. Fences or walls with pointed or sharpened metal elements or with angular embedded glass or ceramic elements or with barbed wire, razor wire or electric elements or with a design or element which, in the opinion of the Code Enforcement Officer, is otherwise hazardous or dangerous are prohibited in all zones.
- j. Canvas or cloth fence and fencing construction is prohibited in all zones.
- k. 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.

l. Tennis court fences, baseball and softball backstops and spectator protective fencing located within a public park or public recreation area of the Borough are exempt from the requirements of this subsection. In all other locations such fencing is exempt from the requirements of this subsection provided it is not located within a required yard area. Located outside of any required yard area, such fencing is subject to the height limitations of the particular zone district.

m. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or damaged to create ponding.

n. Any fence erected within the historic district shall adhere to the "Design Guidelines of the Fair Haven Historic District" adopted by the Fair Haven Historic Preservation Commission provided these guidelines have been approved by the Borough Council.

o. Any sign or label identifying a fence manufacturer or contractor shall be removed at the time of installation of the fence.

p. Fences specifically required by law shall be exempt from the fence standards of this subsection but only to the extent of meeting the minimum requirements of the law and such fences shall remain subject to the requirement for the issuance of a fence permit.

(2002 Code § 16.28.240)

### **30-2 Definitions**

**Fence** means a structure constructed of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials serving as an enclosure, barrier, or boundary.

**Fence, Open. Open Fence** means a **fence** in which one-half (1/2) of the area, between grade level and the top cross member (wire, wood, or other material), is open.

**Fence Permit** means a document signed by the Code Enforcement Officer (1) which is required by ordinance as a condition precedent to the construction, reconstruction, alteration, or installation of a **fence**; and (2) which acknowledges that the **fence** complies with the provisions of the Borough zoning ordinance or variance, therefrom duly authorized pursuant to N.J.S.A. 40:55D-60 or N.J.S.A. 40:55D-70.

**Fence Post** means the vertical upright of a **fence** which provides support and the point of attachment for the rails.

### **11-1.3 Fee Schedule.**

The fee for a construction permit shall be the sum of the subcode fees listed in a. through o. hereof shall be paid before the permit is issued as determined by the Construction Official.

g. *Fences.* The fee for erection of a **fence** shall be thirty-five (\$35.00) dollars for the first 200 lineal feet of **fence** or any part thereof and fifteen (\$15.00) dollars for each 100 lineal feet or any part thereof thereafter.

The fee for the installation of a pool compliant **fence** shall be seventy-five (\$75.00) dollars.

#### **11-4.12 Fencing – (Pool)**

All outdoor swimming pools shall be enclosed by a substantial **fence** not less than forty-eight (48) inches in height, so constructed as to prevent, within reason, any person from gaining access beneath or through the **fence** and which shall have a similarly substantial gate of the same height as the **fence**, with facilities for locking the gate when the pool is unguarded. The swimming pool gate is to be kept closed at all times except when opened for the purpose of ingress or egress. (2002 Code § 15.20.120)

#### **14-4.2 Fence Regulations; Height at Intersections. – (CORNER PROPERTIES)**

No fence or other structure of such construction or composition that it would obstruct vision exceeding two and one-half (2 1/2) feet in height shall be constructed or maintained within a radius of twenty-five (25) feet from the corner of an intersection of any two (2) or more streets. (2002 Code § 12.12.020)