

ORDINANCE NO. 2015-16

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25
ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF
THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 25 entitled "Land Development Regulations" are necessary; and

WHEREAS, in all other respects Chapter 25 entitled "Land Development Regulation" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

The text of Chapter 25 §18.2 entitled "Fences and Walls" shall be deleted in its entirety and replaced with the following text:

§25-18.2 Fences and Walls.

(a) General Regulations.

1. No fences may be erected within the municipality without the owner of the premises or his representative, authorized in writing to make such application, first obtaining a zoning permit from the Zoning Officer.

2. Application for such fences shall be made in writing to the Zoning Officer, upon a form prescribed by the Zoning Officer setting forth the following information:

i. The owner and address of the premises where the fence is to be erected.

ii. A description and specifications of the fence, including size, height, dimensions, material and size and percentage of opening.

iii. A sketch or plan of the fence.

iv. A certified plot plan or survey of the premises in question, which shall show streets abutting and the nearest intersection, and shall further indicate the location of structures within ten feet (10') of the fence. The Zoning Officer shall be permitted to issue a permit without a plan or survey where the applicant is able to satisfactorily demonstrate the location of the property markers on the premises.

3. The fee for such permit, if any, shall be as provided in the Borough of Elmer fee schedule.

4. Any existing deed restrictions shall not be superseded by this Section.

(b) Fences and walls may be erected, altered or reconstructed in accordance with the following regulations:

1. Fences must not encroach upon public rights-of-way or adjacent properties.

2. All fences must be erected within the property line.

3. All fencing must be in conformance with the requirements for visibility at intersections and driveways listed in §25-18.4.

4. Fences not exceeding four feet (4') in height above ground level may be erected between the building line and the road, street and/or right-of-way.

5. Fences not exceeding six feet (6') in height above the ground level may be erected between the front building line to the side property lines and to the rear of the property, unless the fence is otherwise permitted in this Section.

6. Where a neighboring residential structure is situated within six feet (6') of the proposed fence, fences not exceeding the height equal to the distance that the bottom of the lowest first story window on the neighboring residential structure is situated from the ground may be erected along the length of the residential structure.

7. The maximum height must be measured from the natural grade of the land.

8. Fences which need to exceed the height (tennis courts, swimming pools, dog runs, etc.) must meet the required yard setbacks. Security fences around commercial, industrial or institutional uses shall not exceed ten feet (10').

9. Corner lots. Notwithstanding any provision in this Subsection (b), any lot abutting at least two (2) roads, streets and/or rights-of-way shall further conform to the following regulations.

i. Fences not exceeding six feet (6') in height above ground level may be erected no closer to the road, street and/or right-of-way than a parallel line running from the corner of the dwelling that is closes to said road, street and/or right-of-way to the rear lot line.

(c) Construction. All fences shall be constructed in accordance with the following standards:

1. All fences must be permanent construction and shall withstand a wind load of fifteen pounds (15 lbs.) per square foot.

2. All fences must be installed with the side where the supporting posts or poles are most visible facing the inside or towards the lot the fence is erected on. The side where the supporting posts or poles is least visible and is the most finished must face the outside or adjoining lots or the public right-of-way.

3. Fences must not be erected of barbed wire, topped with metal spikes, nor constructed in any manner which may be dangerous to persons or animals except that these provisions shall not apply to a farm, and except further that fences around commercial and industrial uses may be topped by a protective wire barrier.

4. Fences must be one (1) color, harmonious with the surrounding area.

5. All fences must be maintained in sound condition. Whenever a fence or portion thereof is determined to be structurally unsafe, the Property Maintenance Officer shall order the owner in writing to repair the fence or remove it within ten (10) days or be subject to the penalties stipulated in this Section.

(d) For a violation of any provision of this Section, the maximum penalty upon conviction of said violation shall be one or more of the following: A fine not exceeding One Thousand Dollars (\$1,000.00). Each day in which a violation of this Section exists shall constitute a separate and distinct violation. Any person who is convicted of violating this Section within one (1) year of the date of the previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court for the repeated offense shall not be less than the fine imposed for the previous offense.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

**BY: _____
Joseph Stemberger, Mayor**

ATTEST:

**Sarah D. Walker
Acting Borough Clerk**

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	_____	_____	_____	_____	_____	_____
Davis	_____	_____	_____	_____	_____	_____
Nolan	_____	_____	_____	_____	_____	_____
Richards	_____	_____	_____	_____	_____	_____
Schalick	_____	_____	_____	_____	_____	_____
Zee	_____	_____	_____	_____	_____	_____

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on November 11, 2015. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on December 9, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Sarah D. Walker
Acting Borough Clerk