

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 18-2011

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN REVISING AND CLARIFYING CHAPTER 180, ARTICLE XXV, SECTION 180-99.2 FENCE REGULATIONS TO PROHIBIT FENCES EXCEEDING SIX FEET IN HEIGHT, SUBJECT TO EXCEPTION FOR TENNIS COURT FENCING, AND TO LIMIT FRONT YARD FENCING TO THREE FEET IN HEIGHT

WHEREAS, the Township of Moorestown has previously adopted a zoning code pursuant to the provisions of the *Municipal Land Use Law* set forth at N.J.S.A. 40:55D-1, et. seq.; and,

WHEREAS, said code at Article XXV, Section 180-99.2 regulates fence height within the Township, and while excepting tennis court fencing, does not clearly provide for either the prohibition of fences exceeding six feet (6') in height or the restriction of swimming pool fencing to side and rear yard areas; and

WHEREAS, the Township of Moorestown has determined that it is in the best interests of the Township to revise the language of the present Ordinance Section 180-99.2 to clearly articulate the aforementioned restrictions.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article XXV, Section 180-99.2 is hereby deleted and replaced with the following language:

Section 1: 180-99.2 Fence Regulations.

- A. Fences higher than six feet (6') in height in residential zones are prohibited except in those limited instances that meet all of the requirements of Subsection D.
- B. Definition. As used in this section a FENCE shall be defined as an artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.
- C. All permitted fences shall be situated on a lot in such a manner that the finished side of such fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms, and except further that fences permitted for commercial, industrial or public utility uses may be topped by a barbed-wire protective barrier, if such fence is a minimum of six feet (6') in height. No fence shall be permitted to alter or impede the natural flow of water in any stream, creek, drainage swale or ditch. In addition, all fences on corner or reverse-frontage lots shall meet the requirements in §180-87 and §180-92.

- D. On any lot in any residential district, other than a lot used for institutional or public utility purposes, no wall or fence shall be erected or altered so that such wall or fence is over three feet (3') in height in front yard areas and six feet (6') in height in rear and side yard areas, except that tennis courts may be surrounded by a non-opaque fence, a maximum of twelve feet (12') in height. Said fence may not be located within the required building set back requirements.
- E. A private residential swimming pool area shall be surrounded by a fence at least four feet (4') in height but no more than six feet (6') in height and shall not be located within the required front yard set back area.

Section 2: Effective Date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 3: Severability. If any section, paragraph, clause, phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, inhere or invalidate the remainder thereof, which shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4: Short Title. This Ordinance may be cited as Ordinance No. 18-2011.

#### NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on May 23, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on June 13, 2011 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk