

BOROUGH OF CRESSKILL

ORDINANCE NO. 18-14-1526

AMEND CHAPTER 275 – ZONING - ARTICLE XXXII - FENCES

BE IT ORDAINED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that those portions of the aforesaid set below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

SECTION I §275-3. Terms defined.

LOT, CORNER – **DELETE last sentence** –“No fences shall be permitted in the front yards of corner lots.”

SECTION II §275-47. Exception to yard requirements; permitted obstructions.

DELETE Fences or walls not over four feet in height may be erected anywhere on the lot, except as set forth in §275-44A, and further provided that they are not on nor block access to any Borough easement. Fences or walls not over six feet high may be erected along any rear lot line, and for up to 25 feet from the rear lot line towards the street; except that when the lot is a corner lot, no fence exceeding four feet in height may be closer to the street than 25 feet. In no case may a fence be closer to the street than 10 feet. (See §275-44A.) Any fence, which is considered to have a face or front, is placed outward from the area being enclosed. Fences or walls with a height in excess of six feet shall conform to the requirements set forth herein for buildings.

§275-129. Location and height of fences. **DELETE A. THROUGH E.**

ADD

1. A fence permit shall be issued by the Construction Official upon approval of a zoning application.
2. No fence erected on or around a residential lot or parcel of land shall exceed four (4) feet in height above average grade. Pre-constructed fences of approved height must be installed as close to the ground as possible. The total height of the fence will not include any slight undulations of the ground, provided that eighty percent (80%) of the fence does not exceed the maximum approved height. No fence shall be installed on a berm or swales and shall be measured from finished grade. No fence shall be installed on a wall (except a retaining wall) making the overall height higher than the approved height for that location and shall not block water from natural run off.
3. No fence shall be erected in the front yards of a standard or corner lot in any residential district unless the fence is at least seventy-five (75%) open, not greater than 48” in height above finished grade and meets §275-44A. Fencing in the rear of a corner lot which is considered a front yard shall be allowed to be a solid 4’ fence with the approval of the Construction Official. Fencing must be painted in only one color, harmonious with the surrounding area and must not have oversized posts or columns unless approved by the planning board or calculated into the impervious coverage calculations. All driveway gates must be set back a minimum of 25’ from the roadway, shall not exceed an additional 50% of the approved adjoining fence height and shall not act as a part of a pool barrier system. Fences must be constructed with the finished side away from the applicant’s property.
4. Fences shall be installed to permit flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
5. Fences higher than six (6) feet, such as those required around a tennis court shall comply with §275-10.1 E., may be permitted in a residential zone by the Zoning Board of Adjustment.

6. Living fences or screening shall be planted no closer than three (3) feet from the center of the plant to the property line. Living fences shall be maintained in a neatly trimmed condition and shall not interfere with corner lots as per §275-44A. No living fence shall be planted within twenty-five (25) feet of the roadway along the edge of any driveway or parking lot entering the roadway or an intersection.

7. The following fences and fencing materials are prohibited: barbed wire fences, short pointed fences, canvas, cloth, electrically charged fences, poultry netting, bamboo fencing, temporary fences such as snow fences, expandable fences and collapsible fences, at any location of the lot upon which dwelling or structure is situated. All fences must be set back from the intersection of two roadways a minimum of 30'.

8. Swimming pools now or hereafter constructed shall be enclosed by a substantial fence no less than forty-eight (48) inches in height with a latch at fifty-four (54) inches from grade and shall have the gate swinging away from the pool. All swimming pool barriers and safeguards shall comply with the International Swimming Pool and Spa Code.

9. No fence shall be closer than ten (10) feet to any street even if the property line is closer than ten (10) feet. No fence shall be erected in the Borough right-of-way.

10. No fence permit shall be issued by the Construction Official until the applicant provides the Construction Official with a set of plans or description of the proposed fence and sketch or survey showing the location of the fence. The proposed fence shall be constructed in conformity with the plans or description and shall be located as shown on the sketch or survey. If the Construction Official, upon inspection, determines that any fence has not been constructed according to the plans or description or has not been located as shown on the sketch or survey, he shall notify his findings and order such fence to be constructed according to the plans or description. Such owner shall either remove the fence or comply with the order of the Construction Official within ten (10) days of the receipt of the written notice. Each day the owner fails to obey the order referred to above shall constitute a separate violation of this chapter.

11. Fences not over six (6) feet in height may be erected along the rear lot line (in no case not any closer than twenty-five (25) feet to any street on a corner lot) and along the side lot lines for a distance from the rear lot line to a point ninety (90) degrees off the side lot line to the rear corner of the principal structure. The adjoining fence from the side lot line to the rear corner of the primary structure shall be four (4) feet solid with a gate at both sides. If the four (4) foot fence is any closer to the front of the primary structure, it shall be fifty (50) percent open. For an irregular lot, the Construction Official shall determine the distance and location.

12. During construction on such property, a temporary safety fence permit may be issued for a fee of \$50.00 from the Construction Official. During construction on such property, a silt fence (not regulated by Bergen County Soil Commission) shall be installed downgrade of all stock-piled soil, at the lowest grade of the property and along the curb line until finished grade is created. It must be installed prior to the day of excavation. Neglecting to do so will result in a \$500.00 fine with a \$250.00 reoccurring fine if the neglect continues.

SECTION III

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION IV

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION V

This Ordinance shall take effect immediately upon final passage and publication according to law.