

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1038-2021

ORDINANCE AMENDING AND MODIFYING, §200-15 FENCES AND FENCE WALLS

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 200, §200-15 Fences and fence walls, pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§200-15 Fences and fence Walls:

A. Residential zones.

(1) No fence shall be constructed, installed or replaced without a zoning permit, including a pool barrier fence.

(2) No fence or fence wall in a ~~required~~ yard shall exceed six feet in height, measured from the highest point of ground at its base, except where required by this chapter to screen parking areas. Six foot fences are permitted in side and rear yards.

(3) No fence or fence wall in any ~~required~~ front yard shall exceed ~~three~~ four feet in height. All fences in a front yard shall be a minimum of ten feet in from the road/curb line and also must be on or within the homeowner's property line.

(4) Chain link fences are prohibited in a front yard. All fences in a front yard shall be a minimum of ten feet in from the road/curb line and also must be on or within the homeowner's property line.

(5) Regarding corner lots, four foot fences are permissible on the second front yard, and must maintain ten feet from the right of way. The maximum height of six feet, may start on the rear corner foundation and run parallel to the rear property line and also be on or within the homeowners property line.

(6) Fence post caps are allowed to rise an additional six inches above the maximum fence panel heights.

(7) No fence, shrubs or other obstruction to visibility, exclusive of trim trees or existing buildings, shall be built, planted or maintained upon a corner lot within 25 feet of any street intersection. Plantings higher than 32 inches are prohibited. Any existing obstruction of this character which within the foregoing limits curtails the view of drivers of vehicles approaching the intersection, as determined by the Northvale Police Department Traffic Officer, shall be removed by and at the expense of the owner of such corner lots within six months of the date of the passage of this chapter.

~~No fence or fence wall (except a retaining wall) over six feet in height shall hereafter be erected within 10 feet of a property line. Any fence or fence wall erected pursuant to this chapter in a residential zone shall be placed such that its good side faces outwards from the property on which it is so erected.~~

(7) Any fence which is not aesthetically and visually identical on both sides must be erected so that the side facing an adjoining property owner, or a street, is of equal or better aesthetic and visual appearance than the side facing the property upon which the fence is erected.

(8) No fence panel, picket or slat shall be in excess of six feet in height. The total height of the top of the fence panel, picket or slat shall not include any slight undulations of the ground. An allowance of two (2) inches from the bottom of any fence panel, picket or slat is permitted, provided that 80% of the fencing does not exceed a height of six feet two inches above the ground. This maximum height is intended to allow a six-foot-tall fence panel to be installed up to two inches above the ground, regardless of any undulations of the ground up to six inches above the ground when the ground does undulate. No fence post, including any decorative finial, shall be in excess of six feet eight inches

B. Nonresidential zones. The regulations for residential zones shall apply herein. Nothing contained herein shall prevent an owner of nonresidential property, where necessary to protect the public from dangerous equipment, from applying to the Mayor and Council for permission to erect a security fence of the chain-link type above the six-foot height requirement imposed herein

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Northvale Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Northvale Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Patrick J. Marana

Patrick J. Marana, Mayor

Attest:

Frances M. Weston

Frances Weston, Acting Borough Clerk

Introduced: June 9, 2021

2nd Reading: July 14, 2021

Passed: July 14, 2021

