

**BOROUGH OF NORWOOD**

**ORDINANCE NO. 16:09**

**An Ordinance Amending Chapter 120 Titled "Fences" and Chapter 233  
Titled "Zoning" in the Code of the Borough of Norwood, Regarding the Regulation of  
Fences in the Borough.**

WHEREAS, the Mayor and Council of the Borough of Norwood is authorized to create and from time to time modify land use regulations consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and the purpose of this ordinance is to clarify and better define the existing regulations that apply to fences in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Norwood as follows:

**Section 1:** Chapter 120 of the Code of the Borough titled "Fences" is repealed.

**Section 2:** Section 233-3 of Chapter 233 of the Code of the Borough titled "Definitions and word usage" will be amended to include the following additional definitions in sub-section 233-3(B):

Fence – Includes any substantially vertical structure, wall, or appurtenance, regardless of material composition, but excluding vegetation and living fences, whether supported by a foundation, footing, piling, stake, post, aboveground member, or whether it be self-supporting, intended as a barrier to prevent escape or intrusion, to mark a boundary or the proximity thereof to ensure privacy, or to act as a support for vegetation.

Living fence – Plantings created by human effort consisting of the growth or placement of hedges, trees, bushes, or any other plants, or

any combination thereof, creating a vision-impairing barrier or boundary between properties.

**Section 3:** A new Section 233-23.2 of Chapter 233 of the Code of the Borough titled “Fences” will be amended to state:

**§233-23.2. Fences.**

- A. All fences erected on residential property in the Borough of Norwood are subject to the following requirements:
1. A fence permit is required to be issued by the zoning officer for all fences, except living fences, erected in the Borough.
  2. No fence erected on or around a residential lot or parcel of land may exceed six feet in height. Preconstructed fences of a standard six-foot 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 80% of the fence does not exceed the maximum height of six feet.
  3. No fence may be erected on a front yard of any lot in residential zone or along a public right-of-way unless the fence is less than 50% solid and is not more than four feet in height.
  4. Fences must be constructed with the face of the finished side facing away from the subject residential property and the structural side toward that property.
  5. Fences that are painted will be painted in only one color that is harmonious with the surrounding area. Multicolor fences are prohibited.
  6. Fences must be erected in a manner so as to permit the flow of natural drainage and may not cause surface water to be blocked or dammed to create ponding.
  7. Fences higher than the six feet, including but not limited to those required around a tennis court, may be permitted in a residential zone by the Zoning Board of Adjustment. However, these fences will be considered structures, requiring building permits, and will comply with the minimum side and rear yard requirements for an accessory buildings.
  8. Fences required around a swimming pool must comply with §207-8 of the Code of the Borough of Norwood.
  9. The following fences and fencing materials are prohibited: barbed-wire fences; short pointed fences; canvas, cloth and electrically charged fences;

poultry netting; fences constructed of woven, interwoven or laced plastic material; temporary fences, such as snow fences; expandable fences; and collapsible fences at any location on the lot upon which a dwelling or structure is situated, except during construction on such property.

10. Every fence must be maintained in a safe, sound, and upright condition and in accordance with the approved plan on file with the zoning officer.
  11. All fences must be erected within the property lines. No fences may be erected so as to encroach upon a public right-of-way or to interfere with the vehicular or pedestrian traffic or with visibility on corner lots.
  12. Minimum distance to any property line, except for the front property line, will be one foot, provided that common fences may be located on the rear side property lines with the consent of the adjacent owner. The minimum distance to the front property line will be 10 feet.
  13. A fence must be placed on the property owned by the person erecting that fence, unless a written mutual agreement is made by both adjoining property owners involved, allowing the fence to be placed on the property line between the two adjoining properties.
  14. No fence may be erected where it creates a traffic vision barrier.
- B. No fence may be constructed except upon an application filed with and approved by the zoning officer. The zoning officer may grant a permit only after the applicant provides the zoning officer with a set of plans or a description of the proposed fence and a sketch or survey showing the proposed location of the fence. The proposed fence must be constructed in conformity with the plans or description and must be located as shown on the sketch or survey.
- C. All living fences planted or maintained on residential property in the Borough are subject to the following requirements:
1. Living fences may be planted up to three feet from any property line.
  2. Living fences must be kept in reasonably neat and trim manner and may not be planted within ten feet of any roadway and within twenty-five feet of the intersection of any roadways, in accordance with Norwood Code §202-7 to 202-9.

**Section 4:** All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

**Section 5:** The provisions of this ordinance are severable. If any part of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

**Section 6:** This ordinance will take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d), and copies will be served on the County Planning Board and the Borough's tax assessor within thirty (30) days of adoption.

Introduced and passed first reading: May 11, 2016

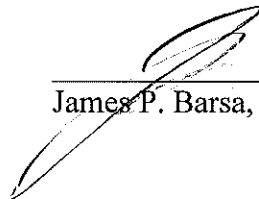
Passed second reading: June 8, 2016

ATTEST:

APPROVED BY:



Lorraine L. McMackin,  
Borough Clerk



James P. Barsa, Mayor

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