

ORDINANCE NO. 13-12
INTRODUCTION DATE: 06-19-13
ADOPTION DATE: 07-17-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
"LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BY ADDING A NEW
SUBSECTION 4-9.12 TO SECTION 4-9, "ACCESSORY BUILDINGS AND
STRUCTURES", WITHIN ARTICLE 4, "REGULATIONS APPLICABLE TO
ALL ZONING DISTRICTS", IN ORDER TO PROVIDE ZONING
REQUIREMENTS FOR FENCES WITHIN MILLSTONE TOWNSHIP**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MILLSTONE** in the County of Monmouth and the State of New Jersey, that Chapter XXXV, the "Land Use And Development Regulations" ordinance, Section 4-9, "Accessory Buildings And Structures", within Article 4, "Regulations Applicable To All Zoning Districts", is hereby amended and supplemented by adding a new Subsection 4-9.12 as follows, to be entitled "Fences":

SECTION 1. Add a new Subsection 4-9.12, to be entitled "Fences" and to read in its entirety as follows:

"4-9.12 Fences.

- a. On any lot in any zoning district, all fences shall be erected within the property lines of the subject property and shall not encroach onto any adjacent street right-of-way or onto any other adjacent property.
- b. On any lot in any district, all fences shall be situated on a lot in such a manner that the finished side of the fence faces any adjacent properties.
- c. On any lot in any district, no fence shall be erected with barbed wire or electrified wire, topped with metal spikes, or constructed in any manner which may be dangerous to persons or animals, except that fences specifically for agricultural uses on farmland assessed properties in excess of ten (10) acres in area may be erected with barbed wire or electrified wire in accordance with requirements and standards set forth herein.
- d. On any lot in any district, no fence shall be erected or altered so that said fence is higher than six feet (6') in side and rear yard areas and four feet (4') in front yard areas, provided that all fencing in front yard areas shall be at least fifty percent (50%) open, but shall not be constructed of chain-link, and except as follows:

1. On any farmland assessed property, a high-tensile woven wire fencing a maximum eight feet (8') high, which may be electrified and is designed to deter deer and small mammals, may be constructed in side and rear yard areas only, provided that the fencing is set back at least ten feet (10') from any street right-of-way line and any other property line.

2. A residential lot may have fencing around a vegetable or flower garden not exceeding five thousand square feet (5,000 sf) in area designed to deter deer and small mammals from entering, provided and in accordance with the following:

(a) The fence shall be located in the rear yard area only.

(b) The fence shall not exceed eight feet (8') in height, provided that any portion of the fence over six feet (6') high shall be constructed only of thin, high-tensile woven wire running parallel to the ground or in a grid pattern, with no non-perpendicular or non-parallel elements.

(c) Any portion of the fence higher than six feet (6') shall have at least a six inch (6") separation between all vertical (stay) wires and between all horizontal (line) wires.

(d) Any portion of the fence utilizing the thin, high-tensile woven wire shall have the wire tautly stretched between the supports so that the wiring does not sag or droop.

(e) If the fence is higher than six feet (6'), the fence shall be set back from any lot line by at least fifteen feet (15') or the distance required for an accessory building in the subject zoning district, whichever distance is greater.

3. A dog run may have fencing a maximum eight feet (8') high, provided that the dog run is located in rear yard areas only and that the fence is set back from any lot line the distance required for an accessory building in the subject zoning district.

4. A tennis court or other court used for sport activity may be surrounded by a fence a maximum fifteen feet (15') high, provided that the tennis court is located in rear yard areas only and that the fence is set back from any lot line at least twenty-five feet (25') or the distance required for an accessory building in the subject zoning district, whichever distance is greater.

5. A swimming pool must be surrounded by a fence in accordance with Section 15-3 in Chapter XV, "Swimming Pools", of the Revised General Ordinances of the Township of Millstone.

6. Security and/or safety fencing for schools and other public uses and for the screening of permitted outdoor storage areas may have fencing a maximum eight

feet (8') high, provided that the fence is located in rear yard areas only and is set back from any lot line by at least fifteen feet (15') or the distance required for an accessory building in the subject zoning district, whichever distance is greater."

e. All fences shall require the issuance of a zoning permit, except that fencing specifically for agricultural uses on farmland assessed properties in excess of ten (10) acres in area shall not require the issuance of a zoning permit.

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are repealed.

SECTION 3. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

EXPLANATORY STATEMENT: This Ordinance amendment adds new requirements for fences within Millstone Township.