



**TOWN OF NEWTON
PERMIT TO ERECT FENCE**

**\$25 FEE PAYABLE TO
TOWN OF NEWTON**

1. Block: _____ Lot: _____ Work Site Location: _____

Owner: _____

Address: _____

Email: _____

Telephone#: _____

Applicant or Contractor: _____

Address: _____

Email: _____

Telephone#: _____

2. Location of Fence (Check all that apply): ****Provide copy of Survey**

Rear Yard _____ ; Side Yard(s) _____ ; Front Yard _____

3. Height of Fence: _____
Rear Yard Side Yard(s) Front Yard

4. Description of Material to Be Used: _____

Signature of Property Owner or
Applicant/Contractor

Zoning Officer

Date:

320-24.A Fences or Walls:

1. Fences or walls in excess of 18 inches in height shall be considered as accessory uses to a principal permitted use and shall be permitted in accordance with the general standards set forth below:
2. Wherever possible, natural screening shall be used to achieve privacy. However, where a privacy fence appears to offer a better alternative than the absence of such fence or natural screening due to circumstances involving the characteristics of the affected properties, fences conforming to this section shall be permitted.
3. The finished side of all fence surfaces shall face adjacent properties.
4. No fence shall be erected of barbed wire or similar harmful elements, nor constructed in any manner which might be dangerous to persons or animals, except that this restriction shall not apply to farms.
5. No fence or wall shall be erected in a prescribed sight triangle.
6. No fence anywhere in a front yard, including a fence running along or approximately parallel to a side lot line within a front yard, shall be more than four feet high.
7. No fence, running substantially along a rear lot line, or approximately parallel thereto, or otherwise in a rear yard, shall exceed six feet in height measured from average grade corresponding to each eight-foot section of fencing. If such fence has decorative scalloped panels or pickets along its upper edge, height may be measured to the lowest point of such edge, thus allowing posts and corresponding elements to exceed the height limitation of this subsection, but in no event by more than one foot. Where a rear yard or side yard of a corner lot abuts a side lot line and front yard of an adjacent lot, then in no event shall a fence in such rear or side yard on the corner lot exceed four feet in height such portion thereof which lies parallel to or otherwise substantially alongside the front yard of the adjacent lot.
8. All fencing other than stone fence, stone (or masonry) wall, or iron decorative type fence shall be constructed of wood or a material that is relatively indistinguishable from wood.
9. Walls of masonry or natural stone (not retaining walls), such as New England drywalls and rows of fieldstone, shall not exceed a height of four feet.
10. Without limitation hereto, the following fences and fencing materials are specifically prohibited:
 - a. Barbed wire or other hazardous construction or material unless on a farm;
 - b. Canvas, fabric or cloth fences;
 - c. Electrically charged fences unless on a farm;
 - d. Temporary fences, such as snow or silt fences, except as the latter may be necessary during development or other approved land disturbance;
 - e. Plastic slats or other inserts in woven wire fences.
 - f. Any fence, wall or similar structure as well as shrubbery screening which substantially cuts off light or air or which may cause a nuisance, dangerous condition or a substantial fire-fighting impediment shall be prohibited.
 - g. Notwithstanding Subsection 320-24.A(8), woven wire fencing may be substituted for wood or simulated wood fencing for safety, a dog run or other appropriate reason; provided, however, that the closed loop edge shall be at the top, and no part of such fencing shall lie within a front yard.
 - h. Swimming pool fences. Every private swimming pool shall have a fence enclosure which complies with (BOCA) Building Officials and Code Administrators International.
 - i. Retaining wall: Any retaining wall 48 inches or greater in height shall be designed by a licensed professional Engineer and shall require a building permit.

TOWN OF NEWTON

ORDINANCE 2015-24

AN ORDINANCE AMENDING SECTIONS 320-3, DEFINITIONS, AND 320-24.A, FENCES OR WALLS, OF THE TOWN CODE OF THE TOWN OF NEWTON TO CREATE ADDITIONAL STANDARDS FOR FENCE INSTALLATION

WHEREAS, the Mayor and Town Council of the Town of Newton find that it is not directly noted in Section 320-24.A of the Town Code that a fence permit is needed; and

WHEREAS, the Mayor and Town Council of the Town of Newton find that an additional standard to require fences to be constructed one (1) foot off of the property line would limit conflicts between property owners; and

WHEREAS, the Mayor and Town Council, with suggestions from the Town planner, desire to make additional revisions to fencing regulations and to definitions, Town Code Section 320-3, related to fencing;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

SECTION 1: Section 320-3 Definitions, of the Town Code is amended by the addition of the following:

Fence: an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. Fences are generally erected as permanent or long-term structures utilizing fence posts set into the ground with concrete or other stabilizing material.

Temporary Fence: an artificially constructed barrier made of any material or combination of materials erected to temporarily enclose, screen or separate areas. Temporary fences may include deer fencing, garden enclosures, edging, and the like, which are not permanently affixed into the ground and can be easily removed without special equipment or machinery.

SECTION 2: Section 320-24.A Fences and Walls, of the Town Code shall be supplemented by the addition of the following:

- (11) No fence or wall shall be placed within one (1) foot of any property line unless a single fence is placed along a common property line as agreed to by adjoining property owners.
- (12) Fences and walls shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- (13) Temporary fences must meet all setback and height requirements of permanent fencing.

- (14) A fence permit is required to be issued by the Zoning Officer prior to the erection or replacement of any fence, except that temporary fences do not require a permit, however they must meet all height and setback requirements of permanent fences. An application for a fence permit shall contain such information as to ensure conformance with the above standards and, at a minimum, should include a plot plan indicating the location of fencing, fence material, the lot's front, side and rear yard setback requirements, and an indication of the proposed fence height in relation to the front yard setback and remainder of lot as applicable.

SECTION 3: SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part held invalid.

SECTION 4: NOTICE

Upon the adoption of this Ordinance, after public hearing, the Town Clerk is directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 5: EFFECTIVE DATE

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, August 24, 2015, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Wednesday, September 16, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.



Lorraine A. Read, RMC
Municipal Clerk