



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 with 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.

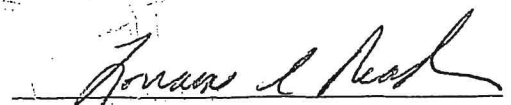
### **SECTION 4: NOTICE**

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