

§ 45-1

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Chapter 45

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 2-4-80 as Ord. No. 1980-4. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 39. Land Use — See Ch. 55.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey.

§ 45-1. Permit; application.

A. No fences shall be erected within the municipality without the owner of the premises or his representative, authorized in writing to make such application, first obtaining a permit from the Building Inspector.

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B. Application for such fences shall be made in writing to the Building Inspector of the Township of Barnegat, New Jersey, and shall set forth the following information: The owner and address of the premises where a fence is to be erected.

A description and specifications of the fence, including size, height, dimensions, material and size and percentage of openings.

A sketch or plan of the fence.

A certified plot plan or survey of the premises in question, which shall show streets abutting and at the nearest intersection and shall approximately indicate the location of structures within ten (10) feet of the fence.

§ 45-2. Ail zoning districts. [Amended 9-2-86 by Ord. No. 1986-27]

Fences shall be no closer than one (1) foot to the township road, street and/or right-of-way.

Fences not exceeding forty-eight (48) inches in height above the ground level may be erected between the township road, street and/or right-of-way and the building line.

Fences not exceeding six (6) feet in height above the ground level may be erected between the front building line to the side property lines and to the rear of the property.

Front fences on corner properties shall not be constructed of materials that would block the view of vehicular traffic at the intersection.

Fences must be maintained by the owner and kept in alignment and shall be maintained in a safe, sound

and upright condition and in accordance with the approved plan on file with the Building Inspector.

All fences must be erected within the property lines, and no fence shall be erected so as to encroach upon a public right-of-way.

Barbed wire fences on any common party line with another dwelling or public right-of-way are prohibited.

No fence shall be permitted which is expressly designed with the intent to injure or malign anyone who attempts to climb such a fence.

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**I. Any fence in any zoning district shall have its most pleasant or decorative side facing the adjacent lot with all posts being in applicant's yard unless such posts or supports are an integral part of the decorative design of the fence.
[Amended 9-2-86 by Ord. No. 1986-271**

§ 45-3. Exceptions.

This ordinance shall not apply to:

Fences accessory to farm operations.

Height of a tennis court or recreation area fences, where permitted.

§ 45-4. Repealer.

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed, but only to the extent of such inconsistency.

§ 45-5. When effective.

This ordinance shall take effect immediately upon fund adoption and publication as provided by law.

§ 45-6. Lagoon and waterfront properties. [Added 10-4-82 by Ord. No. 1982-26]

It is the purpose of this section to ensure that property owners in the area of lagoon and waterfront properties should have an unrestricted view of the water or waterways adjoining their properties.

Any owner of property located on a body of water or a lagoon and desiring to erect any border fencing shall be restricted to see-through fencing of their respective properties, and said fencing shall not be greater than forty-eight (48) inches in height from the grade of the land upon which it is erected.

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C. "See-through" fencing is hereby defined as any fence or fencing having a consistent density of not greater than fifty percent (50%) for all fences, living fences and hedges.

§ 45-7. Violations and penalties. [Added 10-4-82 by Ord. No. 1982-26]

Any person who shall violate any provision of this ordinance shall be liable to a fine of not to exceed the sum of five hundred dollars (\$500.) and to imprisonment for a term not to exceed ninety (90) days, or both. Each day in which such violation continues shall constitute a separate violation or offense.