

**BOROUGH OF EMERSON
COUNTY OF BERGEN**

NOTICE OF ADOPTION

Introduced: June 14, 2022

Adopted: June 28, 2022

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 28th day of June, 2022. Copies of Ordinance 1652-22 are available by contacting the Borough clerk or visiting our website at www.emersonnj.org.

ORDINANCE NO. 1652-22

AN ORDINANCE TO AMEND CHAPTER 290 ZONING, ARTICLE VII SUPPLEMENTAL REGULATIONS, SECTION 40 FENCES, WALLS, ARBORS AND TRELLISES

- A. No fence or wall shall be erected with or contain barbed wire, wire mesh, expanded metal, chipped glass, topped with metal spikes, electrically charged, temporarily expandable and collapsible or in any manner which may be dangerous to persons or animals. [**Amended 3-2-2010 by Ord. No. 1397**]
- B. Any fence, freestanding wall, shrubbery, arbor or trellis located along the front property line or anywhere within the required front yard setback area shall not exceed three feet in height. **This includes the side street required setback for corner properties.**
1. Corner lot properties shall be exempt from the three-foot height requirement set forth in B. above., and shall be permitted to contain a fence, freestanding wall, shrubbery, arbor or trellis not to exceed six feet in height. pertaining to the side yard only, provided that the Emerson Police Department confirms in writing that the height of the fence, freestanding wall, shrubbery, arbor or trellis meets its safety standards and sightline requirement. Upon receipt of a permit application under this subsection, the Zoning Official shall submit the application to the Emerson Police Department. In the event the Police Department confirms that the requested height complies with its safety standards and sightline requirements, then a **bulk variance for fence height** shall not be required. In the event the Police Department cannot or will not confirm that the requested height meets its safety standards and sightline requirements, then an application for a **bulk variance for fence height** shall be required to be filed with the Land Use Board.
- C. The yard requirements in each zone district shall not apply to any fence or freestanding wall.
- D. A trellis or arbor constructed within the yard requirements for accessory buildings per § **290-32** must conform to the requirements for fences, otherwise they must conform to the location requirements for accessory buildings.
- E. Fence posts and gates may extend not more than six inches beyond the permitted height limits.
- F. Where a fence or freestanding wall is erected on uneven ground, the height limit may be increased by not more than one foot at the point of depression.

- G. The finished side of any fence, wall or trellis must face toward the adjoining property, and all such fences, walls, arbors and trellises shall be maintained in accordance with the provisions of the Borough Property Maintenance Code.
- H. When industrial or commercial zoned property abuts residential property, a fence, wall, arbor or trellis may be constructed along said property line by either owner not to exceed eight feet in height. The three-foot height limit as stated in Subsection **B** shall still prevail for front yards.
- I. Except as herein otherwise indicated, fences and freestanding walls shall not exceed six feet in height. **[Amended 3-2-2010 by Ord. No. 1397]**
- J. Temporary fences for construction purposes are permitted to remain in place during the length of construction. All other temporary fences may remain in place for a period of 60 days. **[Added 5-20-2014 by Ord. No. 1478]**
- K. No fence or wall shall be erected on a berm. **[Added 5-20-2014 by Ord. No. 1478]**

ATTEST:

Jane Dietsche, RMC, Borough Clerk

Mayor Danielle DiPaola