

**BERNARDSVILLE BOROUGH  
ORDINANCE #2023-1967**

**AN ORDINANCE CLARIFYING PERIMETER FENCE REGULATIONS AND  
AMENDING ARTICLE XII OF THE BOROUGH LAND DEVELOPMENT  
REGULATIONS ENTITLED “ZONING”**

**WHEREAS**, the zoning officer has recommended several clarifications to the Borough fence ordinance;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, that Section LD 12-23 entitled “Supplementary Regulations and General Provisions” in Article XII of the Borough Land Use Ordinances is hereby amended as follows:

**Section 1.** Paragraphs A, C and K in section LD 12-23.23 entitled “Fencing” are amended to read as follows:

“§LD-12-23 ~~Perimeter of Fences and Walls~~

~~A. Fences covered. Fences built along the parameter of lots in the residential districts. A fence is any manmade structure which would restrict movement between lots. The term fence does not include hedges except as provided in paragraph C. The term fence does include walls.~~

A. DEFINITIONS.

For the purpose of this section certain terms are defined as follows:

FENCE

Shall mean a barrier (including walls) along the perimeter of a property in a residential zone consisting of, wood, stone, metal or plantings, such as hedges and shrubbery, which would restrict movement between lots.

FRONT YARD

Shall mean all the space between the street or streets on which a lot is situated and the line of the building paralleling that street.”

C. Maximum height of fences, ~~subject to the provisions relating to Deer Fencing, in zones the R-1A, R-3, R-4 and R-5 zone districts. Except as permitted in paragraph "H" below ("Deer Fences"):~~

- i. The maximum height of a fence other than in the front yard shall be 6 feet; and
- ii. The maximum height of a fence in the front yard shall be 4 feet; and
- iii. The maximum height of a gateway post shall be 10% greater than the maximum height of the fence to which it is attached.
- iv. The height of a fence shall be measured from the ground to the top of the fence on the side of the fence for which the natural grade is lower.
- v. Hedges in zone districts R-3, R-4 and R-5 shall be subject to the height limitations set out in ~~this paragraphs i, ii and ii above~~ v.

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F. Construction of fences:

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- iii. ~~[Reserved] Fences may not be constructed to obstruct any easement permitting passage over a lot. [E.g. Emergency vehicle access easements.]~~

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~~K. Definition of front yard:~~

- i. ~~For the purposes of this ordinance, the front yard includes all the space between the street or streets on which a lot is situated and the line of the building paralleling that street."~~

**Section 2.** Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 3.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 4.** This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

ATTEST:

\_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Mary Jane Canose, Mayor

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*1st Reading and Introduction:* \_\_\_\_\_

*1st Publication:* \_\_\_\_\_

*Referral to Planning Board:* \_\_\_\_\_

*Notice to County Planning Board Prior to Adoption:* \_\_\_\_\_

*Notice to Clerks of Adjoining Municipalities (if required):* \_\_\_\_\_

*Notice to Affected Property Owners (if required):* \_\_\_\_\_

*2nd Reading and Adoption:* \_\_\_\_\_

*2nd Publication:* \_\_\_\_\_

*Filing with County Planning Board:* \_\_\_\_\_