

AN ORDINANCE AMENDING SUBCHAPTER 141-89G OF THE CODE OF THE TOWNSHIP OF PENNSAUKEN, ENTITLED “FENCES AND WALLS”

WHEREAS, 141-89G of the Township of Pennsauken of Code prohibits fences or freestanding walls over six feet to be erected in the rear or side yard, and from being erected closer than twenty feet zero inches to the front building line; and

WHEREAS, the Township of Pennsauken Zoning Board of Adjustment has identified an increase in N.J.S.A. 40:55D-70c bulk variance applications from residents requesting to construct their fence even with their front building line or several feet back from their front property line; and

WHEREAS, the Township of Pennsauken Zoning Board of Adjustment recommends amending 141-89G to allow fences or freestanding walls to be erected even with the front building line or several feet back; and

WHEREAS, the Township of Pennsauken Zoning Board of Adjustment found that this amendment would reduce the cost, time, and expense burden on Township residents, decrease the administrative burden on the Township in processing numerous similar applications, and placing fences even with the front building line promotes a desirable visual environment in residential zones and will not impact views from off-street parking locations or around corners; and

WHEREAS, the Township Committee of the Township of Pennsauken (“Township Committee”) has determined it is in the Township of Pennsauken’s (“Township”) best interest to amend 141-89G; and

NOW, THEREFOR, BE IT ORDAINED, by the Township Committee of the Township of Pennsauken, County of Camden, State of New Jersey, that the following Ordinance is hereby adopted so as to amend Subchapter 141-89G of the Code of the Township of Pennsauken to read as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

G.

Fences and walls.

[Amended 10-15-1979 by Ord. No. 79-29; 1-14-1981 by Ord. No. 838]

(1) In all residential districts (R-1 through R-5), no fence or freestanding wall over six feet in height shall be erected in the rear or side yard and no wall or fence shall be erected within the front yard. Fences and walls are permitted to be located even with the front building line.

[Amended 7-14-1982 by Ord. No. 82-18; 9-12-1983 by Ord. No. 83-38; 6-25-1984 by Ord. No. 84-14]

(2) In all other zoning districts, no fence or freestanding wall shall be erected unless that portion of such fence or wall which extends higher than six feet has a ratio of open area to solid area of at least four to one, or 4:1.

(3) Fences and walls incident to swimming pools shall be governed by § 141-89K(5) of this chapter.

(4) On any lot, no post of a fence shall be placed on the neighbor’s side of the fence. The fence post must be placed three inches inside the property line of the applicant requesting a permit for a fence. A survey is required to confirm the property lines and ensure the fence will not be constructed on the neighbor’s property. No double/back to back fences shall be permitted. The applicant and neighbor shall make and record an agreement that establishes who is responsible for maintaining the common fence on adjoining properties.

[Added 2-8-1989 by Ord. No. 89-3]

(5) For properties located on a corner lot, fences and walls shall not interfere with sight lines.

(6) Fence material and border walls must match the property and the neighborhood and be made of commercial fencing material. Fences and border walls constructed from materials such as barbed wire, spikes, or rebar is not permitted. The use of barbed wire, razor ribbon, or any other similar type of barbed or pointed wire, whether attached to any fence or strung separately, shall not be permitted.

(7) Fences and walls must be maintained in accordance with Township maintenance regulations, as modified.

Repealer, Severability, and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. This Ordinance shall become effective immediately upon adoption and publication in the manner prescribed by law.

TOWNSHIP OF PENNSAUKEN

Pamela Scott-Forman, RMC
TOWNSHIP CLERK

STATEMENT

Notice is hereby given that the foregoing Ordinance was adopted by the Township Committee of the Township of Pennsauken, Camden County, New Jersey at its Thursday, April 6, 2023 meeting after a public hearing.