

ORDINANCE #2008-20 AS AMENDED

AN ORDINANCE, AMENDING AND SUPPLEMENTING SECTION 58  
"FENCES" OF CHAPTER 84 "LAND USE DEVELOPMENT AND  
REGULATIONS, ADDING A NEW SECTION 84-58(A)(9)

WHEREAS, Section 58 "Fences", of Chapter 84 "Land Use Development And Regulations" generally prescribes that fences shall not exceed six feet above ground level for any side or rear yard area in the Township; and

WHEREAS, Section 58 "Fences" of Chapter 84 "Land Use Development and Regulations" permits certain exceptions to the aforementioned rule that fences shall not exceed six feet above ground level for any side or rear yard area in the Township; and

WHEREAS, the Council has determined that another exception should be created to permit fences to exceed six feet above ground level for certain side or rear yards that abut the right of way of Route 18 in the Township;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 84 "Land Use Development and Regulation", Section 58(A)(9) is hereby added to the Code of the Township of Marlboro as follows:

"Section 84-58(A)(9) Fences not exceeding 12 feet in height for any property in a residential zone that has a side or rear yard that abuts the right of way of Route 18, provided that the fence may not be constructed on a berm that exceeds four feet in height, and further provided that if a fence is located on a berm that is equal to or less than four feet in height, the total height of the fence and the berm cannot exceed 16 feet in height. In addition, the following shall apply to all fences erected pursuant to this subsection:

(a) The side or rear yard fence may be erected on the side or rear lot-line that abuts the right of way of Route 18.

(b) A side or rear yard fence permitted under this subsection must be constructed of wood, wood composite, or other solid materials that shall have the ability to absorb sound. The side or rear yard fence must also have a plain post and the side of the fence facing the highway must remain a natural color. However, the side of the fence that

faces Route 18 may be treated so long as it is not stained in other than a natural wood color.

(c) If the side or rear yard fence is not erected on the lot-line that abuts the right of way of Route 18, then the area between the fence and the Route 18 right of way must be landscaped in a diamond pattern. The landscaping shall consist of a double row of White Pine, White Fir, Fraser Fir, Colorado Spruce, Fir or Norway Spruce trees having a minimum size of three to four feet in height. The trees must be balled and burlapped. The trees shall be so located as to be 20 feet from center to center. The second row of trees shall be six feet behind the first row planted, however, in a diamond pattern. The trees shall be offset five feet from the property line and the fence. As a condition of the issuance of any permit under this subsection, the homeowner shall remain responsible for the maintenance and upkeep of the area between the fence and right of way of Route 18.

(d) All side or rear yard fences erected pursuant to this section must be erected to present a uniform top height, no gaps, or other variations in top height are permitted.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED: JUNE 5, 2008

ADOPTED: JUNE 26, 2008

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ALIDA MANCO  
MUNICIPAL CLERK

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JONATHAN L. HORNIK  
MAYOR

DATE SIGNED: \_\_\_\_\_