

BOROUGH OF FLEMINGTON
ORDINANCE NO. 2024-12

AN ORDINANCE CREATING THE “ACCESSORY BUILDINGS, STRUCTURE OR USE” SECTION

Section 1. Section 2627E of the Code, entitled “ADDITIONAL STANDARDS APPLYING TO ALL DISTRICTS” is hereby amended (additions are shown as thus; deletions are shown as ~~thus~~);

Section 2. Section 2609E of the Code, entitled “ACCESSORY BUILDINGS, STRUCTURE OR USE.” is hereby created (additions are shown as thus; deletions are shown as ~~thus~~);

D. Fences and Walls. The following regulations shall apply to fences and walls:

1. Fences and walls may be placed with the finished side (without supports) located on the property line. All permitted fences shall be situated on a lot in such a manner that the finished side shall face adjacent properties.
2. No fence shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals.
3. Fences made from discarded materials, not usually associated with fences, such as, but not limited to doors, old lumber, pallets, and the like are prohibited.
4. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over 4 feet in height in front yard areas and 6 feet in height in side and rear yard areas except:
 - a. A dog run or privacy area may have fencing a maximum of 7 feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 15 feet.
 - b. A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 15 feet in height; said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in this Article.
 - c. No fence shall exceed 5 feet in height in a rear yard of a reverse frontage lot.
 - d. On corner lots, no fences or walls may be placed within the sight triangle. Fences or walls shall not exceed 2 feet in height on corner lots in the front yard setback.

5. A private residential swimming pool area shall be surrounded by a fence at least 4 feet, but no more than 6 feet, in height.
6. Nonresidential uses may be permitted a fence of up to 8 feet in height when located behind the front yard provided the specific size, type, and location is approved by the Planning Board. Deviations from this subsection shall be considered as waivers from the Ordinance standards.
7. Every fence shall be maintained in a safe, sound, upright condition.
8. Electrically charged fences, with the exception of designed those for the purpose of containing pets (i.e. Invisible Fence), are prohibited.

Section 3. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

Introduced: May13, 2024

Adopted:

ATTEST:

Marcia A. Karrow, Mayor

Carla Conner, Borough Clerk