

**TOWNSHIP OF MOORESTOWN**

**ORDINANCE NO. 10-2013**

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING AND CLARIFYING CHAPTER 180, ARTICLE XXV, SECTION 180-99.2 ENTITLED FENCE REGULATIONS TO PROHIBIT FENCES EXCEEDING THREE FEET IN HEIGHT WITHIN THE REQUIRED FRONT YARD SET BACK AREAS**

WHEREAS, the Township of Moorestown has previously adopted a zoning code pursuant to the provisions of the *Municipal Land Use Law* set forth at N.J.S.A. 40:55D-1, et. seq.; and

WHEREAS, said Code at Article XXV, Section 180-99.2 regulates fence height within the Township, and currently limits fence height in residential districts to three feet in height in front yard areas but does not articulate whether this limitation is intended to apply to all of the area between the residence and an abutting street or streets or whether the height restriction is to be limited to the required front yard set back area from said street or streets; and

WHEREAS, the Township of Moorestown has determined that it is in the best interests of the Township to amend the language of the present Code at Section 180-99.2 to clearly articulate the aforementioned restriction.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that:

Section 1. Article XXV, Section 180-99.2, Paragraphs B and D are hereby deleted in their entirety and replaced with the following language:

- B. Definition. As used in this section a FENCE shall be defined as an artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.
- D. On any lot in any residential district, other than a lot used for institutional or public utility purposes, no wall or fence shall be erected or altered so that such wall or fence is over three feet in height in the required front yard set back areas and six feet in height beyond said set back area and in rear and side yard areas, except that tennis courts may be surrounded by a non-opaque fence, a maximum of twelve feet in height. Said fence may not be located within the required building set back requirements.

Section 2: Effective Date. This ordinance shall take effect upon its final passage, adoption, and publication on the earliest date permitted by law.

Section 3: Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4: Short Title. This ordinance may be cited as Ordinance No. 10-2013.

#### NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on May 21, 2013. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the IT Room at the Moorestown High School, 350 Bridgeboro Road, Moorestown, NJ on June 10, 2013. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk