



Town of Secaucus

Municipal Government Center
Construction/Building Department
1203 Paterson Plank Road, 4th Floor, Secaucus, NJ 07094
Tel: 201-330-2027 | Fax: 201-974-1387
Town Web: www.secaucusnj.gov

FENCE (NO FEE) APPLICATION

BLOCK: _____ LOT: _____

DATE: _____ PERMIT: _____

JOB LOCATION: _____

APPLICANT: _____

ADDRESS: _____

TELEPHONE #: _____ E-MAIL: _____

DESCRIPTION OF WORK: _____

FENCE ORDINANCE:

PLEASE SIGN AND RETURN AFTER YOU HAVE RECEIVED AND READ THE FENCE
ORDINANCE CHAPTER 71 & 71A OF THE CODE OF THE TOWN OF SECAUCUS

SIGN: _____

This application must be accompanied with a SURVEY indicating fence LOCATION, HEIGHT, and FINISHED SIDE.

APPLICANT'S SIGNATURE: _____

SAL TRIPPI, ZONING OFFICER

OR

JOSEPH PREINFALK, ASSISTANT ZONING OFFICER

DATE: _____

Chapter 71

FENCES, RULES AND REGULATIONS

§ 71-1.	Purpose.	§ 71-5.	Nonconforming fences.
§ 71-2.	Definitions.	§ 71-6.	Permits required for the erection of fences.
§ 71-3.	Height and restrictions: Residential and nonresidential.	§ 71-7.	Violations and penalties.
§ 71-4.	Fence materials; construction and maintenance requirements.		

[HISTORY: Adopted by the Mayor and Council of the Town of Secaucus 10-12-93 as Ord. No. 93-61 . Amendments noted where applicable.]

Editor's Note: Former Ch. 71, Fences, adopted 12-28-82 by Ord. No. 82-41, as amended, was repealed by Ord. No. 85-21, adopted 5-28-85.

§ 71-1. Purpose.

The purpose of this chapter is to establish an aesthetic and safety standard for the erection and maintenance of fences as it relates to consistency, height, light and visibility requirements for residential and nonresidential premises and to regulate the construction and location of fences within the Town of Secaucus.

§ 71-2. Definitions.

Whenever used in this chapter, the following words and phrases shall have the meanings herein indicated:

FENCE — Includes any substantially vertical structure, wall or appurtenance, regardless of composition, including vegetation, whether or not supported by a foundation, footing, piling, stake, post, aboveground member or to be self-supporting, intended for use as a barrier, to mark a boundary or the proximity thereof, to ensure privacy, to act as a support for vegetation or any other use.

FENCE HEIGHT — Would be from the average grade of the fence's base to the top thereof.

PERSON — Includes any individual, partnership, association, corporation or other entity.

§ 71-3. Height and restrictions: Residential and nonresidential.

- A. Front property lines — residential and nonresidential zones. In residential zones, a fence erected along the front property line and along the side lines and within such lines to the front line of a main structure shall not exceed four feet in height. In nonresidential zones, a fence erected along the side lines and within such lines to the front line of a main structure shall not exceed four feet in height. No fences shall be permitted in front yards of nonresidential zones.
- B. Side and rear lines in a residential zone. In a residential zone, a fence erected along the side lines from the front line of a main structure to the rear property line and along said rear property line and within such lines shall not exceed six feet in height.
- C. Side and rear lines in a nonresidential zone. In any nonresidential zone, fences shall be permitted in the side and rear yard areas only and shall not exceed 10 feet in height.
- D. Where a lot is vacant or does not have erected thereon a main structure, a fence erected along the

property lines of the lot shall be the same as provided in the applicable subsections of residential and nonresidential zones.

- E. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding 13 feet in height for public parks, public playgrounds, school premises or tennis, handball or similar courts and where such fence is used for the enclosure of a swimming pool, and in such cases the height of such fence shall be regulated by Chapter 121 of the Code of the Town of Secaucus.

§ 71-4. Fence materials; construction and maintenance requirements.

- A. A fence shall not be constructed of any material or in any manner which may be dangerous to persons or animals.
- B. Fences shall be maintained by the owner and kept in alignment and in a safe, sound and upright condition.
- C. All fences shall be erected within one's own property lines and shall not encroach upon adjoining property or upon a public right-of-way.
- D. **[Amended 10-26-93 by Ord. No. 93-65]**
- (1) No fence shall be constructed if the apparent purpose is to obstruct light and air in relation to the adjoining property.
- (2) No person shall construct a fence unless the finished smooth side shall face the neighboring owner's property with all structural support elements being placed on the side of the property owner erecting the fence. It is the obligation of the property owner constructing such fence to have such construction performed in a manner that such finished smooth fence shall not, based on objective standards, be aesthetically offensive to the adjoining property owner.
- E. Fences within 10 feet of any roadway and within 25 feet of the intersection of two roadways shall not be erected more than 21/2 feet in height, where such fence shall block the view of vehicular traffic at said intersection. All property owners shall also comply with Chapter 71A hereof.
- F. If the Construction Official of the Town of Secaucus, upon inspection, determines that a fence, or portion thereof, is not being maintained in a safe, sound and upright condition, he shall notify the owner of the property where such fence is located, in writing, of his findings and state briefly why said fence is in violation of this chapter and the reasons therefor and order such fence or portion thereof repaired or removed within 15 days of the date of the written notice. If the property owner fails to correct said violation within said 15 days, the Construction Official shall issue a summons for any violation of this chapter.

§ 71-5. Nonconforming fences.

- A. Nonconforming fences utilized prior to the adoption of this chapter may continue to be used, but may not be expanded. Nonconforming fences which are partially destroyed (less than 50%) or in need of repair may be repaired but not expanded.
- B. It is expressly recognized that this chapter is to be read in conjunction with the Zoning Ordinance of the Code of the Town of Secaucus and that appeals from the decisions of the Construction Code Official may be resolved in the same manner as an appeal from a zoning decision of the Construction Official.

§ 71-6. Permits required for the erection of fences.

Upon the adoption of this chapter, any person seeking to erect a fence on any property in the Town of Secaucus, shall first obtain a permit to do so by filing an application in the office of the Construction Code Official, which application shall be at no cost. The Construction Code Official shall issue permits to erect fences provided that such fences do not violate any provision of this chapter or any other chapter, law, or regulation of the town or this state.

§ 71-7. Violations and penalties.

Any person who shall violate, permit, allow or suffer to be violated any provision of this chapter shall be subject to a fine of not more than \$500 or imprisonment of not more than 90 days, or both. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided for above for each separate offense.

Chapter 71A

BRUSH AND HEDGES NEAR ROADWAYS AND INTERSECTIONS

§ 71A-1.	Cutting of brush and hedges near roadways and intersections.	§ 71A-2.	Enforcement; remedial measures by Town.
		§ 71A-3.	Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Town of Secaucus 10-12-93 as Ord. No. 93-62 . Amendments noted where applicable.]

§ 71A-1. Cutting of brush and hedges near roadways and intersections.

Any person or property owner or tenant thereon shall not allow any brush, hedge or other plant life growing within 10 feet of any roadway and 25 feet of the intersection of two roadways to grow to a height of more than 2 1/2 feet. All such brush, hedges and other plant life shall be cut and maintained to prevent the same from exceeding said 2 1/2 feet. Any property owners or tenants of land allowing such brush, hedges and other plant life to exist or be maintained exceeding said 2 1/2 feet at the locations set forth above shall be deemed in violation of this chapter.

§ 71A-2. Enforcement; remedial measures by Town.

- A. The Secaucus Property Maintenance Officer and/or Construction Code Official shall enforce the provisions of this chapter.
- B. Any person not in compliance with this chapter shall be notified by the Secaucus Property Maintenance Officer and/or Construction Code Official and instructed to abate such violation within 10 days of such notice. In addition, the Secaucus Property Maintenance Officer and/or Construction Code Official may issue a summons for such violation.
- C. Where it shall be necessary and expedient for the preservation of the public safety within 10 days after said notice to abate any condition in violation of this chapter, the Secaucus Property Maintenance Officer and/or Construction Code Official shall arrange to have such brush, hedges and other plant life cut and otherwise abated, where the owner or tenant thereof shall have refused or neglected to cut the same in the manner required by the Secaucus Property Maintenance Officer and/or Construction Code Official.

§ 71A-3. Violations and penalties.

In addition to any other provisions hereof, any person who shall violate, permit, allow or suffer to be violated any provision of this chapter shall be subject to a fine of not more than \$1,000 or imprisonment of not more than 90 days, or both. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided for above for each separate offense.