



## MEMORANDM

**To:** Mayor and City Council

**From:** Suzanne Arnold, Chief Building Official

**Date:** December 8, 2020

**Reference:** Consider revisions to Article 9-2, Fence Regulations

**2030:** Special Place to Live

---

### Executive Summary:

The City is seeking to revise the existing Fence Ordinance.

### Introduction:

Community Development staff propose to add the pool fence requirements from the International Swimming Pool and Spa Code to the Fence Regulations in Article 9-2 of the Code of Ordinances. Staff is also proposing changes to the content of the existing fence ordinance to address permit exemption, fence height, and aesthetic properties facing streets. Staff presented the fence ordinance changes to Council in Work Session on November 10, 2020. Due to a concern raised by the Public Works Department subsequent to that meeting, staff has removed the proposed setback exception between vehicular gates and the alley which allowed the gates to be in the alley side of the fence. The concern related to encroaching into the needed five-foot space to perform alley and utility maintenance.

### Analysis:

The following changes are proposed:

- Add the pool fence regulations from the 2018 International Swimming Pool and Spa Code and amendments

- Clarify permit exemption:
  - Current ordinance states that replacing less than 50% does not require a permit; proposed ordinance adds a 6-month wait.
  - New language clarifies that regardless of permitting, the fence must comply with all codes and ordinances.
  - Replacement of fences enclosing pools, and fences on properties where the side or rear faces a public street, must always get a permit, regardless of what percentage is being replaced. Any change in height, location, or materials also requires a permit.
- Height clarification: Increasing the allowable height of fences to 9 feet to allow for trim and ground clearance at Council's recommendation.
- Any fence facing a street must have the posts and rails facing the inside of the yard.

**Attachment:**

Proposed text for the revised fence ordinance

**Legal Review:**

The documents were reviewed by Bob Hager at NJDHS.

**Fiscal Impact:**

N/A

**Recommendation:**

The Community Development Department recommends adoption of the revisions of Article 9-2, Fence Regulations.