

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 203-70 OF THE CODE OF THE
TOWNSHIP OF WOOLWICH REGARDING FENCES
2019-10**

WHEREAS, Chapter 203-70 of the Code of the Township of Woolwich places requirements for the erection of fences within the Township of Woolwich; and

WHEREAS, the Township Committee of the Township of Woolwich wishes to amend said Code to address the placement of fences across various easements;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Woolwich as follows:

SECTION I.

203-70 B. 10 shall be amended to read as follows:

(10) All fences must be erected within the property line, and no fence is to be erected so as to encroach upon the public or private right-of-way, easements, restrictions or declarations and covenants **without the request and issuance of an "encroachment permit"**.

SECTION II.

That a new section 203-70 C. entitled "Encroachment Permits" shall be added to read as follows:

C. Encroachment Permits:

1. Fences to be erected or replaced that are located in a public utility easement require an encroachment permit from the Director of Municipal Services.

2. A fence of permitted height and design may be constructed along or upon common property lines and across any utility easement so as to allow maximum use of the area to be enclosed. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts, or other apparatus that may be used from time to time for maintenance of the utility.

3. Fences in drainage easements shall require prior approval of the Director of Municipal Services to allow for proper flow of water.

a. All fence posts within drainage easements shall be set in sand or stone only (concrete or like materials shall be prohibited)

b. Fence panels shall have at minimum a two (2) inch space between the ground and the lowest portion of the fence panel. Once installed all fences within a drainage easement shall be inspected for compliance.

c. The required two (2) inch space between the fence panel and the ground shall be maintained by the homeowner at his/her expense without remuneration from the Township.

4. When a fence is being installed it may not be installed across or on top of a utility box, manhole, or other public apparatus for maintaining utilities.

5. When the positioning of a fence obstructs access to a utility box, manhole, or other public apparatus for maintaining utilities, the homeowner shall be required to remove such fence to allow access by the Township at his/her sole expense without remuneration from the Township.

6. The Township shall not issue an "encroachment permit" for any New Jersey Board of Public Utilities Easement. Homeowners may contact the New Jersey Board of Public Utilities for further assistance.

SECTION III. REPEALER

Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION IV. SEVERABILITY

Severability. Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

SECTION V. EFFECTIVE DATE

Effective Date. This Ordinance shall be effective upon final adoption and publication pursuant to law.

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Administrator/Clerk

CERTIFICATION OF INTRODUCTION

The foregoing Ordinance was introduced and passed upon first reading by the Township Committee of the Township of Woolwich at a meeting conducted on the 24th day of June, 2019. It will further be considered for final adoption upon second reading and subsequent to a public hearing conducted on same at the next regularly scheduled meeting of the Woolwich Township Committee at which time and place any member of the general public may be heard. Said meeting to be held on the 15th day of July, 2019, at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township New Jersey beginning at 7:00 p.m.

Jane DiBella, Administrator/Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted by the Township Committee of the Township of Woolwich upon second reading and subsequent to a public hearing conducted on same, at a meeting of the Township Committee conducted on July 15, 2019 and therefore becomes effective.

Jane DiBella, Administrator/Clerk