

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXX “LAND USE REGULATIONS” DELETING SECTION 30-8.14 AND
CREATING SECTION 30-5.31 ENTITLED “HEIGHT RESTRICTIONS OF FENCES,
WALLS, AND HEDGES” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MONMOUTH BEACH**

WHEREAS, in recent times, the Borough of Monmouth Beach has received numerous inquiries regarding the regulation of fences, walls, and hedges in the Borough; and

WHEREAS, The Mayor and Commissioners have discovered that there are conflicting provision in the existing regulations both as to the permitted height of certain fences, walls, and hedges, as well as the responsible enforcing party: and

WHEREAS, the Mayor and Commissioners are desirous of passing an ordinance which contributes to the betterment of the quality of life in the Borough of Monmouth Beach and more clearly defines the regulations of such items:

NOW THEREFOR BE IT ORDAINED AS FOLLOWS:

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter XXX “Land Use Regulations” Section 30-8.14 entitled “Fences and Hedges” shall be deleted in its entirety and shall be replaced by the following new section:

30-5.31 HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES

30-5.31.1 Fences, Walls, and Hedges

A. Fences, walls, and hedges, existing, erected, altered or reconstructed in any zone in the Borough shall not exceed six (6) feet in height above existing ground level except as follows:

1.
 - a. Fences and walls which are located in a front yard or within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.
 - b. Hedges which are located within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.
 - c. Hedges which are located in a front yard shall not exceed six (6) feet in height except that portion of a hedge which forms an entryway arbor.

2. Chain Link Fences are prohibited in front yards.

3. Fences located in front yards shall be constructed so that at least fifty (50%) percent thereof is non-solid and open. Fence types such as Board-on-Board and Stockade fences are considered solid fences.

4. Fence posts, corners, gateways, wall piers and entryways in front yards shall not exceed five (5) feet in height.

5. Fences, walls, or hedges installed after the effective date of this ordinance shall not modify or impede existing drainage patterns unless a Land Disturbance Permit has been obtained consistent with the requirements of the ordinances of the Borough of Monmouth Beach.

6. In any business or industrial zone, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.

7. Fences specifically required by other provisions of municipal and/or State regulations are permitted.

8. Notwithstanding any section above, hedges on properties which have frontage on Ocean Avenue shall not be restricted in height as to that frontage. In addition, properties that have two road frontages, one of which borders Ocean Avenue, may maintain a consistent hedge height for both frontages which shall be the height of the hedges which border Ocean Avenue.

B. All fences, walls, and hedges must be erected and/or maintained within the property lines, and no fence, wall, or hedge shall be erected so as to encroach upon a public right-of-way.

C. The following fences and fencing construction materials are specifically prohibited in all zones in the Borough: barbed wire, canvas, cloth, electrically charged, expandable and collapsible fences.

D. All supporting members of a fence shall be located on the inside of the fence, and, if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion or the tract of land of the property upon which the fence is erected.

E. For purposes of this ordinance, "hedges" shall be defined as "a row of closely planted shrubs or low-growing trees forming a physical and/or visual fence, screen or boundary".

30-5.31.2 Height Restriction of Fences, Walls, Hedges Bushes and Shrubs at Intersections

At the intersection of two (2) or more streets, no fence, wall, hedge, bush or shrub shall exceed thirty (30) inches above curb level, nor cause any obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the triangular area formed by two (2) intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each street line located twenty-five (25) feet from the intersection of the street lines.

30-5.31.3 Violations and penalties

The Borough Zoning Official may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for the penalty prescribed by these ordinances and as permitted by State Law.

SECTION 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication according to law.

Introduced : April 13, 2010

Passed and Adopted : May 11, 2010

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III “POLICE REGULATIONS” CREATING SECTION 3-3
ENTITLED “HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES” OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH
BEACH**

WHEREAS, in recent times, the Borough of Monmouth Beach has received numerous inquiries regarding the regulation of fences, walls, and hedges in the Borough; and

WHEREAS, The Mayor and Commissioners have discovered that there are conflicting provision in the existing regulations both as to the permitted height of certain fences, walls, and hedges as well as the responsible enforcing party: and

WHEREAS, the Mayor and Commissioners are desirous of passing an ordinance which contributes to the betterment of the quality of life in the Borough of Monmouth Beach and more clearly defines the regulations of such items:

NOW THEREFOR BE IT ORDAINED AS FOLLOWS:

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter III POLICE REGULATIONS Section 3-3 entitled “Height Restrictions of Bushes and Shrubs at Intersections” shall be deleted in its entirety and shall be replaced by the following new section:

3-3 HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES

3-3.1 Fences, Walls, and Hedges

A. Fences, walls, and hedges existing, erected, altered or reconstructed in any zone in the Borough shall not exceed six (6) feet in height above existing ground level except as follows:

1.
 - a. Fences and walls which are located in a front yard or within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.
 - b. Hedges which are located within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.

c. Hedges which are located in a front yard shall not exceed six (6) feet in height except that portion of a hedge which forms an entryway arbor..

2. Chain Link Fences are prohibited in front yards.

3. Fences located in front yards shall be constructed so that at least fifty (50%) percent thereof is non-solid and open. Fence types such as Board-on-Board and Stockade fences are considered solid fences.

4. Fence posts, corners, gateways, wall piers and entryways in front yards shall not exceed five (5) feet in height.

5. Fences, walls, or hedges installed after the effective date of this ordinance shall not modify or impede existing drainage patterns unless a Land Disturbance Permit has been obtained consistent with the requirements of the ordinances of the Borough of Monmouth Beach.

6. In any business or industrial zone, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.

7. Fences specifically required by other provisions of municipal and/or State regulations are permitted.

8. Notwithstanding any section above, hedges on properties which have frontage on Ocean Avenue shall not be restricted in height as to that frontage. In addition, properties that have two road frontages, one of which borders Ocean Avenue, may maintain a consistent hedge height for both frontages which shall be the height of the hedges which border Ocean Avenue.

B. All fences, walls, and hedges must be erected and/or maintained within the property lines, and no fence, wall, or hedge shall be erected so as to encroach upon a public right-of-way.

C. The following fences and fencing construction materials are specifically prohibited in all zones in the Borough: barbed wire, canvas, cloth, electrically charged, expandable and collapsible fences.

D. All supporting members of a fence shall be located on the inside of the fence, and, if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion or the tract of land of the property upon which the fence is erected.

E. For purposes of this ordinance, “hedges” shall be defined as “a row of closely planted shrubs or low-growing trees forming a physical and/or visual fence, screen or boundary”.

3-3.2 Height Restriction of Fences, Walls, Hedges Bushes and Shrubs at Intersections

At the intersection of two (2) or more streets, no fence, wall, hedge, bush or shrub shall exceed thirty (30) inches above curb level, nor cause any obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the triangular area formed by two (2) intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each street line located twenty-five (25) feet from the intersection of the street lines.

3-3.3 Exception to Height limitation of Hedges

- A. In only those instances where the applicable height limitation of certain hedges is limited to six (6) feet the following exception to that height limitation may apply:
1. A property owner may maintain a hedge greater than six (6) feet in height provided that the property owner sharing the property line along which the hedge exists permits a relaxation of the height requirement. Such permission shall be in writing as provided hereafter; and
 2. Each property owner whose property line immediately abuts the hedge executes a form to be promulgated by the Borough and filed with the Borough Clerk which acknowledges their agreement to permit a relaxation of the six(6) foot height limitation; and
 3. The agreement to permit the relaxation of the height requirement may be cancelled and/or declared void by either party at any time by notifying the Borough Clerk in writing.
- B. Any variance granted by the Planning Board of Adjustment from a land development ordinance identical to a provision in this Section shall constitute a permitted exception to the requirements of this Section.

This section permitting exceptions to the height requirements of hedges by agreement of property owners shall not apply in those instances where hedges are located in a front yard, within fifty (50) feet of any river, lagoon or other body of water, at the intersection

of two (2) or more streets or in any instance where the maximum permitted height is less than six(6) feet.

3-3.4 Violations and penalties.

The Chief of Police, any police officer of the Borough of Monmouth Beach or the Borough Zoning Official may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for the penalty prescribed by these ordinances and as permitted by State Law.

SECTION 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication according to law.

Introduced : April 13, 2010
Passed and Adopted : May 11, 2010

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III POLICE REGULATIONS, CREATING SECTION 3-16
“PROHIBITED NUISANCES” OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MONMOUTH BEACH**

WHEREAS, in recent times, the Borough of Monmouth Beach has suffered from certain acts which have undermined the quality of life in our small community; and

WHEREAS, The governing body of every municipality may make, amend, repeal and enforce ordinances to preserve the public peace and order under N.J.S.A. 40:48-1 : and

WHEREAS, any municipality may make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants under N.J.S.A. 40:48-2 and;

WHEREAS, it is the obligation of this governing body to provide our police with the enforcement tools they need to continue to ensure a safe and peaceful environment for our residents and visitors; and

WHEREAS, the Mayor and Commissioners are desirous of passing any ordinance which contributes to the betterment of the quality of life in the Borough of Monmouth Beach:

NOW THEREFOR BE IT ORDAINED AS FOLLOWS:

SECTION 1: BE IT ORDAINED by the Mayor and Council of the Borough of Monmouth Beach that Chapter III POLICE REGULATIONS shall be amended and supplemented as follows:

SECTION 2: Section 3-16 shall be created and shall be entitled “Prohibited Nuisances” as follows:

3-16.1. Word usage.

The word "person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization known as "group rentals."

3-16.2. Prohibited conduct.

It shall be unlawful for any person to make, cause, suffer or permit to be made or to be continued any behavior or loud, unnecessary or unusual noise or any noise or act which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety

of any other person within the corporate limits of the Borough of Monmouth Beach. Such conduct shall be considered a “nuisance” as more fully outlined in this section.

3-16.3. Enumeration of acts constituting nuisances.

The following acts, in addition to any other conduct or act prohibited and declared to be nuisances when the noise emanating from such acts is clearly audible from at least 100 feet from the actor, source or device suspected as a nuisance:

- A. Horns, signal devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the Borough of Monmouth Beach, except as a danger warning; the creation by means of any horn or signaling device of any unreasonably loud or harsh sound; or the sounding of said horn or signaling device for any unnecessary and unreasonable period of time; or the use of said horn or signaling device when traffic is for any reason held up; or the use of any horn, whistle or other device operated by engine exhaust.
- B. Radios, stereos, etc. The playing of any radio, television, stereo, musical instrument or other machine or device for the producing or reproducing of sound, in such a manner or in such volume, particularly during the hours between 11:00 p.m. and 8:00 a.m. as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence or to disturb the peace, quiet and comfort of the neighboring inhabitants or to play or operate the same with louder volume than is necessary for convenient hearing for the person or persons who are in the room or chamber in which such machine or device is operated and who are voluntary listeners thereto.
- C. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets or yelling, shouting, hooting, whistling or singing at any other place, either public or private, within the corporate limits of the Borough of Monmouth Beach in such a manner and in such volume and intensity as to disturb the peace and quiet of the neighborhood, particularly between the hours of 11:00 p.m. and 8:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or dwelling, hotel or other type of residence or of any persons in the vicinity.
- D. Construction or repair of building.
 - (1) The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 7:00 p.m., every day except Sunday, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the Borough Inspector, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues.
 - (2) Except as heretofore permitted in an emergency, the erection (including excavation), demolition, alteration or repair of any building is hereby

prohibited on Sunday unless the work is being performed by the homeowner and in such case will be permitted between the hours of 10:00 a.m. and 4:00 p.m.

- E. Loudspeakers and amplifiers for advertising. The use, operation or permitting the playing, use or operation of any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, store or establishment.
- F. Pile drivers, hammers, etc. The operation, between the hours of 5:00 p.m. and 8:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliances, the use of which is attended by loud or unusual noise except in the event of urgent necessity which is required to preserve or to protect the health, safety or welfare of the general public.
- G. The keeping of any animal or bird which shall emit frequent or long-continued noises.
- H. The shouting of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- I. Power mowers and power tools. The operation of a power mower or any other garden power tool on Sunday is permitted only between the hours of 10:00 A.M. and 4:00 P.M. and is prohibited before 8:00 A.M. and after 7:00 P.M. on all other days.
- J. Sound devices on beaches, boardwalk streets and sidewalks prohibited. Operating, playing or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound shall be prohibited unless the person operating, playing said device is using earphones which restricts the sound emanating from said device to hearing of the operator only.
- K. The activities enumerated in Section D shall also be prohibited on recognized State and Federal Holidays; and the activities enumerated in Section I are permitted only between the hours of 10:00 A.M. and 4:00 P.M. on recognized State and Federal Holidays.

3-16.4. Prevailing time.

The hours referred to in this chapter shall be prevailing time, i.e., either Eastern Standard Time or Daylight Saving Time.

3-16.5. Persons affected.

This chapter is intended to apply and to bind the owners, tenants, occupants, guests and all other persons as heretofore defined within the corporate limits of the Borough of

Monmouth Beach. This chapter shall not apply to representatives and employees of the Borough of Monmouth Beach performing tasks on official business of the Borough of Monmouth Beach.

3-16.6. Enforcement.

It shall be the duty of the Chief of Police and members of the Police Department of the Borough of Monmouth Beach to determine whether or not this chapter has been and is being complied with and to enforce the provisions of this chapter against any person found to be violating the same.

3-16.7. Violations and penalties.

The Chief of Police, any police officer of the Borough of Monmouth Beach or any taxpayer or resident of the borough may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for a the penalty prescribed by these ordinances and as permitted by State Law.

SECTION 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication according to law.

INTRODUCED : 11/12/2008
PASSED & APPROVED : 12/09/2008

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk
Borough of Monmouth Beach

**AN ORDINANCE OF THE BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AMENDING CHAPTER XI ENTITLED "BEACHES, DUNES, PAVILION AND
WATERWAYS" SECTION 11-1.4 ENTITLED "PROHIBITED CONDUCT"**

BE IT RESOLVED by the Board of Commissioners of the Borough of Monmouth Beach that Chapter XI entitled "Beaches, Dunes, Pavilion and Waterways" Section 11-1.4 entitled "Prohibited Conduct" shall be amended and supplemented as follows:

Section 1.

- (g) No person shall smoke a cigarette, cigar or other tobacco product on any supervised beach at any time except in designated smoking areas as indicated by signs posted on the beachfront. The permitted smoking area shall be within a fifty (50) foot radius of each sign posted on the beachfront which shall be generally the South and the North End of the supervised beach.
- (h) No person shall smoke a cigarette, cigar or other tobacco product in any area of the Bathing Pavilion including the deck area, pool area or building proper. Smoking shall be permitted in designated smoking areas as indicated by sign(s) which area may be created adjacent to the parking lot.

Section 2. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

INTRODUCED JUNE 15, 2010
PASSED & ADOPTED JULY 13, 2010

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXX “LAND USE REGULATIONS” DELETING SECTION 30-8.14 AND
CREATING SECTION 30-5.31 ENTITLED “HEIGHT RESTRICTIONS OF FENCES,
WALLS, AND HEDGES” OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MONMOUTH BEACH**

WHEREAS, in recent times, the Borough of Monmouth Beach has received numerous inquiries regarding the regulation of fences, walls, and hedges in the Borough; and

WHEREAS, The Mayor and Commissioners have discovered that there are conflicting provisions in the existing regulations both as to the permitted height of certain fences, walls, and hedges, as well as the responsible enforcing party; and

WHEREAS, the Mayor and Commissioners are desirous of passing an ordinance which contributes to the betterment of the quality of life in the Borough of Monmouth Beach and more clearly defines the regulations of such items:

NOW THEREFOR BE IT ORDAINED AS FOLLOWS:

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter XXX “Land Use Regulations” Section 30-8.14 entitled “Fences and Hedges” shall be deleted in its entirety and shall be replaced by the following new section:

30-5.31 HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES

30-5.31.1 Fences, Walls, and Hedges

A. Fences, walls, and hedges, existing, erected, altered or reconstructed in any zone in the Borough shall not exceed six (6) feet in height above existing ground level except as follows:

1.
 - a. Fences and walls which are located in a front yard or within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.
 - b. Hedges which are located within fifty (50) feet of any river, lagoon or other body of water shall not exceed four (4) feet in height.
 - c. Hedges which are located in a front yard shall not exceed six (6) feet in height except that portion of a hedge which forms an entryway arbor.

2. Chain Link Fences are prohibited in front yards.

3. Fences located in front yards shall be constructed so that at least fifty (50%) percent thereof is non-solid and open. Fence types such as Board-on-Board and Stockade fences are considered solid fences.

4. Fence posts, corners, gateways, wall piers and entryways in front yards shall not exceed five (5) feet in height.

5. Fences, walls, or hedges, installed after the effective date of this ordinance shall not modify or impede existing drainage patterns unless a Land Disturbance Permit has been obtained consistent with the requirements of the ordinances of the Borough of Monmouth Beach.

6. In any business or industrial zone, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.

7. Fences specifically required by other provisions of municipal and/or State regulations are permitted.

8. Notwithstanding any section above, hedges on properties which have frontage on Ocean Avenue shall not be restricted in height as to that frontage. In addition, properties that have two road frontages, one of which borders Ocean Avenue, may maintain a consistent hedge height for both frontages which shall be the height of the hedges which border Ocean Avenue.

B. All fences, walls, and hedges must be erected and/or maintained within the property lines, and no fence, wall, or hedge shall be erected so as to encroach upon a public right-of-way.

C. The following fences and fencing construction materials are specifically prohibited in all zones in the Borough: barbed wire, canvas, cloth, electrically charged, expandable and collapsible fences.

D. All supporting members of a fence shall be located on the inside of the fence, and, if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion or the tract of land of the property upon which the fence is erected.

E. For purposes of this ordinance, "hedges" shall be defined as "a row of closely planted shrubs or low-growing trees forming a physical and/or visual fence, screen or boundary".

30-5.31.2 Height Restriction of Fences, Walls, Hedges Bushes and Shrubs at Intersections

At the intersection of two (2) or more streets, no fence, wall, hedge, bush or shrub shall exceed thirty (30) inches above curb level, nor cause any obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the triangular area formed by two (2) intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each street line located twenty-five (25) feet from the intersection of the street lines.

30-5.31.3 Violations and penalties

The Borough Zoning Official may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for the penalty prescribed by these ordinances and as permitted by State Law.

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Introduced : April 13, 2010

Passed and Adopted : May 11, 2010

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III “POLICE REGULATIONS” CREATING SECTION 3-3
ENTITLED “HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES” OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH
BEACH**

WHEREAS, in recent times, the Borough of Monmouth Beach has received numerous inquiries regarding the regulation of fences, walls, and hedges in the Borough; and

WHEREAS, The Mayor and Commissioners have discovered that there are conflicting provisions in the existing regulations both as to the permitted height of certain fences, walls, and hedges, as well as the responsible enforcing party; and

WHEREAS, the Mayor and Commissioners are desirous of passing an ordinance which contributes to the betterment of the quality of life in the Borough of Monmouth Beach and more clearly defines the regulations of such items:

NOW THEREFOR BE IT ORDAINED AS FOLLOWS:

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter III POLICE REGULATIONS Section 3-3 entitled “Height Restrictions of Bushes and Shrubs at Intersections” shall be deleted in its entirety and shall be replaced by the following new section:

3-3 HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES

3-3.1 Fences, Walls, and Hedges

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3. Fences located in front yards shall be constructed so that at least fifty (50%) percent thereof is non-solid and open. Fence types such as Board-on-Board and Stockade fences are considered solid fences.

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5. Fences, walls, or hedges, installed after the effective date of this ordinance shall not modify or impede existing drainage patterns unless a Land Disturbance Permit has been obtained consistent with the requirements of the ordinances of the Borough of Monmouth Beach.

6. In any business or industrial zone, open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas and behind the building setback line.

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8. Notwithstanding any section above, hedges on properties which have frontage on Ocean Avenue shall not be restricted in height as to that frontage. In addition, properties that have two road frontages, one of which borders Ocean Avenue, may maintain a consistent hedge height for both frontages which shall be the height of the hedges which border Ocean Avenue.

B. All fences, walls, and hedges must be erected and/or maintained within the property lines, and no fence, wall, or hedge shall be erected so as to encroach upon a public right-of-way.

C. The following fences and fencing construction materials are specifically prohibited in all zones in the Borough: barbed wire, canvas, cloth, electrically charged, expandable and collapsible fences.

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E. For purposes of this ordinance, “hedges” shall be defined as “a row of closely planted shrubs or low-growing trees forming a physical and/or visual fence, screen or boundary”.

3-3.2 Height Restriction of Fences, Walls, Hedges Bushes and Shrubs at Intersections

At the intersection of two (2) or more streets, no fence, wall, hedge, bush or shrub shall exceed thirty (30) inches above curb level, nor cause any obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the triangular area formed by two (2) intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each street line located twenty-five (25) feet from the intersection of the street lines.

3-3.3 Exception to Height limitation of Hedges

- A. In only those instances where the applicable height limitation of certain hedges is limited to six (6) feet the following exception to that height limitation may apply:
1. A property owner may maintain a hedge greater than six (6) feet in height provided that the property owner sharing the property line along which the hedge exists permits a relaxation of the height requirement. Such permission shall be in writing as provided hereafter; and
 2. Each property owner whose property line immediately abuts the hedge executes a form to be promulgated by the Borough and filed with the Borough Clerk which acknowledges their agreement to permit a relaxation of the six(6) foot height limitation; and
 3. The agreement to permit the relaxation of the height requirement may be cancelled and/or declared void by either party at any time by notifying the Borough Clerk in writing.
- B. Any variance granted by the Planning Board of Adjustment from a land development ordinance identical to a provision in this Section shall constitute a permitted exception to the requirements of this Section.

This section permitting exceptions to the height requirements of hedges by agreement of property owners shall not apply in those instances where hedges are located in a front yard, within fifty (50) feet of any river, lagoon or other body of water, at the intersection

of two (2) or more streets or in any instance where the maximum permitted height is less than six(6) feet.

3-3.4 Violations and penalties.

The Chief of Police, any police officer of the Borough of Monmouth Beach or the Borough Zoning Official may make a complaint in the Municipal Court of the Borough of Monmouth Beach for any violations of this chapter or any section, paragraph or provision thereof. Upon conviction in such case, for each and every violation, the person committing, taking part in or assisting in such violation or violations shall, upon conviction thereof, be liable for the penalty prescribed by these ordinances and as permitted by State Law.

SECTION 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5. This ordinance shall take effect upon its passage and publication according to law.

Introduced : April 13, 2010
Passed and Adopted : May 11, 2010

ATTEST:

Joyce L. Escalante, RMC
Municipal Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXX “LAND USE REGULATIONS” AMENDING SECTION 30-5.31
ENTITLED “HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES” OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH
BEACH**

SECTION 1: BE IT ORDAINED by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter XXX “Land Use Regulations” Section 30-5.31.1(A) shall be amended by the addition of the following subsection:

30-5.31.1(A)

9. Notwithstanding any section above, fences on properties which have frontage on the west side of Patten Avenue shall not be restricted to a height less than 6 feet as to that frontage and shall be permitted to be “solid” fences

SECTION 2. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect upon its passage and publication according to law.

INTRODUCED	JUNE 15, 2010
PASSED & ADOPTED	JULY 13, 2010

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III “POLICE REGULATIONS” AMENDING SECTION 3-3
ENTITLED “HEIGHT RESTRICTIONS OF FENCES, WALLS, AND HEDGES” OF
THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MONMOUTH
BEACH**

SECTION 1: **BE IT ORDAINED** by the Mayor and Commissioners of the Borough of Monmouth Beach that Chapter III “Police Regulations ” Section 3-3.1(A) shall be amended by the addition of the following subsection:

3-3.1.1(A)

9. Notwithstanding any section above, fences on properties which have frontage on the west side of Patten Avenue shall not be restricted to a height less than 6 feet as to that frontage and shall be permitted to be “solid” fences

SECTION 2. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect upon its passage and publication according to law.

INTRODUCED	JUNE 15, 2010
PASSED & ADOPTED	JULY 13, 2010