

**TOWN OF WEST NEW YORK  
COUNTY OF HUDSON**

**ORDINANCE #4/16**

**AN ORDINANCE AMENDING CHAPTER 414 OF THE CODE OF THE TOWN OF  
WEST NEW YORK ENTITLED “ZONING”**

**WHEREAS**, Chapter 414 of the Code (the “Code”) of the Town of West New York ( the “Town”) regulates of the height and location of fences for residential and commercial properties ; and

**WHEREAS**, the Town seeks to clarify and standardize the height and location of fences; and

**WHEREAS**, this zoning ordinance is being forwarded to the West New York Planning Board for review pursuant to N.J.S.A. 40:55D-26; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Town of West New York that Chapter 414 entitled “Zoning” shall be amended to delete Notes to Schedule P. Note 16 in its entirety and substitute the following:

**Section One**

**§ Notes to Schedule P. Note 16** Fences and walls may be erected anywhere on a lot, subject to the following provisions:

- (1) No fence may be erected in a residential, commercial or mixed use building front yard. For corner lots, the front yard shall be that yard which faces the primary entrance to the residence, commercial or mixed use building. In the side and rear yards of residential, commercial and mixed use properties a fence may be erected to a maximum height of six feet.
- (2) Except where specifically prohibited under the terms of this or any other applicable chapter or regulations of the Town, nothing herein shall be construed to prohibit the uses of the hedges, trees or other planting anywhere on the lot.
- (3) A zoning permit shall be required for the construction of any fence six feet or less. The fee for this permit is \$75 and the penalty for failing to obtain this permit shall be a minimum of \$50.
- (4) A building permit is required for the construction of any fence over six feet.
- (5) An application to construct a fence must be obtained from the Building Department. This application must be submitted to the Building Department, with a current survey of the property, and show the proposed location of the fence. A copy of the contractor’s license, who will be installing the fence, shall also be submitted. The survey of the property shall be no more than ten years old.

## **Section Two**

The following note shall be added:

**Notes to Schedule R Note 18** Sheds may be erected subject to the following provisions:

- 1) All sheds 100 square feet or less shall require the issuance of a zoning permit.
- 2) No shed shall be installed that is higher than twelve feet as measured from grade level. A shed shall not be installed within three feet of a rear or side property line or within ten feet of another structure.
- 3) No shed shall be installed in the front yard or side yard leading to the rear yard.
- 4) An application for the installation of the shed shall be obtained from the Building Department. The application must be submitted with a current survey of the property and show the location of the proposed shed. A current survey shall be no more than 10 years old. A copy of the contractor's license, who is installing the shed, shall be submitted with the application.
- 5) The permit fee for the shed shall be \$75 and the penalty for failing to obtain this permit shall be a minimum of \$50.

## **Section Three**

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

## **Section Four**

**Repealer.** All ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, or the extent of such conflict or inconsistency, it being legislative intent that all ordinances or portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

## **Section Five**

**When Effective.** This ordinance shall take effect upon passage and publication as required by law.

## SUMMARY OF ORDINANCE

This Ordinance amends Chapter 414 to delete that section which regulates the height and location of fences and to revise this section to standardize the maximum height of fences to six feet and to prohibit fences in the front yard of properties. The height and location of sheds is also established by this ordinance.

**Introduced: 3/16/2016**

### Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **March 16, 2016** and ordered published, and will be further considered before final passage at a public hearing on **April 21, 2016 at 6:30 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC  
Town Clerk