

BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH

ORDINANCE 2025-27

AN ORDINANCE AMENDING ARTICLE IX: "OFF-STREET PARKING, DRIVEWAY AND LOADING REQUIREMENTS" OF CHAPTER 450: "ZONING" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO PROHIBIT FRONT YARD FENCES.

Mayor Gubitosi offered the following Ordinance and moved its introduction:

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 450-44: "Fence Regulations" of Article IX: "Off-Street Parking, Driveway and Loading Requirements" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

CHAPTER 450
ZONING

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ARTICLE IX
OFF-STREET PARKING, DRIVEWAY AND LOADING REQUIREMENTS

* * *

§ 450-44 Fence Regulations.

- A. All fences may be erected, altered or reconstructed to a height not exceeding ~~three feet above ground level when located in any front yard~~, four feet in any side yard between the front and rear building line and six feet in any rear yard. For purposes of this section only, an alleyway will not be considered a street.
- B. All fences must be erected entirely within the property line. No fence shall be erected within any public right-of-way.
- C. All fences shall be maintained in a safe, sound and upright condition.
- D. No fence shall be erected that is embedded with or made of pieces of glass, sharpened metal or sharp or otherwise hazardous material, nor shall any fence be erected which is intended to wound or injure persons or animals.

E. No fences or gates shall be constructed or placed in front yards.

E.F. Nothing in this section shall be applied as to restrict the construction of a retaining wall necessary to retain earth at the level which it existed at the time of the passage of this Chapter.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Bradley Beach for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

SO ORDAINED as aforesaid.

Erica Kostyz

Erica Kostyz
Municipal Clerk

Alan Gubitosi

Alan Gubitosi
Mayor

Introduced: August 5, 2025

Date of Hearing and Adoption: October 7, 2025