

**§ 94-13. Fences.**

**[Amended 5-12-2003 by Ord. No. 03-06; 5-8-2006 by Ord. No. 06-04; 7-11-2011 by Ord. No. 11-06]**

- A. General. Fences or walls, except a wall of a building, shall only be erected in the rear and side yard, shall not exceed four (4) feet in height and shall not project beyond the front building line except as otherwise set forth herein. Barbed wire or similar material shall not be used in the erection or maintenance of a fence. An "ornamental iron fence", defined as a fence comprised of wrought iron or material such as aluminum, to resemble wrought iron, having multi-finished surface, and being black, having pickets, posts and gates, shall be permitted in the rear and side yard of a property. An ornamental iron fence shall also be permitted in the front yard (as defined, a corner lot will have two (2) front yards) of a building, being it residential or business, in accordance with the terms and conditions set forth immediately hereafter.
- B. Ornamental iron fence – front yard. An ornamental iron fence – front yard is a fence comprised of wrought iron or material such as aluminum, to resemble wrought iron, having a multi-finished surface, and being black, having pickets, posts and gates shall be no higher than thirty-six (36) inches, at any point, and not less than thirty (30) inches in height, and at least seventy-five (75%) percent open as to the fence and any shrubbery, tree, ornamentation or other features that will hinder visibility through the fence. Plastic, vinyl, wood or wire, are not acceptable materials for an ornamental iron fence. An ornamental iron fence shall not be located in any public right-of-way, and may be located in a residential or business district and may be installed in the front yard of a property, as defined in this chapter, Section 94-5, providing that it complies with the requirements of this section, including but not limited to the requirements of Section 94-8. An ornamental iron fence located on a corner lot, or within fifteen (15) feet of a driveway, intersecting a public walkway, street or right of way, shall be compliant with the above requirements. Attached to this section is a sample of three (3) ornamental iron fences, which are acceptable in accordance with the terms of this section. Using reasonable judgment the Zoning Officer of the Borough of Merchantville may approve an ornamental iron fence, if it is similar to the samples referred to above. **Editor's Note: Samples may be found in the office of the Zoning Officer.**
- C. Ornamental iron fence – rear yard. An ornamental iron fence - rear yard shall be no higher than sixty (60) inches at any point. Plastic, vinyl, wood or wire are not acceptable materials for an ornamental iron fence – rear yard. An ornamental iron fence – rear yard may be installed in the rear yard of a property, as defined in this chapter, Section 94-5 "Terms Defined", "Yard, Rear", providing that it complies with the requirements of this section. Attached to this section is a sample of three ornamental iron fences, which are acceptable in accordance with the terms of this section. Using reasonable judgment the Zoning Officer of the Borough of Merchantville may approve an ornamental iron fence-rear yard, if it is similar to the samples referred to above. **Editor's Note: Samples may be found in the office of the Zoning Officer.**
- D. Pools. Swimming pools and wading pools, as defined and otherwise regulated in Chapter 75, Swimming Pools, of the Code of the Borough of Merchantville, shall be fully enclosed with fencing a minimum of five (5) feet and a maximum of six (6) feet in height. Fencing erected to enclose a swimming pool or wading pool shall only be erected in the rear and side yard and shall not project beyond the front building line. Swimming pools or wading pools, shall conform in all other respects with the provisions set forth for each residential zoning district as specifically found in Section 94-22A(4), Section 94-28A(4) and Section 94-31A(4).