

\*\*\*\*ADOPTED APRIL 12, 2021\*\*\*\*

**TOWNSHIP OF DELANCO**

**ORDINANCE 2021-5**

**AMENDING THE TOWNSHIP CODE AT  
CHAPTER 110-13 GOVERNING “FENCES AND WALLS” TO  
ALLOW CERTAIN NON-CONFORMING FENCES TO BE  
MAINTAINED AND REPLACED**

WHEREAS, the Township has been alerted to instances where existing fences that have been in place for many years and are in a state of disrepair would be replaced in kind, but the requirement and expense of obtaining a bulk variance from the Joint Land Use Board because of technical non-compliance is making the process cost-prohibitive; and

WHEREAS, the Township desires to weigh the benefits of upgrades and beautification against the requirement that all non-conforming fences come before the Board for variance approval; and

WHEREAS, the Township desires to enact an amendment to facilitate a solution to the issue that will allow for maintenance and replacement in certain circumstances.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco that the Township Code be and hereby is amended at Chapter 110-13 governing “Fences and walls”:

**Section 1.** Chapter 110-13 governing “Fences and walls” is hereby amended to add the following provision:

**§110-13. Fences and walls.**

K. At the time of the adoption of this ordinance where an existing fence up to 6 feet in height is forward of the rear line of the main structure, it may be maintained or replaced with a fence of up to 6 feet in height, provided the fence is at least 10 feet behind a front façade, as defined, not including any open or fully enclosed porch. This shall apply to the section of fencing running from the side of the house to the side property line and the fencing running along the side property line.

**Section 2.** Repealer, Severability, and Effective Date.

Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it's intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

Effective Date. This Ordinance shall take effect upon proper passage and approval in accordance with the law.