

ORDINANCE NO. 40-2025

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE AMENDING THE ROSELAND LAND DEVELOPMENT
ORDINANCE, ARTICLE IV ENTITLED “ZONING”, SECTION 30-403.8
ENTITLED “FENCES AND RETAINING WALLS”

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey, that Article IV, Section 30-403.8 of the Land Development Ordinance of the Borough of Roseland shall be amended to state as follows:

SECTION I

That Subsection 30-403.8 entitled “Noises Defined and Regulated” shall be amended by adding the following **thus** and deleting the following **~~thus~~**:

§ 30-403.8 Fences and Retaining Walls.

- a.** Fences may be in the front yard provided that they shall not exceed three (3) feet in height measured from the ground level and shall be constructed so that at least fifty (50%) percent thereof is open.
- b.** In residential districts, fences and walls located in other than a required front yard shall not exceed six (6) feet in height measured from the ground level. Any fence in excess of six (6) feet in height, such as that required around a tennis court, shall require a variance, shall be considered a structure and shall meet the minimum side and rear yard requirements for accessory buildings.
In nonresidential districts, open wire fences not exceeding eight (8) feet in height measured from the ground level may be erected in the rear or side yard and behind the building setback line. Walls and other types of fences shall not exceed six (6) feet in height.
- c.** All fences or walls shall be constructed so that a finished side faces outward away from the property on which it is constructed.
- d.** No fence or wall shall be constructed of any material harmful to humans or animals.
- e.** No fence or wall exceeding ~~three~~ two (~~3~~ 2) feet in height shall be erected ~~along a property line~~ without a Zoning Permit. A survey showing the proposed location of the fence or wall with respect to the existing property lines shall be submitted to the Zoning Officer.
- f.** Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- g.** Notwithstanding the preceding provisions of this subsection, the following provisions shall be complied with:
 - 1.** Screening and buffering shall be as specified in subsection 30-403.9.
 - 2.** Private swimming pools shall be fenced as specified in subsection 30-403.10.
 - 3.** No fence or wall shall be located within a clear sight triangle.

- h. ~~Retaining walls exceeding three (3) feet in height shall require a zoning permit.~~
 A retaining wall exceeding ~~three two (3 2)~~ feet requires the approval of the Borough Zoning and Engineering-Departments. As a result, the all location, height and material must be shown on a boundary and topography survey of the survey of the property. Elevations of the top and bottom of the wall must be shown on the plan. Additionally, the details of the wall construction (i.e. material, footing, assembly, backfill and drainage) must accompany the survey information. Any retaining wall greater than four (4) feet in height must be designed by a licensed New Jersey Professional Engineer. Structural calculations must accompany the Professional Engineer's design. Prior to final approval of any retaining walls exceeding four (4) feet in height, a certification shall be provided by a New Jersey licensed professional engineer attesting that the retaining wall was constructed in conformance with the structural design.
- i. Where a fence is placed on top of a retaining wall, the overall height shall not exceed six (6) feet from the lowest point of the grade to the highest point of the fence.
- j. For purposes of applying height limits, multiple, staggered or tiered walls shall be considered single walls unless there is a minimum horizontal distance of ten (10) feet between the top of any section or tier and the base of any one section or tier; the horizontal distance between the top of any section or tier shall be equal to or greater than the height of the taller section or tier. These provisions shall apply to multiple staggered or tiered walls which span property lines.

DATE OF INTRODUCTION: October 23, 2025

Motion to Introduce by: Councilman Biront
 Motion Seconded by: Councilwoman Perrotti
 Introduction Approved: 5-0 Voice Vote (Trillo absent)

DATE OF ADOPTION: November 25, 2025

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Council President Biront	X		X				
Councilwoman Perrotti			X				
Councilman Schroeder		X	X				
Councilwoman Tolli			X				
Council President Trillo							X
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 25th day of November, 2025.

 James R. Spango, Mayor

 Jock H. Watkins, Borough Clerk

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