

REGULATION OF PARTITION FENCES

01 CONSTRUCTION, ETC.; PERMIT REQUIRED.

No person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence in the Borough, unless a permit is secured therefore.

02 HEIGHT LIMITATIONS.

No fence shall be constructed which exceeds any of the following height limitations:

- a. Forty-eight inches in front of the building line applicable to the subject property;
- b. Seventy-two inches behind the front building line applicable to the subject property, except as otherwise provided in subsection (c) below;
- c. Forty-eight inches wherever the fence shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street; and
- d. Eight feet in any Industrial Zoning District.

03 BARBED WIRE AND OTHER UNSAFE FENCING PROHIBITED.

Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In zoning districts other than residential, such fencing shall not be permitted, unless a request is made to Council and approved by a majority vote at a public Council meeting.

04 CONSTRUCTION STANDARDS

All fences erected must be of good quality and must be firmly and sturdily footed in the ground.

05 TREATMENT OF METAL FENCES

Any fence erected which is made of a metal fabric or which is partially made of any metal fabric shall be galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least eleven gauge or heavier, unless it is subject to the provisions of section 09 regarding the gauge of metal fences around pools.

06 MAINTENANCE; STURDINESS.

- a. All fences shall be maintained in a sturdy and good condition. Fences which become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed.
- b. Any fence that cannot support the weight of 150-pound man without bending, breaking, leaning or moving shall be deemed not to be sturdy.

07 VARIANCES

- a. Any property owner or tenant desiring to erect a fence or maintain a fence which does not conform to the provisions of this chapter may apply for a variance from the Zoning Hearing Board of the Borough.
- b. All requests for a variance shall be according to the procedures and governing provisions of the Zoning Code of the Borough and the laws of the Commonwealth.

08 PROXIMITY TO LOT AND CURB LINES.

All fences shall be set back a minimum of six inches from all side and rear yard property lines. All fences shall be set back at least twelve inches from all front yard property lines and/or sidewalks. Further, all fences must be set back a minimum of six feet from any curb line.

09 FENCES SURROUNDING POOLS OR OTHER STRUCTURES.

- a. All pools, swimming pools, water retention basins and other structures, temporary or permanent and above or below ground, which may hold water, shall be surrounded by a fence, except as provided in subsection (d) hereof.
- b. Fences required by subsection (a) hereof may surround the pool or the property. The wall of a building may constitute a portion of the fence. Such fences shall be adequate to make the structure containing the water inaccessible to small children.
- c. Fences required by subsection (a) hereof shall not be less than four feet in height and shall be subject to the height limitations imposed in section 02. Further, such fences shall be constructed out of any of the following materials:
 1. Masonry or brick,
 2. Wire mesh, a minimum of nine gauge with posts not more than ten feet apart, and
 3. Pickets, not less than three-fourths of an inch thick if wood or twenty gauge if metal, with posts not more than ten feet apart.
 4. All gates or door openings through any fence required to be erected under this section shall be equipped with a self-closing and self-latching device for keeping the gate or

door securely closed at all times when not in actual use, except that the door for any dwelling which forms a part of the fence enclosure need not be so equipped.

- d. Structures which are not capable of holding water in excess of two feet in depth need not be surrounded by a fence if the structures are emptied of all water when not in use, or are securely and adequately covered to prevent small children from uncovering the pool when not in use.

10 PERMIT FEE

The fee for a permit for construction, installation, addition or alteration of any fence shall be twenty dollars (\$20.00) per each thousand dollars (\$1,000) cost of the work or fraction thereof.

11 PENALTY

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. A separate offense shall be deemed committed each day that the violation continues.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.