

TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 709

AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF TINICUM, PROVIDING OF A NEW CHAPTER, CHAPTER 18, FENCES, PROVIDING FOR THE DEFINITION, HEIGHT LIMITATIONS, LOCATION RESTRICTIONS, MATERIALS AND COMPOSITION, PERMIT REQUIREMENTS, AND PENALTIES FOR OFFENSES.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Tinicum, Delaware County, Pennsylvania, it is hereby Enacted and Ordained that the Code of the Township of Tinicum shall be amended to create a new Chapter 18, Fences, and it is hereby Enacted and Ordained by the authority of the same that:

SECTION 1.

CHAPTER 18.1 - DEFINITIONS.

As used in the following Chapter, the following terms shall have the meanings indicated:

FENCE - Any structure, regardless of composition, except living fences, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FRONT YARD - Applies to that portion of the yard in front of the front building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a 'front yard' for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

HEIGHT - The distance measured from the existing grade to the top of the fence.

LIVING FENCE - Any fence or hedge composed of living materials.

CHAPTER 18.2 - APPROVAL REQUIRED.

No fence, wall or other type of construction shall be erected without first being approved by the Code Enforcement Officer.

CHAPTER 18.3 - ISSUANCE OF PERMIT AND FEES.

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Building Inspector. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this Chapter and any other pertinent local law regulating construction within the Township and be accompanied by a permit fee as hereinafter set forth. Upon approval by the Code Enforcement Officer, a permit shall be issued which will be in effect for a period of six (6) months after the date therein. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper village officials, including but not limited to the Code Enforcement Officer.

The fees to be charged for permits issued under this Ordinance shall be as follows:

Ten(\$10.00) Dollars for the first Two Hundred (200) lineal feet and Five (\$5.00) for every One Hundred additional lineal feet or part thereof.

CHAPTER 18.4 - LIVING FENCES

Living fences are subject to all of the provisions of this Chapter, except that they shall be exempt from the permit provisions of this Chapter. Living fences must be maintained in a neatly trimmed condition and shall not interfere with the visibility of vehicular and pedestrian traffic. (See Chapter 18.7 -D)

CHAPTER 18.5 - APPLICABILITY.

The permit provisions of this Chapter shall apply to fences in all districts. No fence shall be erected in the applicable zones of the Township of Tinicum in excess of the height limitations as set forth herein.

CHAPTER 18.6 - HEIGHT LIMITATIONS.

A. **Rear Yards.** No fence shall be more than six (6) feet in height at the rear of homes and buildings, nor shall it extend forward of the rear building line of any existing or proposed dwelling.

B. **Front Yards.** No fence shall be higher than forty-two (42) inches in any front yard.

C. **Side Yards.** No fence shall be more than six (6) feet at the side of homes and buildings, nor shall it extend nearer than fifteen (15) feet to front property line.

CHAPTER 18.7 - LOCATION RESTRICTIONS.

A. Any fence erected under this Chapter shall be placed at least six (6) inches from the back or side of the property line. Any fence erected in a front yard may be placed on the front property line if it is at least one (1) foot back from the sidewalk. Living fences shall be placed in accordance with Chapter 18.4.

B. Two adjacent property owners may elect to place fence on property line by mutual agreement.

C. Once a fence has been erected on a property line a second fence may not be erected by an adjacent property owner if it creates an inaccessible, unmaintainable space between fences.

D. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with the visibility of vehicular or pedestrian traffic.

CHAPTER 18.8 - MATERIALS AND COMPOSITION

A. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air or which may cause a nuisance, a fire hazard or a dangerous condition, is hereby expressly prohibited. Further, no fence shall be erected in a

residential zone or along a public right-of-way unless the fence is uniformly less than fifty (50%) percent solid.

B. The following fences and fencing materials are specifically prohibited:

- 1) Barbed wire.
- 2) Short pointed fences.
- 3) Canvas fences.
- 4) Cloth fences.
- 5) Electrically charged fences.
- 6) Poultry fences.
- 7) Turkey wire.
- 8) Temporary fences such as snow fences unless on construction sites with Township Board permission.
- 9) Expandable fences and collapsible fences, except during construction of a building.

C. All chain link fences erected shall be erected with the closed loop at the top of the fence.

D. No fence shall be multicolored.

E. All entrances or gates shall open into the property.

F. Any fence, wood, stockade, chain link or other type of fence shall have the smooth side or finished side facing to the outside of the property of the owner installing the fence. Fence posts will be placed on the inside of the fence.

CHAPTER 18.9. POWERS AND DUTIES OF BUILDING INSPECTOR AND APPEALS.

A. The Township Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property, wherever the same shall interfere

with adequate visibility for operators of motor vehicles on the public highway, and at street intersections or curbs, within five (5) days.

B. Any person who shall refuse or neglect to comply with the written direction of the Township Code Enforcement Officer shall be guilty of a violation of this Chapter and shall be subject to its penalties.

C. If the property owner feels aggrieved by an decision of the Building Inspector, he shall have a right of appeal to the Township Board of Commissioners, provided that said appeal is accomplished in writing within ten (10) days of the written notification from the Building Inspector. Said appeal shall be filed with the Township Secretary.

CHAPTER 18.10 - PENALTIES FOR OFFENSES.

A violation of this Chapter shall subject the violator to a fine of not less than Twenty-Five (\$25) Dollars nor more than One Thousand (\$1,000) Dollars or to imprisonment of not more than Thirty (30) days, or to a combination of fine and imprisonment. The continuation of an offense against the provisions of this Chapter after the date to remedy the defect as set forth by the Code Enforcement Officer, pursuant to Chapter 18, shall constitute for each day the offense is continued a separate and distinct offense hereunder.

SECTION 2.

CHAPTER 18.11 - SEVERABILITY.

If any sentence, clause, section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Tinicum Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section or part thereof not been included herein.

SECTION 3.


CHAPTER 18.12 - REPEALER.

All Ordinances, or parts of Ordinances, which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE.

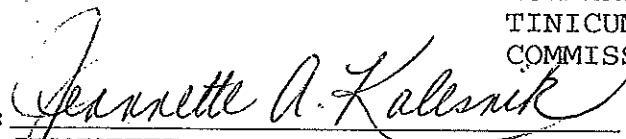
This Ordinance shall be effective and be in force from and after its approval as required by law.

ORDAINED and ENACTED this 15th day of September, 1997, by the Board of Commissioners of the Township of Tinicum, Delaware County, Pennsylvania.



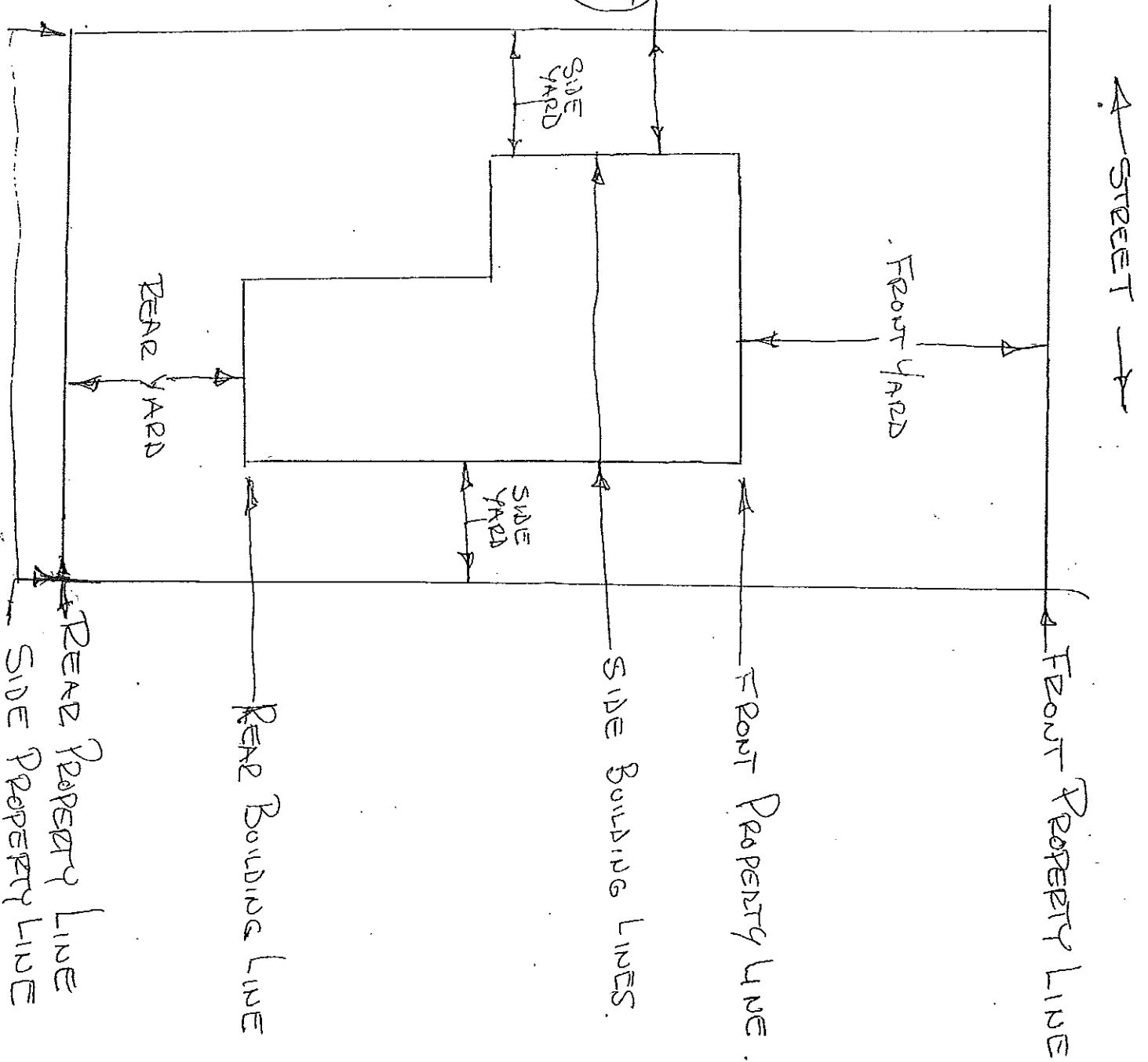
NORBERT J. POLONCARZ, PRESIDENT
TINICUM TOWNSHIP BOARD OF
COMMISSIONERS

ATTEST:

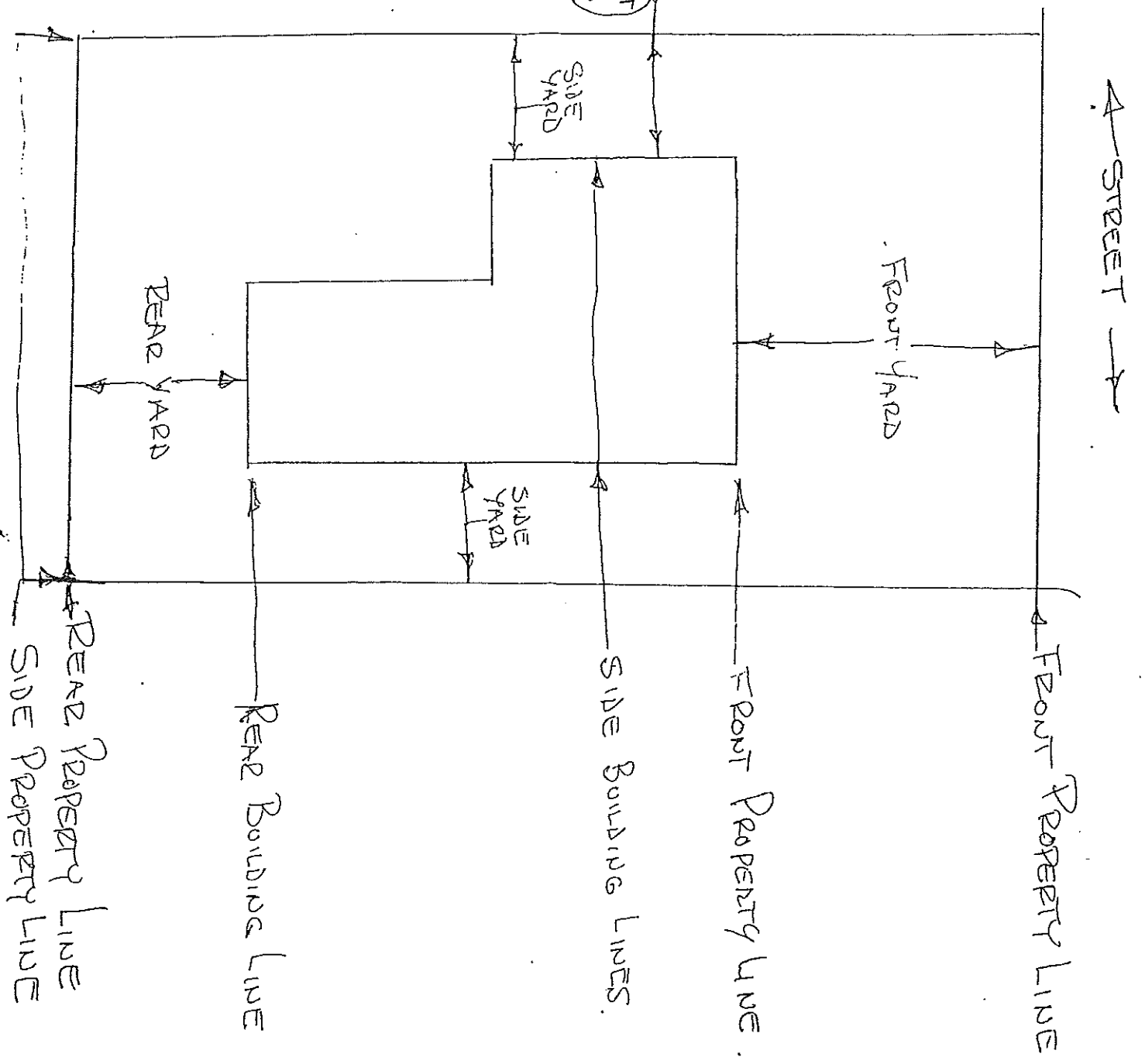


JEANNETTE A. KALESNIK,
TOWNSHIP SECRETARY

NOTE: IF CORNER PROPERTY, THE SIDE FACING SECOND STREET WILL BE CONSIDERED AS A FRONT YARD.



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REAR PROPERTY LINE
SIDE PROPERTY LINE