

ORDINANCE NO. 2020- ____

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR REGULATING FENCES, RESTRICTING THE MATERIALS AND DESIGN OF FENCES, PROVIDING FOR INSPECTION AND ISSUANCE OF PERMITS, AUTHORIZING FEES FOR PERMITS AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED and it is hereby ORDAINED and ENACTED, by the Council of the Borough of Langhorne Manor as follows:

ARTICLE I - TITLE

Section 1.01.

This Ordinance shall be known as and may be called the Langhorne Manor Borough Fence Ordinance.

ARTICLE II - DEFINITIONS

Section 2.01.

The meaning of the terms used in this Ordinance shall, unless the context specifically and clearly indicates otherwise, be as follows:

(a) "The Borough" shall mean the Borough of Langhorne Manor, Bucks County, Pennsylvania, a political subdivision acting by and through its Borough Council or in appropriate cases by and through its code enforcement officer or other duly authorized representatives.

(b) "Fence" shall mean an artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, erected for the enclosure of land and/or the dividing of one parcel of land from another. For the purposes of this Section, natural fences, including hedges and similar growth, are not considered fences.

(c) "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property. Wherever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations shall mean the partners, or members thereof, and as applied to corporations, the officers and directors of said corporations.

(d) "Plot Plan" shall mean a plan prepared by a professional engineer licensed by the Commonwealth of Pennsylvania which shows all improvements on a property and all dimensions of a property including boundary lines, yard setback lines and right of way lines. Said plan shall be prepared using a plan of survey and said plan of survey shall be noted on the plot plan.

ARTICLE III - PERMIT REQUIRED

Section 3.01.

No fence shall be erected within the Borough without the Owner of the property or his representative, authorized in writing to make such application, first obtaining a fence permit from the Borough Building Inspector.

ARTICLE IV - APPLICATION FOR AND ISSUANCE OF A PERMIT

Section 4.01.

Application for a fence permit shall be made to the Borough Building Inspector in writing and shall set forth the following information:

- (a) The Owner, address and tax parcel number of the property where the fence is to be erected.
- (b) A description and specifications of the fence, including size, height, dimensions, material and size and percentage of openings.
- (c) A detailed sketch or plan of the fence.
- (d) Plot plan of the premises shall have been prepared and sealed by a registered Professional Land Surveyor duly licensed by the Commonwealth of Pennsylvania showing the boundaries of the property, survey monuments, location of proposed fence, location of structures on the property and the locations of streets abutting the property.
- (e) Monuments shall be constructed and installed at all comers of the property where none currently exist and shall be a condition noted on the fence permit application.

Section 4.02

Borough Building Inspector shall issue or deny a fence permit within thirty (30) days of receipt of the information set forth in Section 4.01 and shall give notice of the issuance or denial of the fence permit via certified or registered mail to the owners of record of properties adjacent to the property for which the fence permit application was made.

ARTICLE V - PERMIT FEE

Section 5.01.

The fee for fence permit shall be Fifty (\$50.00) Dollars.

ARTICLE VI - RESTRICTIONS ON MATERIALS

Section 6.01.

Barbed wire, spikes, chipped glass, electricity or similar materials or devices shall not be used in conjunction with or as part of any fence except, upon the grant of a special exception as set forth in Article XI hereof.

ARTICLE VII - RESTRICTIONS ON DESIGNS

Section 7.01.

No fence shall be permitted which is designed with the intent to or which has the effect to injure or harm a person who has contact with or who attempts to climb such fence.

ARTICLE VIII - FENCES IN RESIDENTIAL DISTRICTS

Section 8.01.

(a) Fences not exceeding six (6) feet in height above the ground level may be constructed and located along the side property lines from the front building setback line to the rear property line and along the rear property line. Such fences shall be open and allow light and air to pass through and examples of such fences are cyclone, rail, picket, wrought iron, split rail and similar type fences.

(b) No fences shall be erected between the roads, streets and/or rights-of-way and the building setback line.

(c) Fences on corner properties shall not be erected between the roads, streets and/or rights-of way and the building setback lines for both roads, streets and/or rights-of-way abutting the properties.

(d) Fences must be maintained by the Owner and kept in alignment and shall be maintained in a safe, sound and upright condition and in accordance with the approved plan on file with the Borough.

(e) All fences must be erected within the Property lines, and no fence shall be erected so as to encroach upon a public right-of-way.

(f) Borough Council shall have the power to waive the strict application of requirements of Subsections (b) and (c) of this Section 8.01 where by reason of the area or shape of a specific piece of property or by reason of topographic conditions or other conditions on such piece of property the strict application of the regulations contained in said Subsections would place undue hardship upon the owner of such property. Borough Council shall not, however, grant a waiver unless Borough Council finds the following standards, requirements and conditions are satisfied:

(i) waiver will not be contrary to the public interest and that unnecessary hardship to the owner of such property will result if the waiver is not granted;

(ii) that the granting of the waiver shall be in harmony with the general purpose and intent of this Ordinance and shall not be injurious to neighboring properties or otherwise detrimental to the public welfare;

(iii) that the granting of the waiver is reasonable under the circumstances and that the waiver granted by Borough Council is the minimum waiver which will accomplish the alleviation of the unnecessary hardship.

ARTICLE IX - FENCES IN NONRESIDENTIAL DISTRICTS

Section 9.01.

Fences in nonresidential districts of the Borough may be erected as hereinafter set forth:

(a) Fences shall be no closer than fifteen (15) feet to a road, street and/or right-of-way.

(b) Fences shall not be less than four (4) feet in height.

(c) Fences eight (8) feet high with a barbed wire top which would not be detrimental to the health, safety or welfare of any person coming into contact therewith may be permitted upon the grant of a special exception by the Zoning Hearing Board of the Borough upon demonstration by the applicant that:

(i) The fence is needed to prevent entry to any area which could be hazardous to the health, safety or welfare of person or persons.

(ii) The fence is needed to secure an area where materials and/or other equipment is stored.

(iii) The fence is needed for other reasons which are in the general interest of the community or interest of safety which justify such fencing.

ARTICLE X - NOTICE OF VIOLATION

Section 10.01.

The Building Inspector shall, in the event of violation of this Ordinance, give written notice, either by registered mail or personal service, of the alleged violation upon the Owner and occupant of the property on which the fence is located to repair or remove said fence and/or cure the violation. Said Owner or occupant shall have thirty (30) days from the date of receipt of said written notice to comply with the provisions of this Ordinance regulating fences.

Section 10.02.

Fences legally existing at the time of enactment of this Ordinance shall be permitted to remain until such time as said fences are removed and/or replaced. In case of removal or replacement of an existing fence, any new fences shall comply with all the terms and conditions of this Ordinance.

ARTICLE XI - APPEALS

Section 11.01.

Any person aggrieved by a decision of the Building Inspector with regard to a fence or the issuance of a violation notice shall have the right to appeal said action of the Building Inspector to the Zoning Hearing Board of the Borough within thirty (30) days of the action of the Building Inspector from which the appeal is taken.

ARTICLE XII - VIOLATIONS AND PENALTIES

Section 12.01.

Any Owner or occupant who shall continue to violate any provision of this Ordinance after expiration of the thirty (30) day notice of violation or if an appeal has been taken to the Zoning Hearing Board of the Borough after the expiration of thirty (30) days after the final decision of said Zoning Board Hearing shall be guilty of a summary offense and upon conviction thereof, shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars, together with costs of

prosecution of each case.

Section 12.02.

Continuation of such violation for each successive day shall constitute a separate offense and the Owner or occupant committing, allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Section 12.03.

Fines and costs imposed upon the provisions of this Ordinance shall be enforceable and recoverable by the Borough in the manner provided under the then applicable law.

ARTICLE XIII - REPEALER

Section 13.01.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed and the Ordinances entitled Langhorne Manor Borough Fence Ordinance adopted March 7, 1995 as Ordinance No. 95-03-01 and Langhorne Manor Borough Fence Ordinance Amendment adopted April 6, 2004 as Ordinance No. 2004-01 are specifically repealed.

ARTICLE XIV - EFFECTIVE DATE

Section 14.01.

This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this day of , 2020.