

ORDINANCE NO. 2023 -

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

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

ARTICLE II - DEFINITIONS

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 any structure, regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a parcel of land or dividing one parcel of land into distinct portions.

(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 plot plan prepared and sealed by a professional engineer, land surveyor or design professional, any of which must be licensed by the Commonwealth of Pennsylvania. Plot plan shall show all improvements on a property and all dimensions of a property including all boundary lines, yard setback lines and right of way lines, survey monuments, location of proposed fence, location of structures on the property and the locations of streets abutting the property. 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

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's 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 location of gates and access points.
- (c) A detailed sketch or plan of the fence.
- (d) Plot plan of the premises, not more than five years old and meeting all requirements specified in Article II (d).
- (e) Permanent markers shall be installed at all corners of the property where none currently exist and shall be a condition noted on the fence permit application.

Section 4.02

The Borough's 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

The fee for fence permit can be found in the Langhorne Manor Borough Fee Schedule.

ARTICLE VI - RESTRICTIONS ON MATERIALS

The fence materials below are prohibited:

- Barbed wire
- Razor ribbon.
- Electrically charged.

ARTICLE VII - RESTRICTIONS ON DESIGNS

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. Any fence shall have the smooth side or finished side facing to the outside of the property. Fence posts will be placed on the inside of the fence or between panels.

ARTICLE VIII - FENCES IN RESIDENTIAL DISTRICTS

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

- (a) Fences shall not exceed six (6) feet in height (the distance measured from the existing grade to the top of the fence).
- (b) Fences shall not precede the front façade of the house.
- (c) For purposes of the fence ordinance ONLY, corner properties have one front yard. The front façade shall be determined by the front entry door or the building inspector.
- (d) Fences must be on the permitted side of the property line, and shall not encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic.
- (e) Fences shall not interfere with the visibility on corner lots whether stationary or transitory, on private or public property.
- (f) 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.

ARTICLE IX - FENCES IN NONRESIDENTIAL DISTRICTS

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

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

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed and the Ordinances entitled Langhorne Manor Borough Fence Ordinance adopted April 11th 2020 as Ordinance No. 2020-02 and Langhorne Manor Borough Fence Ordinance Amendment adopted June 16, 2020 as Ordinance No. 2020-02 is specifically repealed.

ARTICLE XIV – ZONING ORDINANCE INCORPORATION

The Zoning Ordinance of the Borough of Langhorne Manor, as amended, and all future Amendments thereto, in their entirety, are incorporated by reference into this Fence Ordinance. The definitions, rules, regulations, restrictions, and any prohibitions set forth in said Zoning Ordinance, to the extent there is a conflict with this Ordinance, control and supersede and any and all conflicting sections of this Ordinance are null and void.

ARTICLE XIV - EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this 9th day of May, 2023.

**COUNCIL FOR THE BOROUGH OF
LANGHORNE MANOR**

ATTEST:

By: _____
Dawn Seader, Council President

APPROVED this 9th day of May, 2023

Robert Byrne, Mayor