

Part 14**Fencing****§27-1401. Use of Property.**

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. A copy of the property survey (plot plan) showing the location of the proposed fence must be submitted along with the building permit application. If the fence is a privacy fence, a sketch of the section of the fence complete with dimensions, must be submitted along with the building permit.

(Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001; and as amended by Ord. 562, 4/13/2009)

§27-1402. Permitted Uses.**1. Typical Fences and Height Requirements.**

A. *Front Yard.* Split rail, wrought iron, masonry, vinyl, plastic composition, brick, or equally spaced picket, not to exceed a height of 4 feet to the top of the posts is permitted. Pickets not less than $\frac{7}{16}$ of an inch thick if wood, or 20 gauge, if metal, are required. The Borough Manager must approve pickets constructed of other material. Picket fence slats are not to exceed 6 inches in width and no more than one supporting rail, in addition to the bottom rail, is permitted for each 18 inches in height. No strictly functional fences, such as chain link, are permitted in a front yard.

B. *Side and Rear Yards.* Fences in the side and rear yards are limited to 6 feet in height. All fences are permitted up to the property line. Composition of fences include those stated in front yard to include chain link or wire mesh of at least 9 gauge with posts not more than 10 feet apart.

C. *Privacy Fences.* Privacy fences are permitted in the rear and side yard portions of the property only and must not encroach into the front yard area. Privacy fences must be set back a minimum of 3 feet from the property line. Privacy fences are limited to a height of 6 feet. Lattice type fences are considered privacy fences.

D. *Invisible Fences.* Invisible fences are permitted in the street right-of-way upon issuance of a street opening permit and execution of an indemnification agreement relieving the Borough of any responsibility for damage. No permit is required if located elsewhere on the property.

E. *Industrial Zoned Area Fencing.* Mesh or chain link, minimum height is 8 feet, with supporting metal posts not more than 10 feet apart. The metal used in the mesh or chain link fencing shall be at least 11 gauge or heavier.

(Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001)

§27-1403. Restrictions.

1. 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.

2. Snow, safety net, construction area, or other types of fencing not specifically identified within this Part are prohibited.

(*Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001*)

§27-1404. Construction Standards.

1. All fences erected must meet or exceed fencing industry quality standards; and, must be firmly and sturdily footed in the ground.

2. The unfinished side (posts and stringers) of a fence must be faced toward the structure or area that is intended to enclose or screen.

3. All fences shall be set back a minimum of 12 inches from all front property lines and or sidewalks; and set back a minimum of 6 feet from any curb line.

(*Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001*)

§27-1405. Conditions and Maintenance.

1. Any fence made of a metal fabric or which is partially made of any metal, shall be galvanized or otherwise treated to prevent the formation of rust. Wooden fences must be painted or treated to prevent decay.

2. 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.

(*Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001*)

§27-1406. Variances.

1. Any property owner or tenant desiring to erect, construct, or maintain a fence that does not conform to the provisions of this Chapter may apply for a variance from the Zoning Hearing Board of the Borough.

2. All requests for a variance shall be according to the procedures and governing provisions of this Chapter and the laws of the Commonwealth.

(*Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001*)

§27-1407. Penalty.

Whoever violates or fails to comply with any of the provisions of this Chapter shall be fined not less than \$100 nor more than \$600 for each offense. A separate offense shall be deemed committed each day that the violation continues.

(*Ord. 301, 7/3/1961; as added by Ord. 546, 7/16/2001*)