

## **FENCE ORDINANCE**

### **APPLICABILITY OF FENCE REQUIREMENTS**

This section shall apply to all new fences and enlargement of existing fences.

#### **DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined as follows.

1. *FENCE* – any partition, structure, or gate erected as a dividing marker, barrier or enclosure, including hedges or living bushes or shrubs, within or along the bounds or a lot or parcel
2. *HEIGHT* – the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence
3. *ADJACENT GRADE* – the average grade measured at a point three feet on each side of the fence

#### **FENCE PERMIT**

Prior to erection, installation, or enlargement of any fence, an application for a Fence Permit must be submitted and approved. A Fence Permit shall be applied for at the Township Assessing/Zoning Office. Compliance review and inspection by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence. Any permit issued under the provisions of this ordinance in which construction has not been completed within two (2) years from the date of issuance shall expire.

#### **REGULATIONS OF FENCES AND PERMITTED INSTALLATION**

1. For all fences the installing or requesting party shall construct the fence with the “post side” or “bad side” facing the installing party’s property. This provision shall apply to both side yard and rear yard fences.
2. Fence regulations shall be divided up with the zoning district.
  - a. Residential Areas (R-1, R-2, R-3, MH-1, MH-2, RR-1, RR-2, LR, SD, RRP)
    - i. Fences shall not contain electrification, barbed wire, razor wire, spikes, nails, or other sharp pointed instruments affixed, placed upon or allowed to exist in any manner attached to a fence or part of a fence. Excepting electrification and barbed wire which can be used in districts where animal husbandry is a permitted use.
    - ii. No person shall install, construct, or maintain any fence on easements, right-of-ways or any properties not owned, leased, or rented by that person.
    - iii. Materials shall consist of cyclone-type metal links and posts, wood components, or equivalent materials, or natural vegetation
    - iv. Fences on all lots of record, in all residential districts which enclose property and/or within a required side and rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of

the lot nearer than the front of the house or the minimum required front yard setback, whichever is greater.

- v. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence.
- vi. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the right-of-way unless the fence is of chain link, split rail, or other see-through material which can then be erected from the front edge of the dwelling to and along the road right-of-way. At an intersection, the fence must be erected twenty five (25) feet of corner right-of-way.
- vii. Consideration shall be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing and in keeping with the character of the neighborhood, as interpreted by the Zoning Administrator.
- viii. All fences shall be maintained in good condition. Including by not limited to paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging fence portions.
- ix. Abandoned and/or un-maintained fences shall be repaired or removed within 14 days of written notice given by the Zoning Administrator.
- x. A permit, application, and inspection shall be required. Compliance review by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence.

b. Commercial and Industrial Districts (C-1, C-2, I-1, and I-2)

- i. Fencing proposals shall be included in any plans submitted for Site Plan Review, and will be approved or denied by the Planning Commission.

**SPECIAL USE FENCES**

- 1. Swimming pools - All swimming pools with a water depth of two feet or greater at any point shall be enclosed with a six foot high fence, not closer than four feet from the pool's edge on any side. Gates in the fence shall have a self- latching catch or lock located not closer to the grade than four feet and otherwise made inaccessible from the outside to small children.

**EXEMPTIONS**

- 1. Temporary fences made of woven wire material placed around flower and / or vegetable gardens do not exceed four (4) feet in height will not require a Zoning Compliance Permit.

2. Wood or plastic snow fences for the purpose of limiting snow drifting between November 1 and April 1, protecting construction and excavation sites, and protecting plants during grading and construction is permitted for up to 180 consecutive days or for intervals not exceeding an aggregate of 180 days in any calendar year.

**SEVERABILITY CLAUSE**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

*10/22/2009*