

Ordinance

Zoning Ord.

ORDINANCE NO. 98-7

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AMENDING THE HOPEWELL TOWNSHIP ZONING ORDINANCE NO. 95-2, ARTICLE XX (SUPPLEMENTAL REGULATIONS), SECTIONS 2001 (CLEAR SIGHT TRIANGLE), 2003 (FENCES OR HEDGES) AND 2008(D) (PRIVATE SWIMMING POOLS); REGULATING AND RESTRICTING THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF FENCES, WALLS OR OTHER BARRIERS AND REQUIRING PERMITS THEREFORE; REGULATING AND RESTRICTING THE INSTALLATION AND MAINTENANCE OF HEDGES, SHRUBS, TREES AND OTHER PLANTINGS; ESTABLISHING PENALTIES FOR VIOLATIONS HEREOF

- 2003.01 Introduction.
- 2003.02 Height limitations.
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2003.01 INTRODUCTION.

(a) In consideration of the health, safety and welfare of the residents of the Township of Hopewell, no person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence, wall or other barrier or any combination thereof in the Township of Hopewell unless a permit is first secured therefor.

(b) A drawing with precise dimensions and materials to be used shall be submitted with the permit application. Any fence, wall or other barrier or combination thereof which is erected and does not comply with the drawing submitted by the applicant shall be deemed a violation of this ordinance.

2003.02 HEIGHT LIMITATIONS.

No fence, wall or other barrier or any combination thereof shall be constructed which exceeds any of the following height limitations:

- (a) Forty-two inches in front of the building line applicable to the subject property;
- (b) Seventy-two inches behind the front building line applicable to the subject property, except as otherwise provided in subsection (c) below;
- (c) Forty-two inches wherever the fence, wall or other barrier or any combination thereof shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street; and
- (d) Eight feet in any Industrial Zoning District.
- (e) No fence, wall or other barrier, hedge, shrub, tree or other landscaping feature or structure shall be located so as to interfere with the clear sight triangle at street intersections. The height of such objects is restricted to Forty-two inches above the elevation of the grade of the street at the centerline of the intersection. See Hopewell Township Subdivision Ordinance No. 91-2 section 211.

2003.03 PROHIBITED FENCES, WALLS OR OTHER BARRIERS.

(a) Barbed wire and all other fencing, walls or barriers that are designed to cut or injure are prohibited in all residential districts. In zoning districts other than residential, such fencing, wall or barrier shall not be permitted, unless a request is made to the Board of Commissioners and approved by a majority vote at a public meeting.

(b) No fence, wall or other barrier or any combination thereof of any type shall be erected or permitted to remain in any public or utility right of way. If a fence, wall or other barrier or any combination thereof of any type is erected or permitted to remain in any public or utility right of way, the property owner shall be deemed to have consented to the Township removing same and the costs therefore assessed to the property owner as a confession of judgment.

(c) Fences, walls or other barriers or any combination thereof shall not be constructed of Jersey Barriers, I-Beams (except when used for weight bearing), Barrels or Drums, Wooden Pallets, Plywood Sheets or any other materials not generally utilized or accepted in the industry as appropriate for said purpose except when used temporarily in road construction.

2003.04 CONSTRUCTION STANDARDS.

(a) All fences, walls or other barriers erected must be of good quality and workmanship and must be firmly and sturdily footed in the ground. Only those materials regularly used in the industry for the construction of fences, walls or other barriers may be utilized.

(b) The finished or decorative side of the fence, wall or other barrier shall face outward from the property on which it has been erected and toward adjacent properties, streets or alleys.

2003.05 TREATMENT OF METAL FENCES.

(a) Any fence erected which is made of a metal fabric or which is partially made of any metal fabric shall be galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least eleven gauge or heavier, unless it is subject to the provisions of Section 2003.09 regarding the gauge of metal fences around pools.

(b) Any fence which becomes more rusted than not shall be repaired or replaced by the property owner within sixty (60) days notice thereof.

2003.06 MAINTENANCE; STURDINESS.

(a) All fences, walls or other barriers shall be maintained in a sturdy and good condition. Fences, walls or other barriers which overturn, collapse, fall, deteriorate or become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed within sixty (60) days notice thereof.

(b) Any fence, wall or other barrier that cannot support the weight of a 105-pound person without bending, breaking, leaning or moving shall be deemed not to be sturdy.

2003.07 VARIANCES.

(a) Any property owner or tenant desiring to erect or maintain a fence, wall or other barrier or combination thereof which does not conform to the provisions of this chapter may apply for a variance from the Zoning Hearing Board of the Township.

(b) All requests for a variance shall be according to the procedures and governing provisions of the Zoning Code of the Township and the laws of the Commonwealth.

2003.08 PROXIMITY TO LOT AND CURB LINES.

All fences, walls or other barriers or any combination thereof shall be set back a minimum of twelve (12) inches from all side and rear yard property lines. The same shall be set back at least ten (10) feet from all front yard property lines and/or sidewalks. Further, the same shall be set back a minimum of six feet from any side curb line. In no event shall a fence, wall or other barrier or any combination thereof be erected or permitted to remain in a public or utility right of way.

2003.09 FENCES SURROUNDING POOLS OR OTHER STRUCTURES.

(a) All pools, swimming pools, water retention basins and other structures, temporary or permanent and above or below ground, which may hold water, shall be surrounded by a fence or wall, except as provided in subsection (d) hereof.

(b) Fences or walls required by subsection (a) hereof may surround the pool or the property. The wall of a building may constitute a portion thereof. Such fences or walls shall be adequate to make the structure containing the water inaccessible to small children.

(c) Fences or walls required by subsection (a) hereof shall not be less than four feet in height and shall be subject to the height limitations imposed in Section 2003.02. Further, such fences or walls shall be constructed only of the following materials:

- (1) Masonry, stone or brick;
- (2) Wire mesh, a minimum of nine gauge with openings not exceeding two (2) inches and posts not more than ten feet apart;
- (3) Pickets, not less than three-fourths of an inch thick if wood or twenty gauge if metal, with posts

- not more than ten feet apart; and
- (4) All gates or door openings through any fence or wall required to be erected under this section shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door for any dwelling which forms a part of the enclosure need not be so equipped.

(d) Structures which are not capable of holding water in excess of two feet in depth need not be surrounded by a fence or wall if the structures are emptied of all water, when not in use, or are securely and adequately covered to prevent small children from uncovering the pool when not in use.

2003.10 PERMIT FEE.

The fee for a permit for construction, installation, addition or alteration of any fence, wall or other barrier or any combination thereof shall be twenty dollars (\$20.00) per each one thousand dollars (\$1,000) cost of the work or fraction thereof.

2003.90 PENALTY AND ENFORCEMENT.

Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each and every offense. A separate offense shall be deemed committed each day that the violation continues. Enforcement of the Ordinance shall be charged to the Township Zoning Officer or Assistant Zoning Officer, the Township Manager or any designee of the Township Manager.

2003.95 REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

2003.99 EFFECTIVE DATE AND APPLICATION:

This ordinance shall become effective the _____ day of _____, 1998. All persons shall have sixty (60) days from the effective date of this Ordinance to reach full compliance

herewith. The only limited exception to this requirement shall be those persons with a fence, wall or other barrier which is affixed to the land on the effective date of this ordinance in that they shall not be required to move or remove same unless and until it is replaced, altered, expanded or improved upon. Affixed shall be defined as buried in the ground to a depth in excess of twelve (12) inches or otherwise placed and set in concrete. However, those persons must comply with all other provisions of this Ordinance.

The above exception shall not apply to fences, walls or other barriers which are expressly prohibited by section 2003.03 herein which must nevertheless be removed within sixty (60) days from the effective date of this Ordinance.

ORDAINED AND ADOPTED on this 8th day of DECEMBER,
1998.

ATTEST:

John M. Bates
Township Manager / SEC.

Patsy A. D'Eramo, Jr.
President,
Board of Commissioners
Township of Hopewell