

ORDINANCE NO. 245

AN ORDINANCE OF TINICUM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF TINICUM TOWNSHIP TO PROVIDE REVISED STANDARDS FOR FENCING.

WHEREAS, Section 1516 (53 P.S. Section 665116) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Tinicum Township (the "Board of Supervisors") include the ability to plan for the development of the Township through Zoning, Subdivision and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors on or about September 1, 2005, duly adopted a revised and restated Tinicum Township Zoning Ordinance; and

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended; and

WHEREAS, The Board finds it is in the interest of the Township and its citizens to amend the Zoning Ordinance to provide revised standards for Fences; and

WHEREAS, the Board of Supervisors finds and determines that this Zoning Ordinance Amendment is consistent with the Township Comprehensive Plan and the Community Development Objectives stated there in and in the Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby **ENACTED AND ORDAINED** by the Board of Supervisors of Tinicum Township, Bucks County, Pennsylvania, after public hearing, duly advertised and held on the 15th day of October, 2019, as follows:

Section 01: Section 900.12 Limitations of Fences and Walls and Gates is repealed in its entirety and replaced with the following:

Section 900.12 Limitations of Fences and Walls and Gates.

- A. Fences and walls in the required front yard setback
- (1) For houses existing within thirty-five (35) feet of the centerline of the road, fences up to six feet in height are permitted in the front yard setbacks.
 - (2) When permitted, fences located within the required front yard setback shall be erected outside the existing right-of-way.
 - (3) The maximum height of fences in the front yard setback shall be four (4) feet above natural grade, except as permitted in Section 900.12.C. Posts may be no more than one (1) foot higher than the horizontal portion of the fence.
 - (4) Walls in the front yard shall not consist of exposed block facing the right-of-way.
 - (5) The finished side of all fences shall face outward.
 - (6) The required front yard setback shall not apply to terraces, steps, uncovered and unenclosed porches, nor to similar features less than three feet above finish grade, except for a fence installed for the sole purpose of protecting vegetation from deer pursuant to Section 900.12.C.

- B. Fences and walls in the required side and rear yard setback
 - (1) Fences within the required side yard setback shall not exceed six (6) feet above the natural grade, except for a fence installed for the sole purpose of protecting vegetation from deer pursuant to Section 900.12.C.
 - (2) The required side yard setback shall not apply to terraces, steps, uncovered and unenclosed porches, nor to similar features less than three feet above finish grade.
 - (3) All fences must be located completely on the owner's property and located no closer than one foot to a property line unless there is an agreement in writing by the owner and the adjoining property owner to allow it to extend to the property line or onto the adjoining property.
 - (4) The finished side of all fences shall face outward.

- C. Deer Fencing.
 - (1) When protecting an agricultural use as defined in Section 705.A, deer fencing is permitted by-right subject to the following standards:
 - (a) Deer fencing shall have a height of not less than eight feet and not more than ten feet.
 - (b) Galvanized fence and posts may be used within the side and rear yards, and within the front yard to repair or replace existing galvanized fence posts.
 - (c) New posts installed within the yard areas shall be black, brown, green, natural wood, or natural wood color. Galvanized material may not be used within the front yard for new installations.
 - (d) Deer fencing within the setbacks shall be constructed of polypropylene mesh, woven wire, or hexagonal steel (black, brown, or green in color)
 - (e) The deer fence may be installed within the street ultimate right-of-way but shall not encroach within the legal right-of-way.

 - (2) When protecting vegetation not defined as an Agricultural Use by Section 705.A the following shall apply.
 - (a) A deer fence is permitted by-right within the building envelope.
 - (b) Deer fencing shall have a height of not less than eight feet and not more than ten feet.
 - (c) Deer fencing within the yard areas shall be approved as a Conditional Use.

- D. Gates across driveways shall have a minimum clear opening of twelve feet. A minimum of thirty-five (35) feet of straight driveway shall be provided between the edge of the cartway and gate, and there shall be no sharp turns or obstructions that would prohibit the free access of firefighting equipment between the gate and structures on the property. Gates across driveways or lanes that provide access to fields for farm equipment are specifically exempt from this regulation.

- E. No fence of any type may be placed in the right-of-way of a PennDOT road without approval from PennDOT to do so.

- F. No fence shall be erected in a floodway as defined in Section 215.

- G. The following fencing types are permitted in the floodplain, subject to all other applicable fencing requirements of Section 900.12.
 - (1) Open wire or post and rail.
 - (2) 50 percent opaque (e.g. wood or metal picket)

- H. In the floodplain walls and solid board fences are prohibited.
- I. All fences must be constructed in such a way as to avoid damming or diverting the flow of stormwater.
- J. No fence of any type may block a clear sight triangle for vehicular traffic as defined by Township ordinances.
- K. No fence of any kind may be topped with razor ribbon or metal spikes or sharp objects.
- L. If a fence is not properly maintained, or it is deemed unsafe or is damaged or destroyed, or deteriorated, the fence owner must remove, replace or repair the fence within thirty (30) days of receipt of written notice to do so from the Zoning Officer, and the Zoning Officer shall have the power to require any unsafe, damaged, destroyed or deteriorated fence removed if it is not replaced or repaired within thirty days of receipt of written notice to do so.

Section 02: All inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Tinicum Township shall remain in full force and effect.

Section 03: The provisions of this ordinance are declared to be severable. If any provision of this ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.

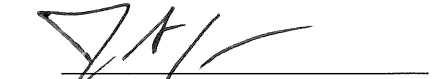
Section 04: This ordinance shall be effective five (5) days after adoption by the Tinicum Township Board of Supervisors.

ORDAINED and ENACTED this 5th day of October A.D. 2019.

TINICUM TOWNSHIP
BOARD OF SUPERVISORS




Richard Rosamilia, Chairman



James A. Helms, Vice Chairman



John Blanchard, Supervisor

Attest:

Teri Lewis, Township Manager