

ORDINANCE NO. P-12-2016
REVISED

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", ADOPTED JUNE 30, 1986, FURTHER AMENDING AND SUPPLEMENTING CHAPTER 182 (ZONING), BY REVISING THE PROVISIONS OF SECTIONS 106 AND 727 REGARDING FENCES AND RETAINING WALLS.

ARTICLE I. TEXT AMENDMENTS

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same that Ordinance No. 1960, Chapter 182, *Zoning*, is hereby amended as follows:

A. MODIFICATIONS TO §182-106, DEFINITIONS AND WORD USAGE; INTERPRETATION OF REGULATIONS

§182-106.B is hereby amended by adding the following definition:

RIGHT-OF-WAY, STREET- The total extent of land reserved or dedicated as a street or alley for public or private purpose.

B. MODIFICATIONS TO § 182-727. FENCES AND RETAINING WALLS.

§182-727 is hereby amended to read as follows:

§ 182-727. Fences and retaining walls.

A. Application and issuance of permit, ~~survey~~. Applications for a fence, wall or retaining wall shall be completed on the form provided by the ~~Code Enforcement Office~~ Township of Haverford and include a diagram of the area to be fenced or enclosed. No fence, wall or retaining wall may be erected until such work is approved by the ~~Director of Code Enforcement~~ Zoning Officer, a permit issued and the required fees paid to the Township of Haverford. At the discretion of the ~~Director of Code Enforcement~~ Zoning Officer, a survey by a licensed professional land surveyor may be required and form part of the application.

B. Unlawful erection and maintenance of fences, walls or retaining walls. Fences, walls or retaining walls may not extend into the **street** right-of-way nor split any division or boundary lines. It shall be unlawful to erect or maintain a fence, wall or retaining wall in the front yard area of any lot, tract or parcel of land in the Township of Haverford. ~~"Front yard area" shall be as defined in this Chapter, however, the secondary front yard **of corner lots**, as determined by the Zoning Officer, of corner lots shall be permitted to be fenced~~

C. Location **and height** of fences and retaining walls.

1. Fences, and walls, and retaining walls may be erected in the area immediately to the rear of the building setback line. ~~The fences or walls may be a maximum of six feet in height.~~ Retaining walls may be located within a required front yard, provided they not exceed 30 inches in height and, provided further, that such retaining wall shall be constructed of masonry, stone or cement. Unless provided for elsewhere in this Chapter, walls other than a retaining wall **less than 30 inches in height** shall be prohibited within a front yard.

2. No fence or wall except a wall constructed as a part of an approved building or a retaining wall shall exceed a height of six feet (6').

3. Solid fences are permitted to be placed along the rear yard property lines on all properties, and along the side yard property lines of a property with a minimum width as measured at the building line of 50'. Solid fences along side yard property lines of a property with a width of less than 50' at the building line may not exceed the five feet (5') in height, with an additional one foot (1') of material being at least 50% open and with a total maximum height of six feet (6'). ~~However, fences or walls above four **five** feet in height must be 50% open, provided, further, that~~

4. Corner lots are permitted to be fenced along the secondary front yard, as determined by the Zoning Officer. However, no solid fence shall be permitted to be erected along a secondary front yard within 5' from the street right-of-way or a public sidewalk, whichever is greater, where the proposed fence is located less than 20' of an existing driveway, intersecting street or alley.

5. Fence height. "Fence height" means is defined as the vertical dimension distance measured upward from the surface of the ground at the proposed location of the fence to the highest point of the fence, excluding posts. ~~or upward from the finished ground level on the higher side where there is a necessary retaining wall required for purpose other than a false grade.~~ Wall height is defined as the vertical distance between the top of the wall and the lower of the finished ground level on either side of the wall.

~~(2) Temporary fences; exceptions. Nothing in this section shall be deemed to interfere with the erection of temporary fences around construction work, erected or maintained pursuant to the Building Code^H and other ordinances of the Township of Haverford.~~

~~(3) Fire hazard. The Director of Code Enforcement Zoning Officer shall not grant a permit for the erection of any fence which constitutes a fire hazard, either of itself or in connection with the existing structures in the vicinity, nor which will interfere with the access in case of fire by the Fire Department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.~~

~~(4) All fences erected in the Township of Haverford shall have the finished side facing the adjacent property owners and/or the public right-of-way.~~

~~(5) No fence at any time shall prevent the clear view of the motor vehicle traffic entering or leaving from adjoining streets and driveways.~~

~~(6) **(2)** Six-foot-high solid fences will be permitted as a use by right in the rear yards of properties zoned R-1 through R-9 which are contiguous with Commercial Districts C-1 through C-5; Office Districts O-1 and O-2; and LIN and INS Districts.~~

D. Miscellaneous fence regulations. The following additional provisions will be observed in the construction of any fence, wall or retaining wall.

(1) Temporary fences; exceptions. Nothing in this section shall be deemed to interfere with the erection of temporary fences around construction work, erected or maintained pursuant to the Building Code and other ordinances of the Township of Haverford.

(2) Fire hazard. The Zoning Officer shall not grant a permit for the erection of any fence which constitutes a fire hazard, either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

(3) All fences erected in the Township of Haverford shall have the finished side facing the adjacent property owners and/or the street right-of-way.

(4) No fence at any time shall interfere with the sight distance of motor vehicle traffic entering or leaving from adjoining streets and driveways.

(5) No barbed wire, metal spike or dangerous fence shall be hereafter erected or maintained.

ARTICLE 2. SEVERABILITY

Should any section, sentence, word or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole.

ARTICLE 3. REPEALER

Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this day of , A.D., 2016.

TOWNSHIP OF HAVERFORD

BY: CHRIS CONNELL, SR.
 President
 Board of Commissioners

ATTEST: _____
 Larry Gentile
 Acting Township Manager/Secretary