

## ORDINANCE NO. 2786-2016

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:

FENCE- A structure or barricade of wood, stone, metal, plastic or other synthetic material, erected for the purpose of enclosing or bordering a piece of land, used to shield, confine or prevent entrance to a property; a wall as well as a structure of posts and boards, palings and pickets, rails, lattice or wire.

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, WALLS AND RETAINING WALLS.

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

§ 182-727. Fences, walls and retaining walls.

A. Application and issuance of permit. Applications for a fence, wall or retaining wall shall be completed on the form provided by the 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 Zoning Officer, a permit issued and the required fees paid to the Township of Haverford. At the discretion of the 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 of any lot, tract or parcel of land in the Township of Haverford, unless provided for in this Chapter.

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

1. Fences, walls, and retaining walls may be erected in the area immediately to the rear of the building line. 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'. For properties whose width is less than 50 feet at the building line, fences placed along the side property lines may not exceed 6 feet in height, provided however, that the portion of the fence between 5 feet in height and 6 feet in height shall be at least 50% open.

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 end of the proposed fence is located less than 20' from an existing driveway, intersecting street or alley.

5. Fence height. Fence height shall be measured vertically from the surface of the ground at the proposed location of the fence to the highest point of the fence,

excluding posts. Wall height shall be measured vertically between the top of the wall and the lower of the finished ground level on either side of the wall.

D. Miscellaneous 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. All temporary fences must be removed immediately after the completion of the project.

(2) Fire hazard. The Zoning Officer shall not grant a permit for the erection of any fence or wall 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 or wall 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 other dangerous fence shall be hereafter erected or maintained.

(6) No unfinished masonry units may be used in the construction of any wall facing an adjacent property and/or street right-of-way.

## ARTICLE 2. SEVERABILITY

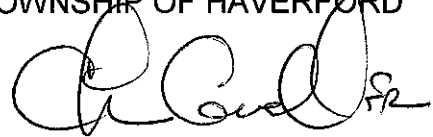
Should any section, sentence, word or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole.

## ARTICLE 3. REPEALER

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


ADOPTED this 14<sup>th</sup> day of November, A.D., 2016.

TOWNSHIP OF HAVERFORD



BY: CHRIS CONNELL, SR.  
President  
Board of Commissioners

ATTEST:



Larry Gentile  
Acting Township Manager/Secretary