

APPLICATION FOR FENCE PERMIT

TOWNSHIP OF TINICUM

Fence Permit No: _____
(Office use)

Application for Permit under Ordinance No. 709

Property Owner Name:

Address of Property where fence will be erected:

Contractor Contact Name, Telephone Number & Email (ALL required):

Description of Fence construction (Type of Fence, Height & Length of Fence):

NOTE: TWO SETS OF PLOT PLANS REQUIRED

- Identify fence location and sketch of fence on plot plans.
- Must have complete dimensions of whole property including all accessory structures (House, shed, deck, garage, patio, driveway, etc).
- On corner properties, the front and side line facing the street must be established. See #6 on second page of packet (Additions, Pools, fence, etc Form). Noncompliance may result in removal of fence & further costs.
- All Contractors must be registered with the Township prior to starting job.

Fee: Ten (\$10) dollars for the first Two hundred (200) lineal feet and Five (\$5.00) for every one hundred (100) additional lineal feet or part thereof.

Signature of Owner/Contractor

Date

Approved Township Official

Date

Chapter 131. Fences

[HISTORY: Adopted by the Board of Commissioners of the Township of Tincum 9-15-1997 by Ord. No. 709. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 103.

Streets and sidewalks — See Ch. 312.

Subdivision of land — See Ch. 335.

Swimming pools — See Ch. 341.

Unsafe structures — See Ch. 320.

Vehicle and traffic — See Ch. 360.

Zoning — See Ch. 395.

§ 131-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE

Any structure, regardless of composition, except living fences, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FRONT YARD

Applies to that portion of the yard in front of the front building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a front yard for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

HEIGHT

The distance measured from the existing grade to the top of the fence.

LIVING FENCE

Any fence or hedge composed of living materials.

§ 131-2. Approval required.

No fence, wall or other type of construction shall be erected without first being approved by the Code Enforcement Officer.

§ 131-3. Issuance of permit; fees.

- A. Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Code Enforcement Officer. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Township and be accompanied by a permit fee as hereinafter set forth. Upon approval by the Code

Enforcement Officer, a permit shall be issued which will be in effect for a period of six months after the date therein. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Township officials, including but not limited to the Code Enforcement Officer.

- B. The fees to be charged for permits issued under this chapter shall be as follows: \$10 for the first 200 linear feet and \$5 for every 100 additional linear feet or part thereof.

§ 131-4. Living fences.

Living fences are subject to all of the provisions of this chapter, except that they shall be exempt from the permit provisions of this chapter. Living fences must be maintained in a neatly trimmed condition and shall not interfere with the visibility of vehicular and pedestrian traffic. (See § 131-7D.)

§ 131-5. Applicability.

The permit provisions of this chapter shall apply to fences in all districts. No fence shall be erected in the applicable zones of the Township of Tinicum in excess of the height limitations as set forth herein.

§ 131-6. Height limitations.

- A. Rear yards. No fence shall be more than six feet in height at the rear of homes and buildings, nor shall it extend forward of the rear building line of any existing or proposed dwelling.
- B. Front yards. No fence shall be higher than 42 inches in any front yard.
- C. Side yards. No fence shall be more than six feet at the side of homes and buildings, nor shall it extend nearer than 15 feet to the front property line.

§ 131-7. Location restrictions.

- A. Any fence erected under this chapter shall be placed at least six inches from the back or side of the property line. Any fence erected in a front yard may be placed on the front property line if it is at least one foot back from the sidewalk. Living fences shall be placed in accordance with § 131-4.
- B. Two adjacent property owners may elect to place a fence on the property line by mutual agreement.
- C. Once a fence has been erected on a property line, a second fence may not be erected by an adjacent property owner if it creates an inaccessible, unmaintainable space between fences.
- D. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with the visibility of vehicular or pedestrian traffic.

§ 131-8. Materials and composition.

- A. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air or which may cause a nuisance, a fire hazard or a dangerous condition is hereby expressly prohibited. Further, no fence shall be erected in a residential zone or along a public right-of-way unless the fence is uniformly less than fifty-percent solid.
- B. The following fences and fencing materials are specifically prohibited:
 - (1) Barbed wire.

- (2) Short pointed fences.
 - (3) Canvas fences.
 - (4) Cloth fences.
 - (5) Electrically charged fences.
 - (6) Poultry fences.
 - (7) Turkey wire.
 - (8) Temporary fences such as snow fences unless on construction sites with Township Board permission.
 - (9) Expandable fences and collapsible fences, except during construction of a building.
- C. All chain-link fences erected shall be erected with the closed loop at the top of the fence.
 - D. No fence shall be multicolored.
 - E. All entrances or gates shall open into the property.
 - F. Any fence, wood, stockade, chain-link or other type of fence shall have the smooth side or finished side facing to the outside of the property of the owner installing the fence. Fence posts will be placed on the inside of the fence.

§ 131-9. Powers and duties of Code Enforcement Officer; appeals.

- A. The Township Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility for operators of motor vehicles on the public highway and at street intersections or curbs within five days.
- B. Any person who shall refuse or neglect to comply with the written direction of the Township Code Enforcement Officer shall be guilty of a violation of this chapter and shall be subject to its penalties.
- C. If the property owner feels aggrieved by a decision of the Code Enforcement Officer, he shall have a right of appeal to the Township Board of Commissioners, provided that said appeal is accomplished in writing within 10 days of the written notification from the Code Enforcement Officer. Said appeal shall be filed with the Township Secretary.

§ 131-10. Violations and penalties.

A violation of this chapter shall subject the violator to a fine of not less than \$25 nor more than \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the county jail for a period not exceeding 30 days. The continuation of an offense against the provisions of this chapter after the date to remedy the defect as set forth by the Code Enforcement Officer, pursuant to this chapter, shall constitute for each day the offense is continued a separate and distinct offense hereunder.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*