

# PINE HILL BOROUGH

## CHAPTER X BUILDING AND HOUSING

### 10-5 CONSTRUCTION OF FENCES AND WALLS.

#### 10-5.1 Definitions.

As used in this section.

- a. "Fence" shall mean a protective or confining barrier of posts, wire, netting, spikes, cables, canvas or cloth.
- b. "Wall" shall mean an upright structure of wood, stone, metal, shrubs, trees or bushes.

#### 10-5.2 General Regulations.

- a. No fence or wall shall be constructed without first obtaining a building permit from the borough building inspector.
- b. No fence or wall shall be constructed or erected so as to encroach upon a public right-of-way or easement.
- c. No fence or wall shall be constructed or erected so as to interfere with the natural drainage of existing topography or as to block or interfere with surface water drainage.
- d. Every fence or wall shall be maintained in a safe and upright condition.

#### 10-5.3 Height Permitted For Fences.

- a. No fence or wall shall be constructed or erected along the front or side yard property lines in a residential district except as follows:
  1. All walls and all closed weaved or closed picket fences shall not exceed three feet in height.
  2. Open weaved or chainlink type fences shall not exceed four feet in height.

#### 10-5.4 Prohibited Materials.

No fence or wall shall be constructed or erected with the following materials; barbed wire, poultry netting, metal spikes, canvas, cloth, guardrail, cables, electrified materials, collapsible or expandable materials or logs, railroad ties and telephone poles with a diameter of over six inches.

#### 10-5.5 Exceptions Permitted.

- a. The regulations contained herein shall not be construed to interfere or regulate fences or walls necessary to the public welfare erected by a governmental agency or as required by the laws of the county, State or federal government.
- b. The regulations contained herein shall not be construed to amend Section 14-9 of the Revised General Ordinances of the Borough of Pine Hill pertaining to fencing around swimming pools.
- c. The regulations contained herein shall not be construed to restrict the construction or erection of a retaining wall which shall be constructed in accordance with all other regulations of the borough.

### **10-5.6 Enforcement.**

The regulations of this section shall be enforced by the borough building inspector as follows:

- a. If he determines that any fence or wall is in violation of any of these regulations, he shall notify the owner in writing to correct the unlawful condition within 30 days.
- b. If the unlawful condition is not corrected within 30 days of the notice to owner, the building inspector shall file a complaint in the Pine Hill Municipal Court pursuant to the penalties provision of this Ordinance.

### **10-5.7 Nonconforming Fences.**

- a. Fences in existence on May 19, 1975 may be continued but not extended. This provision shall not apply to the regulation prohibiting unsafe fences.
- b. No building permit is required to repair or replace a conforming fence unless the fence is to be extended in height or length, then a building permit shall be required.
- c. A building permit shall be required to replace any nonconforming fences.

### **23-7.8.5 Fences, Hedges and Walls.**

- a. *Compliance with Regulations.* Fences, hedges and/or walls may be erected, altered or reconstructed in any district in accordance with the following regulations and in accordance with all other provisions of this chapter.
- b. *General Regulations.* Fences, hedges and walls cannot project past the front wall of the building or the side wall of a corner building, except as noted below.
- c. *Fences, Walls or Hedges at Intersections Restricted.*
  1. At or near an intersection of two (2) or more streets, no fence, hedge, wall, shrubbery or other similar matter shall be permitted to obstruct the view of motorists traveling on either intersecting street, regardless of the regulations specified below.
  2. In the case of fences, walls or hedges in the front yards, the height of the fence shall not be more than thirty-six (36) inches, except on corner lots where it shall not be more than thirty (30) inches.  
  
These height limitations shall be applicable for a distance of only one hundred (100) feet from the point where the centerlines of the intersecting streets meet.
- d. *Other Height Restrictions.*
  1. Fences, hedges, walls and/or shrubbery running parallel to the front property line may be erected, altered or reconstructed to a height not to exceed six (6) feet above ground level.
  2. Fences, hedges, walls and/or shrubbery running parallel to side or rear yard lines may be erected, altered or reconstructed to a height not to exceed six (6) feet above ground level.
  3. In no case shall the six (6) foot fence project past the required or existing front setback line of the building. The purpose of this requirement is to maintain clear sight distance for the safety of vehicular traffic movements in and out of driveways.
  4. In no case shall a fence, hedge or wall be permitted, unless the Zoning Officer determines that such fence, hedge or wall does not impair the necessary visibility required for safe traffic movement.

- e. *Open Wire Fencing on Public Premises.* The foregoing restriction shall not be applied so as to prevent the erection of an open-wire fence not exceeding eight (8) feet above ground level anywhere within a public park, public playground, school premises, or utility operation, or in the rear or side of a business or industrial zone.
- f. *Erection within Property Lines; Encroachment.* All fences, hedges, walls and/or shrubbery must be erected within the property lines, and no fence, hedge, wall and/or shrubbery shall be erected so as to encroach upon a public right-of way.

The finished side of all fencing shall face outwardly and no fencing shall be installed so as to change or add to the natural flow of surface water onto adjoining or adjacent property.
- g. *Maintenance.* All fences, hedges, walls and/or shrubbery shall be maintained in a safe, sound and upright condition.
- h. *Unsafe Fences and Walls; Notice to Remove or Repair.* If the Construction Official, upon inspection, determines that any fence, wall or any portion of any fence or wall is not being maintained in a safe, sound or upright condition, he shall notify the owner of such fence or wall, in writing, of his findings and state briefly the reasons for such findings and order such fence or wall or portion of such fence or wall repaired or removed within fifteen (15) days of the date of the written notice.
- i. *Walls for Retaining Earth Excepted.* These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth. (Ord. No. 95-588 Art. VII)

#### **23-7.8.6 Visibility at Intersection.**

On the corner lot or any point of entry on a public road, nothing shall be erected, placed, planted or allowed to grow in such a manner which obscures the vision above the height of two and one-half (2 1/2) feet and below ten (10) feet, measured from the center line of the intersecting streets or driveways and within the area bounded by the street lines of such corner lots and a line joining points on these street lines one hundred (100) feet from their intersection along the lot lines. (Ord. No. 95-588 Art. VII)