

**WORCESTER TOWNSHIP
BOARD OF SUPERVISORS**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 01-184

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WORCESTER, CHAPTER 150 (ZONING), ARTICLE XXIV (GENERAL REGULATIONS), BY REPEALING SECTION 150-182 (HEIGHT LIMITATION OF FENCES AND WALLS) AND REPLACING WITH NEW SECTION 150-182 (FENCES AND WALLS) REGULATING THE LOCATION AND ERECTION OF FENCES AND WALLS.

The Board of Supervisors of Worcester Township does hereby enact and ordain:

SECTION I. Amendment to the Code.

Chapter 150 (Zoning), Article XXIV (General Regulations), is hereby amended by deleting the existing Article XXIV, Section 182 in its entirety and replacing it with a new Article XXIV, Section 150-182 as follows:

**Article XXIV
General Regulations**

Section 150- 182. Fencing and Walls

A. No fence or wall (except a retaining wall or a wall of a building permitted under this chapter) over four (4) feet in height shall be erected within any of the side or rear yard setbacks in any residential district.

B. No fence or wall (except a retaining wall or a wall of a building permitted under this chapter) shall be erected within the required front-yard setback, including any area of overlap with a side or rear yard setback, on any property in any zoning district within the Township; provided, however, decorative walls and/or fences not exceeding 30 inches in height or fencing of a type which is completely open post and rail shall be permitted in the front yard setback in any residential district.

C. No fence or wall (except a retaining wall or the wall of a building permitted under this chapter) over six (6) feet in height shall be erected within any of the required side or rear yard setbacks in any nonresidential zoning district within the Township.

D. A chain link type fence of up to eight (8) feet in height may be permitted within any nonresidential district by special exception upon a showing of a need for extraordinary security measures.

E. No fence or wall, of any dimension or height whatsoever, shall extend beyond the ultimate right-of-way line on the lot where located.

F. All fences shall be erected with the finish side of the fence facing adjacent properties or street. The finish side shall be considered the side without the structural supporting members.

G. All fences or walls erected within the front yard setback shall be provided with an operable gate or opening with a minimum width of thirty-six (36) inches to provide access to the area between such fence or wall and the cartway of the abutting street. The property owner is responsible for maintaining this area between the fence or wall and the cartway. There shall be a minimum of one operable gate or opening for each street frontage and at least one operable gate or opening for every five hundred (500) feet of fencing along a street.

H. Decorative fences are permitted on the front property corners in any residential district, provided that the decorative fence is in compliance with above paragraph E and said fence does not exceed ten (10) feet in length from the property corner. Decorative fences shall be defined as a portion of a fence for landscaping, decorative, or aesthetic purposes not designed to restrict or prevent crossing of a property line. Such fences shall not exceed three (3) feet in height.

I. All fences or walls erected within a rear or side yard setback that results in the complete enclosure of the rear property of any building that is part of a series of three (3) or more independently accessed yet connected buildings, shall be provided with a minimum forty-eight (48) inch unobstructed emergency personnel access way that shall run along the rear property line. A gate shall be installed to provide a minimum thirty-six (36) inch wide by seventy-two (72) inch high access way between each enclosed property and the emergency personnel access way. Property owners shall be responsible for maintaining their portion of the emergency personnel access way.

SECTION III. Repealer

The Worcester Board of Supervisors, by virtue of this Ordinance hereby repeals all other portions of any prior ordinances or resolutions or part thereof insofar as they are inconsistent with this Ordinance.

SECTION IV. Disclaimer.

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liabilities incurred, or any permit issued, or any cause or causes of action existing under the Ordinances of the Township prior to the enactment of this Ordinance.

SECTION V. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. Failure to Enforce Not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township,
Montgomery County, Pennsylvania, this 14th day of March, 2001.

WORCESTER TOWNSHIP

BY: Frank L Davey
FRANK L. DAVEY, Chairman
Board of Supervisors

ATTEST: Chase E Kneeland
CHASE E. KNEELAND, Secretary