

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF UPPER MERION, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 165, ZONING, SUBSECTION 165-1208, FENCES AND WALLS, TO ADD RESTRICTIONS FOR THE ERECTION OF FENCES WITHIN A REQUIRED FRONT YARD; PROVIDE FOR EXCEPTIONS; ESTABLISH APPEARANCE REGULATIONS FOR FENCES AND PROBITING CERTAIN TYPES OF FENCES.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township as follows:

**SECTION I:** That Chapter 165, Section 165-208, Fences and Walls, be amended to read as follows:

§ 165-208. Fences and walls.

- A. No fence or wall, except a retaining wall or a wall of a building permitted under the terms of this chapter, over six feet in height shall be erected within any setback or open spaces required by this chapter, unless that portion of the fence or wall which exceeds six feet in height has a ratio of open area to solid area of at least four to one (4:1).
- B. Exceptions:
1. Fences or walls erected within the minimum required front yard setback of any lot shall not exceed four (4) feet in height.
  2. Where a fence is constructed to screen a residential community/area or property from any abutting commercial or industrial development/area, utility/electrical distribution substation, railroad or similar use, an eight-foot-high solid fence will be permitted with approval by the Board of Supervisors, provided that:
    - (a) The request for such a solid fence or wall shall be submitted to the Board of Supervisors as part of a development plan or fence permit application.
    - (b) Fences shall be erected in accordance with standard industry practice.
    - (c) For each one foot of solid height, or increment thereof, which exceeds six feet, a one-foot setback shall be provided from the property line.
- C. Any portion of a fence construction intended or utilized for the support of the fence shall be located on the inside of the fence, facing the principal portion of the tract upon which the fence is erected. The finished portion of the fence shall face the property or right-of-way adjacent to the fence.
- D. Barbed wire, razor wire, electrified fences, fence spikes or other types of hazardous fencing are prohibited without the approval of the Board of Supervisors and follow the procedure outlined in Section 165-208 B(2).

**SECTION IV: REPEALER.** All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION V: REVISIONS.** The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION VI: SEVERABILITY.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION VII: EFFECTIVE DATE.** This amendment shall become effective five (5) days after date of adoption.

**SECTION VIII: FAILURE TO ENFORCE NOT A WAIVER.** The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS:**

\_\_\_\_\_  
**Anthony Hamaday, Township Secretary**

By: \_\_\_\_\_  
**William Jenaway, Chairman**