

**BOROUGH OF WHITAKER  
ORDINANCE NO. 8 OF 2006**

**AN ORDINANCE OF THE BOROUGH OF WHITAKER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE WHITAKER BOROUGH ZONING ORDINANCE, ORDINANCE NO. 3 OF 1993, BY CHANGING THE HEIGHT REQUIREMENTS FOR FENCES ERECTED IN ANY YARD, ESTABLISHING OTHER REQUIREMENTS FOR FENCES AND BY AMENDING CERTAIN DEFINED TERMS AND ILLUSTRATIONS USED IN THE ORDINANCE**

**WHEREAS**, on March 11, 1993, the Council of the Borough of Whitaker enacted Ordinance Number 3 of 1993 entitled “the Whitaker Borough Zoning Ordinance,” hereinafter referred to as “the Ordinance;” and

**WHEREAS**, the Council of the Borough of Whitaker has determined that it is necessary to amend the Ordinance in order to change the requirements governing the height of fences erected in a yard in the Borough and to amend certain terms and illustrations used in connection with these fence height requirements.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF WHITAKER, IN LAWFUL SESSION DULY ASSEMBLED, AND IT IS HEREBY ORDAINED AND ENACTED PURSUANT TO AUTHORITY GRANTED BY THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA AS FOLLOWS:**

**SECTION 1. - AMENDMENT OF ARTICLE III OF THE ORDINANCE**

Article III of the Ordinance entitled “DEFINITIONS” is amended in part as follows:

1. The following term is hereby amended to read as follows:  
  
“FENCE, WALL”– Any barrier constructed of wood, metal, wire, mesh, plastic materials or masonry or any barrier consisting of a planted thicket of bushes that is erected for the purpose of screening, privacy, protection, delineation or confinement of Zoning Lot.

2. The following term is hereby added:

“CODE ENFORCEMENT OFFICER” – The duly appointed or authorized representative or delegate of the Borough charged with the enforcement of ordinances of the Borough except for those duties and responsibilities specifically assigned to the Building Inspector by the Ordinance.

**SECTION 2. - AMENDMENT TO ARTICLE X, SECTION 5 OF THE ORDINANCE**

1. Section 5 of Article X of the Ordinance is deleted in its entirety and the following is substituted in its place:

**SECTION 5. FENCES**

Fences may be erected, installed or maintained within any required yard or along the edge of any yard in accordance with following requirements:

- (1) Height limitations.
  - A. Rear Lot Line. No fence shall be more than six (6) feet in height in or along any rear lot line of any existing or proposed dwelling.
  - B. Side Lot Line. No fence shall be more than six (6) feet in height in or along any side lot line between the rear lot line and the front line of a building as defined in Article II of the Ordinance.
  - C. Front Building Line. No fence shall be more than six (6) feet in height in or along the front line of a building to the side lot line.
  - D. Front. No fence shall be more than four (4) feet in height in or along the front lot line and on any side lot line from the front lot line to the

front of the building line. (See Figure No. 8 – AREAS WHERE FENCES SHALL BE PERMITTED).

(2) 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.

B. The following fences and fencing materials are specifically prohibited:

(1) Barbed or razor wire.

(2) Short pointed fences.

(3) Canvas fences.

(4) Cloth fences.

(5) Electrically charged fences.

(6) Temporary fences such as snow fences unless on construction sites with permission of the Building Inspector.

(7) Expandable fences and collapsible fences, except during construction of a building.

C. All chain link fences shall be erected with the closed or open loop at the top of the fence.

D. Fence posts erected with as part of a fence shall be installed as follows:

- (1) All fence posts shall be placed on the inside of the fence.
- (2) All metal fence posts must be secured in concrete to the surface of the zoning lot.
- (3) The tops of a fence post must be blind or closed.

E. Except where such installation is not feasible due to physical or spatial limitations of the zoning lot, an entrance or gate installed with a fence shall open onto the zoning lot. An entrance or gate installed with a fence that is used exclusively for motor vehicle access either must open onto the zoning lot or slide along the length of the fence.

F. No fence shall be multicolored.

G. Any fence, whether constructed of wood, metal, wire, mesh, plastic or masonry shall have the smooth side or finished side facing to the outside of the property of the owner installing the fence.

H. All fences or walls must be erected three inches from the applicable lot 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.

G. Decorative or landscape plantings, shrubs, evergreens, deciduous plantings and similar plants which are not designed or intended as fencing are permitted in any yard and shall adhere to the height provisions of this Section, provided that such plantings do not obstruct traffic or driveway access, are maintained and kept at safe and aesthetically pleasing heights and are not detrimental to adjoining properties. If such plantings obstruct

traffic or driveway access, then they shall be cut to a height of three (3) feet by order of the Code Enforcement Officer of the Borough.

H. All fences shall be durable, properly maintained and not detrimental to adjoining property.

2. Figure No. 8 entitled “AREAS WHERE FENCES SHALL BE PERMITTED” is deleted in its entirety and the new Figure No. 8 - “AREAS WHERE FENCES SHALL BE PERMITTED” attached hereto as Exhibit “A” is substituted in its place.

**SECTION 3. - SEVERABILITY**

If any provisions of this Ordinance are determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of the Ordinance and the remaining portions of the Ordinance shall remain in full force and effect.

**SECTION 4. - LIMITED REPEALER**

Except for the provisions specifically stated herein to be repealed by this Ordinance, all other provisions of Ordinance No. 3 of 1993 shall remain unaffected and in full force and effect as previously written. Ordinances or Resolutions, or any part thereof, which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. - EFFECTIVE DATE**

This Ordinance shall enter into effect immediately upon approval by the Mayor.

**ORDAINED and ENACTED** into law by the Council of the Borough of Whitaker on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**ATTEST:**

**BOROUGH OF WHITAKER**

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
President of Council

**EXAMINED AND APPROVED** on the \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Borough Solicitor