

**BOROUGH OF JENKINTOWN
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023 - 4

AN ORDINANCE AMENDING CHAPTER 181, SECTION 181-82 TITLED “FENCES, WALLS AND OTHER PROPERTY ENCLOSURES” OF THE CODE OF ORDINANCES OF THE BOROUGH OF JENKINTOWN TO MODIFY PROVISIONS RELATING TO PERMITTED FENCING MATERIALS; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough of Jenkintown (“Borough”), pursuant to the Borough Code, 8 P.A. C.S.A. §§ 101et seq, and the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 et seq., is authorized to make and adopt Ordinances that revise or amend the Borough’s Zoning Ordinance; and

WHEREAS, the Borough Zoning Code currently contains provisions relating to fencing, walls and other property enclosures at Chapter 181, § 181-82 that includes regulations applicable to all fences and walls such as restrictions on the types of material that may be used; and

WHEREAS, the Borough Zoning Officer and the Borough Planning Commission have recommended revising § 181-82 to permit, by right, the use of galvanized or coated wire mesh to the inside of a split-rail, wooden, or other permitted fence type; and

WHEREAS, the Borough, after due consideration of the proposed ordinance at an advertised public meeting, has determined that the health, safety, and general welfare of the residents of Jenkintown Borough will be served by this amendment to the Borough Zoning Ordinance.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Jenkintown Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article XV, titled “Provisions Applicable in All Districts,” Section 181-82.G.(6), is hereby amended to state as follows:

§ 181-82. Fences, walls and other property enclosures.

...

G. Regulations for all fences and walls.

...

(6) Chain-link fences are not permitted, except by special exception of the Zoning Hearing Board subject to the provisions and standards as set forth under § 181-102 and § 181-110, and where granted, a condition of approval shall be that the fence shall be landscaped in such a manner as to be indiscernible from such landscaping from any viewpoint on adjacent properties and street. Fences shall be a substantial structure made of

natural material, wood, wrought iron, aluminum, or other architectural-grade material with a preference for those containing recycled content. Welded wire mesh may be affixed to a permitted fence such as a split-rail or wooden fence provided that it is located on the non-finished side as set forth in 181-82.A and provided that the wire mesh is galvanized or coated. Wire mesh may not be used as the primary fencing material, except by special exception of the Zoning Hearing Board in accord with the provisions and standards as set forth under §181-102 and 181-110, and where granted, a condition of approval shall be that the fence shall be landscaped in such a manner as to be indiscernible from such landscaping from any viewpoint on adjacent properties and street and that the fence shall include solid top and bottom rails.

SECTION 2. SEVERABILITY. In the event that any section, sentence, clause, 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 the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER. All ordinances or resolutions or parts thereof 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.

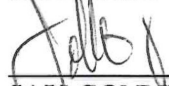
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its approval as required by law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Jenkintown, Montgomery County, Pennsylvania this 24 day of May, 2023.

ATTEST:


GEORGE LOCKE, MANGER

JENKINTOWN BOROUGH COUNCIL



JAY CONNERS
BOROUGH COUNCIL PRESIDENT

APPROVED:



GABRIEL LERMAN, MAYOR