

**§27-906. Sheds.**

Sheds, conforming to the definition in §27-201 herein, are permitted accessory uses in all districts. Sheds shall not be subject to the minimum building setback lines otherwise provided but may be placed in the side or rear yards not less than 2 feet from the property line or public street right of way line. Garages and carports for storage of licensed motor vehicles shall be subject to the same setback requirements as sheds when placed in a side or rear yard.

(*Ord. 37, 7/6/1970, as added by Ord. 2014-01, 10/2/2014*)

**§27-907. Swimming Pool, Private.**

A private swimming pool, as defined in §27-201 herein, shall be permitted as an accessory use to any permitted residential use, provided that:

A. The pool is intended for private accessory use only and not for commercial or club purposes.

B. All swimming pools, as defined in §27-201 herein, having a potential for water depth of 24 inches or more shall have erected immediately adjacent to or as a part of the swimming pool a wall or fence at least 36 inches above the highest level of the swimming pool; but, in no event shall a swimming pool be required to have a height in excess of 48 inches when the pool and fence are measured together. Access to the pool may be controlled by a use of a gate, which must be securely locked when the pool is not in use, so as to prevent entry into the pool unless such entry is authorized by the owner of said pool.

C. In the event that a deck is used in conjunction with the pool, the minimum height requirement of 48 inches must be observed, and the stairway or ladder leading to the deck must be securely locked at all times so as to prevent entry into the pool unless such entry is authorized by the owner of said pool.

D. No swimming pool having a potential water depth in excess of 24 inches shall be drained onto the surface. It is required for drainage that a hose be used leading from the swimming pool to a sanitary sewer point of entry.

E. Swimming pools are permitted in the side or rear yards only and are not subject to the building setback lines but may be erected not less than 2 feet from the property or public right of way line.

(Ord. 37, 7/6/1970; as added by Ord. 2014-01, 10/2/2014)

**§27-908. Fences.**

1. *Construction, Etc.; Permit Required.* No person, corporation, partnership, company or other entity shall construct, install, add to or alter a fence in the Borough, unless a permit is secured therefore.

2. *Height Limitations.* No fence shall be constructed which exceeds any of the following height limitations:

A. Forty-two inches in front of the building line applicable to the subject property.

B. Seventy-two inches behind the front building line applicable to the subject property, except as otherwise provided in paragraph .C, below.

C. Forty-two inches wherever the fence shall be located on any portion of any lot that abuts a street, intersection or common drive that empties onto a public street.

D. Eight feet in any industrial zoning district.

3. *Barbed Wire and Other Unsafe Fencing Prohibited.* Barbed wire and all other fencing that is designed to cut or injure is prohibited in all residential districts. In zoning districts other than residential, such fencing shall not be permitted, unless a request is made to Council and approved by a majority vote at a public Council meeting.

4. *Construction Standards.* All fences erected must be of good quality and must be firmly and sturdily footed in the ground. The decorative side of the fences must face outward.

5. *Treatment of Metal Fences.* Any fence erected which is made of a metal fabric or which is partially made of any metal fabric shall be galvanized or otherwise treated to prevent the formation of rust, and the metal used in the fabric shall be at least 11 gauge or heavier, unless it is subject to the provisions of subsection .9 regarding the gauge of metal fences around pools.

6. *Maintenance; Sturdiness.*

A. All fences shall be maintained in a sturdy and good condition. Fences which become loose, rusted or rotted, whether in whole or in part, shall be repaired, replaced or removed.

B. Any fence that cannot support the weight of 150-pound man without bending, breaking, leaning or moving shall be deemed not to be sturdy.

7. *Variances.*

A. Any property owner or tenant desiring to erect a fence or maintain a fence which does not conform to the provisions of this Chapter may apply for a variance from the Zoning Hearing Board of the Borough.

B. All requests for a variance shall be according to the procedures and governing provisions of this Chapter and the laws of the Commonwealth.

8. *Proximity to Lot and Curb Lines.* Fences may be erected on the property or right of way line. Fences may be erected next to the sidewalk; but, in the event no sidewalk exists, the fence must be erected no less than 6 feet from the curb. No fence in the front yard shall be higher than 42 inches.

9. *Fences Surrounding Pools or Other Structures.*

A. All pools, swimming pools, water retention basins and other structures, temporary or permanent and above or below ground, which may hold water, shall be surrounded by a fence, except as provided in paragraph .D hereof.

B. Fences required by paragraph .A hereof may surround the pool or the property. The wall of a building may constitute a portion of the fence. Such fences shall be adequate to make the structure containing the water inaccessible to small children.

C. Fences required by paragraph .A hereof shall not be less than 42 inches in height and shall be subject to the height limitations imposed in subsection .2. Further, such fences shall be constructed out of any of the following materials:

(1) Masonry or brick.

(2) Wire mesh, a minimum of nine gauge with posts not more than 10 feet apart.

(3) Pickets, not less than  $\frac{3}{4}$  of an inch thick if wood or 20 gauge if metal, with posts not more than 10 feet apart.

(4) All gates or door openings through any fence required to be erected under this Section shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door for any dwelling which forms a part of the fence enclosure need not be so equipped.

D. Structures which are not capable of holding water in excess of 2 feet in depth need not be surrounded by a fence if the structures are emptied of all water when not in use, or are securely and adequately covered to prevent small children from uncovering the pool when not in use.

10. All fences erected in front of the front building setback line and fences which are erected at the intersection of streets or alleys shall be see-through so as not to obstruct vision in the clear sight triangle required for motorists.

11. *Permit Fee.* The fee for a permit for construction, installation, addition or alteration of any fence shall be in an amount as established from time to time by resolution of Borough Council.

(Ord. 37, 7/6/1970; as added by Ord. 2014-01, 10/2/2014)