

## Chapter 87

### FENCES

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[HISTORY: Adopted by the Borough Council of the Borough of Mansfield 10-1-1980 by Ord. No. 301. Amendments noted where applicable.]

#### GENERAL REFERENCES

Nonresidential building construction — See Ch. 67.  
Residential building construction — See Ch. 68.  
Housing standards — See Ch. 96.

Property maintenance — See Ch. 120.  
Zoning — See Ch. 162.

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#### § 87-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE — An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured or natural material or combination of materials erected for the enclosure of land, screening and/or dividing one piece of land from another.

ZONING OFFICER — The Zoning Officer of the Borough of Mansfield, Pennsylvania.

#### § 87-2. Permit required.

No fences shall be erected within the municipality without the owner of the premises, or his representative authorized in writing to make such application, first obtaining a permit from the Zoning Officer.

#### § 87-3. Applications.

Applications for such fences shall be made in writing to the Zoning Officer and shall set forth the following information:

- A. The owner and address of the premises where the fence is to be erected.
- B. A description and specification of the fence, including size, height, dimensions, materials and percentage of openings.

- C. A sketch or plan of the fence showing location on the premises.

**§ 87-4. Fees.**

The fee for such permit shall be \$5.

**§ 87-5. Height regulations; exceptions.**

- A. No fence hereafter erected, altered or reconstructed in the front yard of any residential lot in any residential district or on lots in any other district on which residential properties are erected shall exceed 36 inches in height above the adjacent ground level, unless a greater height shall be required for screening under Chapter 162, Zoning, of this Code.
- B. No fence hereafter erected, altered or reconstructed in any residential district or on lots in any other district in which residential buildings are erected shall exceed six feet in height above the adjacent ground level when located from the house setback line to the rear lot line.
- C. No fence hereafter erected, altered or reconstructed in the S-1 Special Use District and C-1 and C-2 Commercial Districts shall exceed the height of eight feet above ground level, except as noted in Subsection E below.
- D. No fence hereafter erected, altered or reconstructed in the M-1 Manufacturing District shall exceed the height of 10 feet above ground level, except as noted in Subsection E below.
- E. Exceptions. The foregoing restrictions shall not be applied so as to prevent the erection of an open-wire fence not exceeding 15 feet in height above ground level anywhere within a public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth, provided that such wall does not exceed such heights to be measured from the ground level of the highest adjacent grade.

**§ 87-6. Restrictions on materials and types.**

- A. The following fences and fencing materials are specifically prohibited in any location on the lot upon which a dwelling or structure is situated: barbed-wire fences, sharp-pointed fences, canvas, cloth, electrically charged fences, poultry netting, temporary fences and collapsible fences, exclusive of temporary collapsible fences for the protection of children.
- B. In all front yards of any residential lot and on lots in any other zone on which residential properties are erected, only a split picket rail or decorative fence may be erected, which height is established in § 87-5A.
- C. In commercial or industrial districts, not more than four strands of barbed wire may be added to the top of fencing which is a minimum of eight feet in height.

**§ 87-7. Maintenance standards.**

Every fence shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Zoning Officer.

**§ 87-8. Location.**

All fences must be erected within the property lines, and no fences shall be erected so as to encroach upon a public right-of-way or to obstruct vision at a height exceeding 30 inches above the established grade of the street at the property line on any lot within the triangle formed by the street, lot lines of such land and a line drawn along such street lot lines 30 feet distant from their point of intersection.

**§ 87-9. Existing fences; replacement.**

Any fence in existence on August 6, 1980, may continue in existence without compliance with this chapter, except that the fence shall be kept painted, where applicable, and in good repair. However, no such fence, destroyed or removed, shall be replaced except in conformity with this chapter.

**§ 87-10. Inspection; notice to remove or repair.**

If the Zoning Officer, upon inspection, determines that any fence or portion of any fence is not being maintained in a safe, sound, upright condition, he shall notify the owner of such fence, in writing, of his findings and shall state briefly the reasons for such findings and order such fence or portion of such fence repaired or removed within 10 days of the date of the written notice. Each day the person fails to obey the order referred to above shall constitute a separate violation of this chapter.

**§ 87-11. Violations and penalties.**

Any person or property owner found to be in violation of the provisions of this chapter shall be subject to a fine not exceeding \$300 and/or 90 days' imprisonment.

