

BOROUGH OF EBENSBURG

ORDINANCE #659

**AMENDING CHAPTER 20 OF THE
CODE OF THE BOROUGH OF EBENSBURG, ZONING**

WHEREAS, the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Zoning, having been originally adopted on June 28, 2010 as Ordinance #574, Ebensburg Borough Zoning Ordinance, provides that Borough Council may amend, supplement or change the regulations, district boundaries or classification of property; and

WHEREAS, Council desires to amend and clarify language relative to fences.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Ebensburg, County of Cambria and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted:

SECTION 1. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 6, Section 607.B is hereby amended as follows: Fences and walls shall not be erected or altered in front setbacks or beyond the front of the principal structure at its front foundation line. Pre-existing non-conforming fences may continue to be maintained.

SECTION 2. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 6, Section 607.C is hereby inserted as follows: On corner lots, fences and walls shall not be erected or altered in the side setback on the street side beyond the side of the principal structure at its side foundation line. Where one or more pre-existing structures are located on adjacent lots within 100 feet in any direction of a proposed side yard fence, the setback of the proposed fence may conform with the average setbacks of the said pre-existing structures. Pre-existing non-conforming fences may continue to be maintained.

SECTION 3. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 9, Definitions is hereby amended as follows:

FENCE: An artificially constructed barrier arranged as a line of demarcation between lots, or to enclose a lot, or any portion thereof, or to define areas on a lot and which is made from rails, timbers, chain link, boards, wire mesh or vinyl, or any other similar materials. "Fence" does not include:

- 1) Landscaping materials customarily used in a decorative fashion such as landscape ties, interlocking bricks, landscape stones and rocks, movable garden fences, sculptures, decorative fountains and similar water features, flag poles, lamp posts, arbors. (See also SCREENING and WALLS)
- 2) Plants or materials used as screening intended to satisfy the requirements of required screening set forth in Section 608.
- 3) Retaining walls that hold back more than one (1') foot of dirt on one side.
- 4) Shrubs, plants, flowers and trees. If growing in the clear sight triangle, they must comply with the regulations of the clear sight triangle. Trees must not be planted so close to the boundary lines that the branches would extend into or over abutting properties

WALL: Section 3 of definition amended as follows: The term "wall" does not include engineering retaining walls that hold back more than one (1') foot of dirt on one side. (See also FENCE and SCREENING)

SECTION 4. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 6, Section 607.E is hereby amended as follows: All fences must be erected a minimum of one foot six inches (18") inside of any side or rear property line. All fences must be erected a minimum of two (2') feet from any street line, or no closer to the street than the existing building line along that street, whichever is greater. Where the property borders a grass, unopened alley and there is no history of actual use of the alley by any person, the Zoning Officer may waive the setback requirement, thereby allowing the alley itself to satisfy the setback intent.

SECTION 5. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

SECTION 6. This ordinance shall become effective on the 24th day of February 2021.

ENACTED AND ORDAINED this 24th day of February 2021.

EBENSBURG BOROUGH COUNCIL

Doug Tusing, President

ATTEST:

Daniel L. Penatzer, Manager

Approved this 24th day of February 2021.

Randy S. Datsko, Mayor