

# ***Borough of Portage***

**PORTAGE, PENNSYLVANIA**

*Ordinance No.: 6-2021*

*An Ordinance of the Portage Borough Council  
Establishing Regulations and Guidelines for  
the Construction of Fences Within the Borough*

**WHEREAS**, Council intends to establish regulations and guidelines for the construction of fences within the Borough; and

**WHEREAS**, Section 1202(5) of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) provides that a borough may "make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough; and

**WHEREAS**, Section 1202(19) of the Borough Code authorizes boroughs to "make regulations respecting partition fences and the foundations and party walls of buildings"; and

**WHEREAS**, Section 501(11) of the Portage Borough Charter authorizes Council to "enact ordinances pertaining to any other matters not contrary to the laws of the Commonwealth which may appear to Council to be proper."

NOW THEREFORE, the Borough of Portage hereby ordains as follows:

**Section 1.** ***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.

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

1. Forty-eight (48) inches in any front yard or street yard (side yard abutting a street);
2. Seventy-two (72) inches in any rear yard or non-street side yard.

**Section 3.** *Barbed Wire and other Unsafe Fencing Prohibited.* Barbed wire and all other fencing that is designed to cut or injure is prohibited.

**Section 4.** *Construction Standards.* Fences must be of good quality and must be firmly and sturdily footed in the ground. Portable fences, including but not limited to snow fences, shall not be used as a permanent fence. A fence is considered “permanent” if it remains situated on a property for a period in excess of thirty (30) days. This provision does not apply to construction fences which are erected upon properties that have validly permitted construction activities ongoing.

**Section 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 eleven gauge or heavier, unless it is subject to other, more stringent regulations regarding fencing.

**Section 6.** *Maintenance and Sturdiness.*

1. 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.
2. Any fence that cannot support one hundred fifty (150) pounds without bending, breaking, leaning or moving shall be deemed unsteady.
3. Any fence which exists in violation of this Section shall be deemed to be a public nuisance and abateable as such.

**Section 7.** *Proximity to Lot and Curb Lines.* Fences shall be set back a minimum of two (2) feet from all property lines, curb lines or other public rights-of-way.

**Section 8.** *Variances.*

1. Any property owner or tenant desiring to erect or maintain a fence which does not conform to the provisions of this Ordinance may make written application for a variance to the Borough Council.

2. Upon receipt of a variance request, the Borough Manager shall investigate the circumstances of the variance request and make a written recommendation to Council.
3. Council shall conduct a noticed public hearing within sixty (60) days of the written variance request and vote on whether or not to grant the request.

**Section 9.** *Fences in Existence at the Time of Enactment of this Ordinance.*

1. Sections 1 through 5 of this Ordinance shall not apply to fences which have been completely erected at the time of enactment.
2. The provisions of this Ordinance shall apply to any fences which replace a non-conforming fence.
3. Section 6 of this Ordinance shall apply to all fences within the Borough regardless of when constructed.

**Section 9.** *Penalties.* Whoever violates or fails to comply with any of the provisions of this Ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense. A separate offense shall be deemed committed each day that the violation continues.

**Section 10.** *Repealer.* Ordinance 2-2021 is hereby Repealed.

**ORDAINED AND ENACTED** this seventh day of September, 2021

**BOROUGH OF PORTAGE**

By:   
**George J. Wozniak - President**

Attest:  (Seal)  
**Michelle D. Claar - Secretary**