

**WEST MANHEIM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING CHAPTER 270 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST MANHEIM, WHICH CHAPTER IS ENTITLED “ZONING,” BY SECTION 270-92, ENTITLED “FENCES AND WALLS,” OF ARTICLE XV, ENTITLED “ACCESSORY BUILDINGS AND USES,” TO PERMIT FENCES UP TO TWELVE (12’) FEET IN HEIGHT IN ANY ZONING DISTRICT WHERE THE PRINCIPAL USE OF SUCH LOT IS COMMERCIAL OR INDUSTRIAL IN NATURE

WHEREAS, over the past several years, the Township Zoning Hearing Board has received numerous applications for a variance to permit an owner of a lot, the principal use of which is commercial, to construct a fence in excess of six (6’) feet in height as provided in the current zoning ordinance;

WHEREAS, the Township Zoning Hearing Board has routinely granted such variances when applied for;

WHEREAS, the Board of Supervisors have determined that business owners have an interest in securing their properties against theft, vandalism and other such crimes and should not be required to seek zoning relief in order to do so; and

WHEREAS, the Board of Supervisors have determined that the ability to construct a fence that is up to twelve (12’) feet in height is a reasonable method by which business owners may provide additional security for their properties and a fence of such height will provide additional safety measures for minors as most children will not be able to scale a twelve (12’) foot fence; and

WHEREAS, the Board of Supervisors have determined that the below amendment to the Township Zoning Ordinance is in the best interests of the health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT SO ENACTED AND ORDAINED, by the Board of Supervisors of the Township of West Manheim, York County, Pennsylvania, and by and through the authority of the same, as follows:

Section 1. Legislative Findings. The foregoing Recitals are hereby incorporated as legislative findings of the Board of Supervisors.

Section 2. Chapter 270, Section 270-92(A), entitled “FENCES AND WALLS,” is hereby amended and restated to read, as follows:

Section 270-92. Fences and walls.

A. Any fence or wall shall not exceed six (6’) feet in height where the principal use of a parcel or parcels is other than commercial or industrial. Where the principal use of a parcel or parcels is commercial or industrial, a fence or wall shall not exceed twelve (12’) feet in height. Barbed wire may be installed on top of fence or wall enclosing a commercial or

industrial use, provided; however that the barbed wire shall be installed at a height greater than six (6') feet. Razor wire may be installed on top of fence or wall enclosing a commercial or industrial use, provided; however that the razor wire shall be installed at a height greater than nine (9') feet. When installed, the height of both the fence or wall and the barbed or razor wire shall not exceed twelve (12') feet in height.

Section 2. Severability. It is hereby declared to be the legislative intent of the Board of Supervisors that in the event a court of competent jurisdiction declares any provisions of this Ordinance are deemed to be invalid, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid. In such case, other provisions of this Ordinance that were not declared invalid shall continue to be separately and fully effective. West Manheim Township hereby declares that it would have passed all other parts of this Ordinance, exclusive of any provisions or parts declared invalid, if it had advance knowledge that such provision or part would be declared invalid.

Section 3. Repealer. Any provisions of ordinances that are inconsistent or incompatible with this Ordinance are hereby repealed and all other Township ordinances or parts thereof that are inconsistent or incompatible herewith are repealed only to the extent of such inconsistency or incompatibility. All other provisions of ordinances that are unmodified by this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall take effect as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of West Manheim Township, in a lawful session, duly assembled, this ___ day of _____, 2023.

ATTEST:

**WEST MANHEIM TOWNSHIP BOARD
OF SUPERVISORS**

Shanna Smale

Jeremy Ault, Chairman

Travis Wetzel, Vice-Chairman

Harold Hartlaub

Jason Franks

Terry Rynearson