



**CHELTENHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2429-21**

---

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE CHELTENHAM TOWNSHIP CODE, CHAPTER 295, ENTITLED "ZONING", ARTICLE IV, ENTITLED "USE REGULATIONS", SECTION 405 ENTITLED "CATEGORIES OF PERMITTED USES", SUBSECTION A.(6) ENTITLED "USE A-6: FENCES AND WALLS" TO ADD REGULATIONS REGARDING THE SIDE OF FENCE FACING NEIGHBORS AND TO PROHIBIT CONFLICTS WITH RIGHTS-OF-WAY**

---

**WHEREAS**, the Pennsylvania Municipalities Planning Code ("MPC") authorizes zoning ordinances to permit, prohibit, regulate, restrict and determine, among other things, the uses of structures and land; and

**WHEREAS**, the MPC authorizes zoning ordinances to be designed to promote the public health, safety, morals and general welfare.

**NOW, THEREFORE**, the Board of Commissioners of Cheltenham Township, duly assembled, ordains as follows (new text underlined):

**SECTION I. - Amendment to the Code**

Chapter 295 entitled "Zoning", of the Cheltenham Township Code, Article IV entitled "Use Regulations", Section 405 entitled "Categories of Permitted Uses", Subsection A.(6) entitled "Use A-6: Fences and Walls" is amended as follows:

Section 295-405A Categories of permitted uses. (6) Use A-6: Fences and Walls.

...

- h. All fences shall be erected with the finished side facing adjacent properties and right of ways. The finished side shall be considered the side without the structural members exposed.
- i. Fencing is not permitted within the street right-of-way. By way of example only, curb and sidewalk are typically within the street right-of-way.

**SECTION II. - Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would

have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION III. - Failure to Enforce Not a Waiver.**

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION IV. - Effective Date.**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION V. - Repealer.**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**DULY ORDAINED AND ENACTED** this 29<sup>th</sup> day of **September, 2021**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

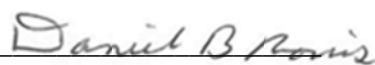
**ATTEST:**



**Robert Zienkowski**

*Township Manager and Secretary*

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

By:   
**Daniel B. Norris, President**