

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. 03-01-10

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIC TOWNSHIP TO REVISE REGULATIONS GOVERNING FENCES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Martic Township, Section 501, Accessory Buildings and Structures, Subsection C, Fences and Walls, shall be amended and restated as follows:

Section 501. Accessory Buildings and Structures.

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C. Fences and Walls. No fence or wall (except livestock fencing for agricultural operations) shall be erected to a height of more than four (4) feet in a front yard and more than six (6) feet in any side or rear yard within the Agriculture, Rural Conservation, Residential Low Density, and Shoreline Recreational Districts. Within the Neighborhood Commercial District and Highway Commercial District, no fence or wall shall be erected to a height of more than ten (10) feet in any yard. The landowner shall be responsible for normal maintenance of the area(s) between the fence and all lot lines and beneath the fence. No fence or wall shall be placed to block any motorist's field of view along or while entering or exiting any street. All fences or walls (except livestock fencing for agricultural operations) shall be set back a minimum of five (5) feet from any street right-of-way line. Fences are permitted to be placed on the rear and side lot lines subject to the following:

1. The burden shall be upon the landowner desiring to erect a fence to determine that the fence does not encroach upon another property.
2. The fence shall be installed at the risk of the landowner in the event it is later determined that the fence encroaches onto another property.
3. The landowner installing the fence shall have no vested right to keep or refuse to relocate or remove an improperly placed fence.

4. The zoning permit issued by the Zoning Officer may be revoked if it is later determined that the fence encroaches upon another property.

5. If it is determined that the fence encroaches upon another property, the fence must be relocated or removed at the expense of the landowner.

Section 2. The Zoning Ordinance of Martic Township, Section 503, Animals and Animal Shelters, Subsection D, shall be amended and restated as follows:

Section 503. Animals and Animal Shelters.

* * *

D. It is permitted to maintain large domestic animals up to one (1) animal per acre of area dedicated solely to the stabling/grazing/pasturing of said animal(s) and no other use, provided the following conditions are met. For the purposes of this Subsection, large domestic animals shall include animals of the bovine, equine, swine, and ovine families.

1. Large domestic animals shall be maintained within the side or rear yard area.

2. Large domestic animals shall be maintained on a noncommercial basis and be clearly secondary and incidental to the principal use.

3. The area within which large domestic animals are kept shall be enclosed by a fence designed for containment. All fences shall be located a minimum of twenty-five (25) feet from the centerline of any street. Fences are permitted to be placed on the rear and side lot lines subject to the following:

a. The burden shall be upon the landowner desiring to erect a fence to determine that the fence does not encroach upon another property.

b. The fence shall be installed at the risk of the landowner in the event it is later determined that the fence encroaches onto another property.

c. The landowner installing the fence shall have no vested right to keep or refuse to relocate or remove an improperly placed fence.

d. The zoning permit issued by the Zoning Officer may be revoked if it is later determined that the fence encroaches upon another property.

e. If it is determined that the fence encroaches upon another property, the fence must be relocated or removed at the expense of the landowner.

4. Within the Agriculture and Rural Conservation Districts, all buildings, corrals, or stables shall be at least fifty (50) feet from any lot line and at least one hundred (100) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained. Within the Residential Low Density, Neighborhood Commercial, Highway Commercial and Shoreline Recreational Districts, all buildings, corrals, or stables shall be at least one hundred (100) feet from any lot line and at least three hundred (300) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained.

5. The area in which large domestic animals are maintained shall be kept in a healthy grass cover of at least two (2) acres.

6. The owner of the large domestic animals shall prepare and implement a written manure management plan meeting the requirements of the DEP. Said plan shall include the type of manure storage facility proposed and the method and location of disposal.

7. The owner of the large domestic animals shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of noise, dirt, and odor.

Section 3. The Zoning Ordinance of Martic Township, Section 703, Zoning Permits, Subsection A, Requirement, shall be amended and restated as follows:

Section 703. Zoning Permits.

A. Requirement. A zoning permit shall be obtained from the Zoning Officer (a) for the erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure when the fair market value of said work exceeds One Thousand (\$1,000.00) Dollars or any fence regardless of the fair market value of the fence and (b) for the change in use of any building, structure, sign or land and (c) for the excavation, grading of or earthmoving activities on any lot in preparation for the erection of a structure or change in use of a lot and (d) for any of the activities for which a zoning permit is required within the Floodplain Conservation District. Except as otherwise provided in this Section or Ordinance, no zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Township or County ordinance or applicable statute or regulation.

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Section 4. All other sections, parts and provisions of the Zoning Ordinance of Martic Township shall remain in full force and effect as previously enacted and amended.

Section 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such

invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 6. This ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Martic as provided by law.

DULY ORDAINED AND ENACTED this 1 day of March, 2010, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest: Karen D. Sellers
(Assistant) Secretary

By: Barbara J. Stokes
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of Martic (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Martic at a meeting duly held on the 1 day of March , 2010; such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Martic met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 1 day of March , 2010.



(Assistant) Secretary

[TOWNSHIP SEAL]