

The Mayor and Commissioners of the Town of Elkton

Ordinance 1 - 2010

BY: Mayor and Commissioners

Public Hearing: June 7, 2010 (Planning Commission)

Introduction: June 16, 2010 (Mayor and Commissioners)

Adoption: July 7, 2010

Effective: July 27, 2010

AN ORDINANCE CONCERNING

ELKTON ZONING ORDINANCE

FOR THE PURPOSE of amending the Elkton Zoning Ordinance, Article XIII, Density and Dimensional Regulations, Section 4.8(f). Building Setback Requirements, Walls and Fences, Materials and Composition.

WHEREAS, XI-E, Constitution of the State of Maryland, Article 23A, Annotated Code of Maryland; Article 66B, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Mayor and Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners adopted the Elkton Zoning Ordinance on November 8, 1994, amended from time to time thereafter, and

WHEREAS, the Elkton Planning Commission has proposed and recommended the hereinafter stated amendment to the Elkton Zoning Ordinance following their public meeting held on June 7, 2010, said public hearing being held in conformance with the requirements of the Elkton Zoning Ordinance, Article XIX.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain that:

- Section 1: The Elkton Zoning Ordinance, Article XIII, Density and Dimensional Regulations, Section 4.8(f). Building Setback Requirements, Walls and Fences, Materials and Composition shall be repealed; and
- Section 2: The Elkton Zoning Ordinance, Article XIII, Density and Dimensional Regulations, Section 4.8(f). Building Setback Requirements, Walls and Fences, Materials and Composition shall be amended, and shall read as follows.

Elkton Zoning Ordinance

Article XIII, Density and Dimensional Regulations, Section 4.8(f). Building Setback Requirements, Walls and Fences, Materials and Composition

- **f.** Materials and Composition
 - (1) Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid.
 - (2) The following fences and fencing materials are specifically prohibited:
 - (a) Barbed wire.
 - (b) Pointed fences less than three (3) feet in height.
 - (c) Canvas fences.
 - (d) Cloth fences.
 - (e) Poultry fences.
 - (f) Turkey wire.
 - (g) Temporary fences such as snow fences.
 - (h) Expandable fences and collapsible fences, except during construction of a building.
 - (3) Approvals or permits for wire fences will be at the discretion of the Planning Commission. The Building Inspector will check for adequacy and safety.
 - (4) All chain link fences erected shall be erected with the closed loop at the top of the fence.
 - (5) All entrances or gates shall open into the property.

- (6) A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application.
- (7) All fences or walls must be erected so as not to encroach upon a public right-of-way or easements unless a waiver is granted by the Mayor and Commissioners of the Town of Elkton with the stipulation that the fence be removed or relocated upon request by appropriate town officials. All fences or walls must be erected with the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.
- (8) Non-lethal electrically charged fences to prevent trespass may be permitted by Special Exception by the Board of Zoning Appeals in the B-I Zone. Any request shall demonstrate all of the following:
 - (a) The use of security measures are necessary to safeguard the property against unauthorized entry, to protect stored goods and products from theft and/or other unauthorized handling.
 - (b) Reserved
- (9) And be subject to the following standards and conditions:
 - (a) Electric fences shall be constructed or installed in conformance with the specifications set forth in International Electro-technical Commission (IEC) Standard No. 60335-2-76.
 - (b) The energizer for the electric fence shall be driven by a commercial storage battery not to exceed twelve (12) volts DC. The storage battery shall be charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
 - (c) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335 -2-76.
 - (d) No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six (6) feet in height. The distance between the electric and non-electric fence shall be as set forth in IEC Standard No. 60335-2-76, Edition 2.1 as amended.
 - (e) Electric fence shall have a minimum height of eight (8) feet and maximum height of ten (10) feet and shall be two (2) feet taller than the perimeter fence.

- (f) The front yard setback shall be 30' for the perimeter non-electric fence.
- (g) Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not more than fifty (50) feet. A minimum of one (1) sign shall be placed on each side (length) of the fence.
- (h) A Hold Harmless Agreement shall be recorded with the Town by the fence owner releasing the Town of all liability regarding the fence.
- (i) The area near the electric fence must be clear of vegetation so as to avoid causing brush fires.
- (j) The electric fence shall not interfere or degrade performance of nearby telephone and data connections, radio and/or TV reception.

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 27th day of July, 2010.

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 1-2010, attached hereto, this $\underline{7^{th}}$ day of $\underline{July~2010}$.

AFFIRMING

Mayor Joseph L. Fisona Commissioner Charles H. Givens, Sr. Commissioner Charles E. Hicks, V Commissioner Mary Jo Jablonski Commissioner Earl M. Piner, Sr.