

THE CORPORATION OF THE TOWNSHIP OF ADJALA - TOSORONTIO

BY-LAW 05-40

A BY-LAW TO SET STANDARDS FOR A LEGAL FENCE IN THE TOWNSHIP

Fencing By-Law

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 8, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 11, of the *Municipal Act*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS the Council of the Corporation of the Township of Adjala - Tosorontio deems it necessary to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio enacts as follows:

1. **DEFINITIONS**

In this By-law the following definitions shall apply:

- a) **“Corner Lot”** means a lot situated at the intersection of, and abutting on two or more streets.
- b) **“Fence”** means a structure comprised of wood, metal, steel, plastic, concrete, stone or other material or any composite thereof which separates or purports to separate land not under common ownership.
- c) **“Front Yard”** means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. **“Minimum Front Yard”** means the shortest horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot.
- d) **“Height”** means the distance to the top or upper projection of any part of a fence measured from grade to such point anywhere along the length or span of such fence.
- e) **“Rear Yard”** means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
- f) **“Side Yard”** means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.
 - i) **“Minimum Side Yard”** means the shortest horizontal dimension between the side lot line on the lot and the nearest part of any building or structure on the lot.
 - ii) **“Minimum Exterior Side Yard”** means the shortest horizontal dimension between a side lot line of the lot which is a public

road line or adjoining 300 mm (1 foot) reserve or adjoining unassumed road allowance, and the nearest part of any building or structure on the lot.

- g) **“Sight Triangle”** means an area free of buildings or structures and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance of 7.5 metres (residential use) or 15.0 metres (all non-residential uses) long each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the “Sight Triangle”.
- h) **“Street”** means a publicly owned and/or a publicly maintained highway or road under the jurisdiction of a Public Authority, which affords the principal means of access to abutting lots and does not include a lane or private right-of-way, unopened road allowance or a private road on an unopened road allowance.
- i) **“Settlement Areas”** for the purpose of this By-law “Settlement Areas” shall include areas identified as Colgan, Everett, Glencairn, Hockley, Keenansville, Lisle, Loretto, Rosemont and any other area that is subject to a plan of subdivision.
- j) **“Thorough Lot”** means a lot bounded on two opposite sides by a street.

2. **SETTLEMENT AREAS**

THAT in all “settlement areas” of the Township the following provisions shall apply:

- a) No fence, other than a school or park fence, shall be greater in height than six feet (6’) in a rear yard not extending to a street line;
- b) No fence shall be greater in height than three feet (3’) in the front yard or rear yard extending to a street line;
- c) No fence shall be constructed from barbed wire or other barbed material or any material of a nature which could be injurious to the public;
- d) No fence shall be constructed with any device designed for or capable of projecting electric currents;
- e) Hedges used as fences shall not be in excess of the limits provided herein in this By-law;
- f) No fence shall be constructed that will hinder access to any municipal service including access to water meters and any municipal easement;
- g) No fence shall be constructed on Municipal property.

3. **CORNER LOT**

In addition to the provisions of section 2 above, on a corner lot, a fence not exceeding three feet (3’) in height may be erected in the front yard or in the exterior side yard provided that no fence shall be erected or maintained within the sight triangle.

4 **RURAL AREAS**

- a) No person shall maintain, keep up or lay down any fence along the public highway or parts thereof in the Municipality, other than a wire fence;
 - b) To erect any other type of fence other than wire, the Owner of the property must obtain written permission from the Municipality prior to erecting the fence;
 - c) The Owners or Occupants of lands bordering upon a public highway within the Municipality shall take down, alter or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel.
5. **THAT**, notwithstanding the provisions of this By-law, any person affected thereby may make written application to Council for a variance and such an application shall set out the reasons why a variance to the provisions of the By-law is necessary and any variance to this By-law may be granted by resolution of Council;
 6. **THAT** any fence built prior to the passing of this By-law shall be considered legal non-conforming until such time it ceases to exist or the Township requires it to be removed.
 7. **THAT** where this By-law conflicts with the provisions of the Swimming Pool Fencing By-law, the provisions of that By-law shall prevail;
 8. **THAT** this By-law does not apply to properties designated by the Municipality for municipal, institutional or public works uses;
 9. **THAT** every person who contravenes any provision of this By-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offenses Act, as amended, from time to time;
 10. **THAT** By-law 99-23 is hereby repealed;
 11. **THAT** the provisions of this By-law shall take full force and effect on the date of final passing thereof;
 12. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 18th day of July 2005.

"T Walsh"

Mayor Tom Walsh

" B Kane"

Clerk Barb Kane