

COPY

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

BY-LAW NO. 2016-18

**BEING A BY-LAW TO REGULATE PROPERTY FENCES IN
THE MUNICIPALITY OF EAST FERRIS**

WHEREAS the Council of the Corporation of the Municipality of East Ferris deems it necessary to regulate the fencing of yards and to require that permits be obtained for fences;

AND WHEREAS Sections 2, and 8 through 11 of the Municipal Act, S.O. 2001 Chapter 25, as amended, provide for the Council of a Municipality to pass By-laws for purposes which include the provision of services and things necessary and desirable for the Municipality and fostering the current and future economic, social and environmental well-being of the Municipality, and powers the Municipality to regulate structures including fences, and provides for the issuance of permits and related matters;

AND WHEREAS Section 98(1) of the Municipal Act, 2001 S.O. 2001 Chapter 25, as amended, a municipality may provide that the Line Fences Act does not apply to all or any part of the municipality and Section 98(2) states: "Despite a By-law passed under subsection (1), Section 20 of the Line Fences Act continues to apply throughout the municipality";

NOW THEREFORE the Council of the Municipality of East Ferris enacts as follows:

This By-law shall be known and may be cited as "The Property Fence By-law".

1.0 DEFINITIONS

1. For the purposes of this By-law:
 - 1.1 "Barrier" means a fence, privacy screen, sound barrier, retaining wall, safety barrier or other accessory use.
 - 1.2 "Chief Building Official" means the Chief Building Official appointed by the Council of the Corporation of the Municipality of East Ferris.
 - 1.3 "Council" shall mean the Council of the Corporation of the Municipality of East Ferris.
 - 1.4 "Enclosure" shall mean a fence, wall or other structure including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
 - 1.5 "Daylight Corner" means on any corner lot a triangular space measured along the front yard and the exterior side yard property lines for a distance of 4.5 metres from their point of intersection.
 - 1.6 "Fence" shall mean any barrier or structure constructed of chain link metal, page wire, wood, stone, brick or material having an equivalent degree of strength to enclose and/or define property boundaries or to enclose a swimming pool.
 - 1.7 "Front Yard" means a yard extending across the full width of the lot between street line and the face of the building or for lake front lots the front yard is the lot between the Lake and the face of the building and includes the exterior side yard on a corner lot.
 - 1.8 "Swimming Pool". See By-law No. 1280.
 - 1.9 "Temporary" shall mean an impermanent barrier installed for a limited period of time.

2.0 GENERAL

1. No person shall construct, use or maintain or cause construction, use or maintenance of a fence without authorization from the Chief Building Official.
2. The fee for a fence permit shall be contained within the Municipal Fees and Charges By-law.
3. A fence shall be erected in compliance with regulations as set forth in Comprehensive Zoning By-law No. 1284 and/or any other by-law which applies to a fence.
- 4a. No person shall erect, construct, alter or maintain a fence containing barbed wire, electricity or any other material where there is a possibility that it could harm any person or animal, unless they have written permission from the Chief Building Official.
- 4b. Non-commercial electrical fences will be permitted for agricultural, or gardening purposes within the interior of a property without written permission of the Chief Building Official.
5. The good side of the fence shall be facing the neighbouring side. (Posts on applicant's side).
6. Barriers other than property fences shall conform to the Building Code Act, S.O. 1992, c.23, as amended, or any successor thereof.
7. The Chief Building Official has the discretion to authorize variances to the height of the fence if he/she feels it is appropriate for that area.

3.0 FENCES IN RESIDENTIAL ZONES

1. Regulations for fence in a residential zone:
 - (a) The maximum height of a fence in a residential zone shall be 1.8 metres (6 feet) measured from finished grade to the top of the fence on the applicant's side, including any lattice;
 - (b) The fence shall be constructed of chain link metal, page wire, wood, stone, brick or material having an equivalent degree of strength as approved by the Chief Building Official;
 - (c) Fences shall not be permitted to be constructed in a front yard where a side lot line, that is the boundary line between two abutting properties, projects into the front yard of one of the abutting properties. In these cases, a fence shall not be permitted to be constructed beyond the front corner of the abutting property owners' dwelling unless each of the property owners agree to the location of the fence and provide the Chief Building Official with a written agreement stating this; (See Figure 1);
 - (d) No fence shall be constructed that would obstruct a daylight corner; and
 - (e) Fences for public uses by a public authority may exceed the maximum heights as stated in this By-law.

4.0 FENCES IN NON-RESIDENTIAL ZONES

1. Regulations for fences in a non-residential zone:
 - (a) The maximum height of a fence in a non-residential zone (commercial or industrial) shall be 2.4 metres (8 feet), measured at finished grade to the top of the fence on the applicant's side; and
 - (b) No fence shall be constructed that would obstruct a daylight corner.

5.0 ENFORCEMENT

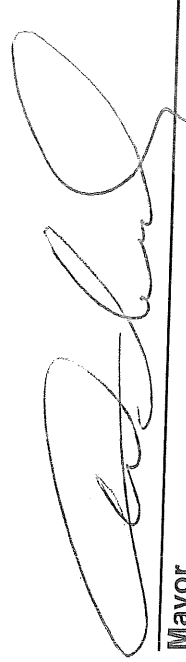
1. This By-law shall be enforced by the Chief Building Official and the Building Department of the Municipality of East Ferris.

6.0 PENALTIES

1. Every person who contravenes any provision of this By-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, c. P. 33 and as amended, upon conviction a person is liable to a fine of not more than \$5,000.00, exclusive of costs.
2. When a person has been convicted of an offence under this By-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence by the person convicted.
3. In the event of a dispute, the applicant who constructed the fence shall, at their expense, be required to verify the correct location of the fence installation by way of employing the services of a registered Ontario Land Surveyor.
4. This By-law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME this 26th day of April, 2016.

READ A THIRD TIME AND FINALLY PASSED this 14th day of June, 2016.

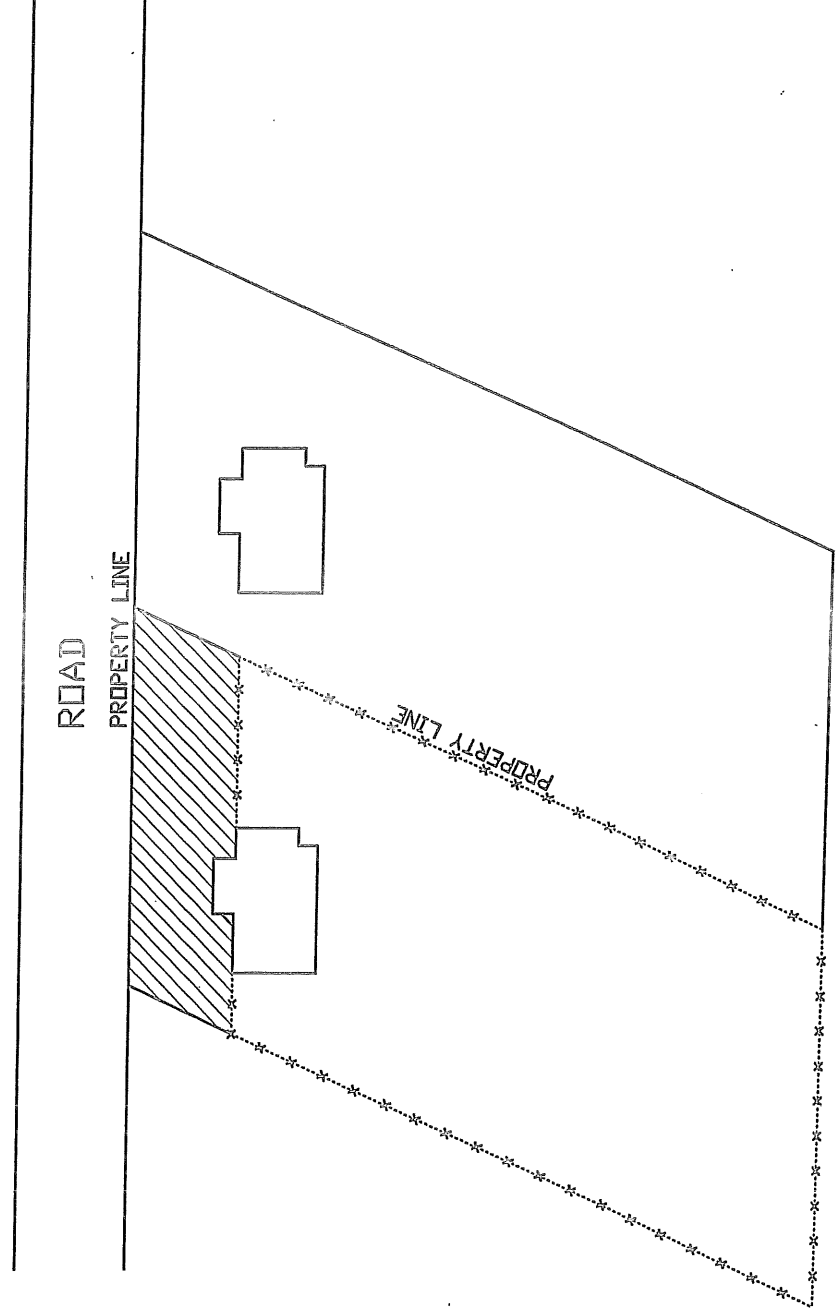


Mayor
Bill Vrebosch

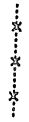


Clerk
Monica L. Hawkins

Figure 1



FENCING NOT PERMITTED
FRONT YARD



FENCE