

# THE CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

## BY-LAW NO. 93-18

**Being** a By-law of the Corporation of the Township of East Hawkesbury respecting the erection and maintenance fences.

**WHEREAS** Section 210, paragraphs 25, 26, 27, 28, 29 and 30 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, empowers the Councils of Municipalities to enact by- laws prescribing the height and description of lawful fences:

**NOW THEREFORE** the Council of the Corporation of the Township of East Hawkesbury **HEREBY ENACTS AS FOLLOWS**;

### 1. DEFINITIONS

1.1 The following definitions apply to this By-law:

“chain link fence” shall mean a fence of woven fabric, normally made of steel wire attached to posts and rails;

“fence” shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick, planted growing material or similar materials or combinations which is erected or planted for the purpose of screening, safeguarding or enclosing property, persons, livestock, pets, material, or for delineating property lines;

“finished side of fence” shall mean the side of the fence other than the side on which the structural elements are completely exposed;

“gate” shall mean any moveable barrier (swinging, sliding or otherwise) used to fill or close an access and includes a door;

“grade (established)” means the elevation of the finished level of the ground adjoining the fence exclusive of any artificial embankments or berms;

“hedge” shall mean a fence composed of naturally growing material, which is densely planted and intended to be maintained at an even height;

“lot line” shall mean any boundary of a lot or the vertical projection thereof.

- a) “Front Lot Line” shall mean, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, shall mean.
- b) “Corner Lot” shall mean, that line which runs parallel to the side house on which:
  - (i) the front door is located, or
  - (ii) the municipal number designation is affixed, or for which the functional uses associated with a building front can be demonstrated.

- c) Rear Lot Line shall mean, in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line.
- d) Side Lot Line shall mean, any lot line other than the front or rear lot line.
- e) Exterior Side Lot Line shall mean that the lot line that abuts a street
- f) Side Interior Lot Line shall mean a lot line opposite the external side lot line.

“panel fence” shall mean a fence constructed in separate panels which are then attached to posts at even intervals.

“sight triangle” means a triangle that is formed by the intersection of the street lines of two streets and a line pinning two points that are 10 meters from the intersection or the straight-line projection of street lines where such street lines are connected by a curved line.

“snow fence” shall mean a temporary fence constructed of vertical batons and wire, or plastic fabric.

“street line - same as external side lot line (see 1.9)” means the limit of the road or street allowance and is the dividing line between a lot and a "public street"

“unfinished side of a fence” means the side on which the structural elements of the fence are completely exposed.

“front yard” means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the dwelling unit or garage closest to the front lot line.

NOTE: All other definitions will be as provided for in the applicable Zoning By-Law.

## **2. GENERAL PROVISIONS**

2.1 All fences shall be free-standing stable, structurally sound vertical and shall be made of materials of good quality and suitable for the purpose, arranged and supported in an orderly and good workmanship like manner commensurate with the design of the entire fence.

2.2 No fence shall be constructed to include material which will does or may, in the opinion of the Township, adversely affect the safety of the public.

2.2.1 No barbed wire or device for projecting electric current shall form part of any fence or gate, unless otherwise provided for in this By-Law.

2.2.2. Notwithstanding any other height restriction for the safety of the public in respect to such uses as high voltage substations, construction sites, storage of explosives and similar materials of a hazardous nature a fence may be permitted to whatever height is necessary to ensure such safety. The use of barbed wire shall also be permitted in these instances.

- 2.3 No fence shall be permitted that obscures a clear view at street intersections, pedestrian pathways, driveways or other points of access or egress of vehicular or pedestrian traffic. All fences shall conform to the "sight triangle" requirements of the zone in which they are located.
- 2.4 There shall be no encroachment upon "Township Owned Lands" or "Road Allowances".
- 2.5 No fence shall be permitted that obstructs maintenance of adjacent structures.
- 2.6 All fences shall be maintained in a good state of repair and are subject to inspection by the Township at all times.
  - 2.6.1 Wooden fences (with the exception of cedar and redwood) shall be finished with a preservative finish compatible with adjacent buildings.
  - 2.6.2 Metal fencing shall be constructed of a rust resistant material.
  - 2.6.3 All fences requiring maintenance shall be constructed to facilitate this maintenance. Where access is obstructed, the fence shall be constructed with movable sections.
  - 2.6.4 All fences shall be completed within "12 months" of commencing construction.

### **3. CONSTRUCTION - RESIDENTIAL**

- 3.1 The maximum height of fences, extending from the established grade to the top of the fence, shall be:
  - 3.1.1 for a rear and side yard, 2.0 meters;
  - 3.1.2 for a front yard, adjacent to an internal side yard on corner lots, 2.0 meters, provided the fence does not project in front of the dwelling unit and provided the fence is erected to fully enclose the yard;
  - 3.1.3 for a front yard other than that specified in subsection 3.1.2, 1.0 meters;
  - 3.1.4 3.7 meters around tennis courts
  - 3.1.5 In the instance that a front yard of one property abuts a rear yard of another property, the maximum permitted height of either fence shall be that of the rear yard, namely 2.0 meters.
- 3.2 There shall be no minimum height established for any fence other than for those fences and gates enclosing a "Swimming Pool" (see Swimming Pool Enclosure By-law No. 89-19).

- 3.3 The height of a fence shall be measured from the higher grade to the top of the fence where there is a grade difference between the two side of the fence.
- 3.4 Fences that require structural foundations (i.e., retaining walls) shall require a Building Permit before such a fence is erected.
- 3.5 Snow Fencing shall only be used as a "temporary" device and therefore may be erected and maintained only;
  - 3.5.1 during the winter months for the purposes of snow control; or
  - 3.5.2 to temporarily enclose a construction site.

#### 4. CONSTRUCTION - NON-RESIDENTIAL

- 4.1 Unless otherwise permitted in this By-Law, all lands in the Township shall be bound by the provisions of this By-Law except that on "non-residential lands":
  - 4.1.1 the maximum height of any approved fence may be extended to "2.5 meters";
  - 4.1.2 fences around "tennis courts" may be erected to a height of "4.3 meters".

#### 5. ADMINISTRATION

- 5.1 This By-Law shall be administered and enforced by the Municipal Law Enforcement Officer.
- 5.2 Exceptions to this by-law may be granted by the Committee of Adjustments under Section 44(3) of the *Planning Act*.

#### 6. PENALTY

- 6.1 Any fence that contravenes this By-Law shall be removed at the owner's expense within thirty (30) days after receipt of a Notice of Removal from the Township.
  - 6.2 Every person convicted of a breach of any provision of this By-Law is guilty of an offence, and is liable to a fine not exceeding \$2,000. dollars, exclusive of costs for each offence, subject to the provisions of the *Provincial Offences Act*.
  - 6.3 The areas affected by this By-Law shall be the whole of the Township of East Hawkesbury except for lands used for agricultural purposes.
7. This by-law shall come into force and take effect upon the final passing thereof.

By-law read a first, second and third time and passed this 13<sup>th</sup> day of April, 1993.

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"Signed"  
Michel Lalonde, Reeve

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"Signed"  
Réjeanne Clermont, Clerk