

THE CORPORATION OF THE TOWNSHIP OF BECKWITH

BY-LAW 2009-63

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

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*, provided 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 Beckwith deems it necessary to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of Beckwith enacts as follows:

1. **DEFINITIONS**

In this By-law the following definitions shall apply:

- 1.1 “**Community Development Areas**” for the purpose of this By-law “Community Development Areas” shall include areas identified as Black’s Corners, Franktown, Prospect, Ashton and Gillies Corners, any other area that is subject to a plan of subdivision and any other area that is subject to site plan control agreement.
- 1.2 “**Council**” means the Council of the Township of Beckwith.
- 1.3 “**Corner Lot Sight Lines**” shall mean no obstruction will be permitted on that part of a lot at a street corner composed of a triangle having sides of six (6) m along each street measured from the street corner formed by the lot lines, or from the intersection of the straight line projection of lot lines, when lot lines are connected by a curved line.
- 1.4 “**Fence**” shall mean a structure or partition made of wood, metal, steel, plastic, concrete, stone or other material that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals; is within 1 m of a property line, and includes every door, gate and other closure that forms part of a fence.

- 1.5 “**Height**” shall mean 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.
- 1.6 “**Lot**” shall mean a parcel or tract of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act.
- i) “**Corner Lot**” shall mean a lot situated at the intersection of two (2) streets having an angle of intersection of not more than 135 degrees.
 - ii) “**Interior Lot**” shall mean a lot situated between adjacent lots and having access to one street.
 - iii) “**Through Lot**” shall mean a lot bounded on two opposite sides by streets.
 - iv) “**Waterfront Lot**” shall mean a lot which has no street access but has access on a shoreline.
- 1.7 “**Lot Line**” shall mean any boundary of a lot or the vertical projection thereof.
- i) “**Front Lot Line**” shall mean in the case of an interior lot, the lot line that divides the lot from the street or private road. In the case of a corner lot or through lot, the shorter lot line abutting a street or private road shall be deemed to be the front lot line. In the case of a corner lot or through lot, where the lot lines abutting the street or private road are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.
 - ii) “**Rear Lot Line**” shall mean in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite to the front lot line. If the lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.
 - iii) “**Side Lot Line**” shall mean any lot lines other than the front line and the rear lot line.
- 1.8 “**Municipal**” and “**Municipality**” shall mean the Township and Township of Beckwith.
- 1.9 “**Street**” shall mean a public thoroughfare under the jurisdiction of the Corporation, the County or the Province of Ontario. This definition shall not include a lane or private right-of-way.
- i) “**Improved Street**” shall mean a Township Road which has been assumed by the Corporation and is maintained on a regular year-round basis or a Provincial Highway or County Road.
- 1.10 “**Yard**” shall mean an open, uncovered space appurtenant to a building or structure.

- i) **“Front Yard”** shall mean the space extending across the full width of lot between the front lot line and the nearest part of any main building or structure on the lot or the minimum front yard setback as laid out in Zoning By-Law No. 91-14; whichever is the least.
- ii) **“Rear Yard”** shall mean a space extending across the full width of a lot between the rear lot line and the nearest part of any main building or structure on the lot or the minimum front yard setback as laid out in Zoning By-Law No. 91-14; whichever is the least.
- iii) **“Side Yard”** shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any main building or structure on the lot or the minimum front yard setback as laid out in Zoning By-Law No. 91-14; whichever is the least.
 - a) **“Exterior Side Yard”** shall mean a side yard immediately adjacent to a street.
 - b) **“Interior Side Yard”** shall mean a side yard other than an exterior side yard.

2. **REGULATIONS**

- 2.1 A permit is required for the construction of a fence.
- 2.2 No person shall construct a fence that does not comply with the requirements of this by-law.
- 2.3 Every person who constructs a fence that does not comply with the requirements of this by-law shall take such action as is necessary to make the fence comply with its requirements by the date specified in the notice given by the Township.
- 2.4 If a person who is given notice under section 2.3 fails to take action by the date specified in the notice, the Township may do the necessary work at the person’s expense by adding the costs incurred by the Township in doing the work to the tax roll and collecting them in the same manner as taxes.

3. **RESIDENTIAL DEVELOPMENT**

THAT residential development within the Township, the following provisions shall apply (*refer to Section 1.1*):

- 3.1 No fence, other than a school or park fence, shall be greater in height than 2.5 m in a rear yard not extending to a street line;
- 3.2 No fence shall be greater in height than 1.5 m in the front yard or rear yard extending to a street line;
- 3.3 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;

- 3.4 No fence shall be constructed with any device designed for or capable of projecting electric currents;
- 3.5 No fence shall be constructed that will hinder access to any municipal service including access any municipal easement.

4. **CORNER LOT**

- 4.1 In addition to the provisions of section 2 above, on a corner lot, a fence not exceeding 1.5 m 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.

5. **EXEMPTIONS**

- 5.1 **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.
- 5.2 **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.
- 5.3 **THAT**, where this by-law conflicts with the provisions of the Swimming Pool Fencing By-law, the Ontario Building Code or the Line Fences Act, the provisions of that by-law shall prevail.
- 5.4 **THAT**, this by-law does not apply to properties designated by the Municipality for municipal, institutional or public works uses.

6. **OFFENCE AND PENALTY PROVISIONS**

- 6.1 Any person who contravenes the provision of this by-law is, guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties.
- 6.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7. **SHORT TITLE**

- 7.1 This by-law may be cited as the Fence By-law for the Township of Beckwith.

8. **REPEAL OF PREVIOUS BY-LAWS**

- 8.1 By-Law No. 453 is hereby repealed in its entirety.

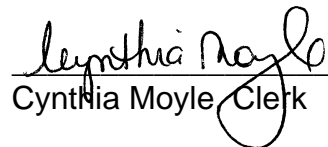
9. **COMMENCEMENT**

9.1 This by-law shall take full force and effect on the date of final passing thereof.

BY-LAW READ a first and second time this 1st day of December, 2009.

BY-LAW READ a third time, signed, sealed and passed in open council this 1st day of December, 2009.


Richard Kidd, Reeve


Cynthia Moyle, Clerk



THE CORPORATION OF THE TOWNSHIP OF BECKWITH

FENCE PERMIT

Permission is hereby granted to

Name: _____

Address: _____

Telephone: _____

Date of Issue: _____

Signed: _____

Chief Building Official