

Chapter 78 – Fences

Article I – Title and Interpretation

78-1. Title.

This chapter may be cited as the "Fence By-law."

78-2. Definitions.

In this chapter the following terms shall have the meanings indicated:

BUILDING – Any permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons, animals or goods, but shall not include a lawful boundary wall or fence.

CORNER LOT – A lot situated at the intersection of two or more streets, or at the intersection of two parts of the same street, which parts have an interior angle of intersection of not more than 135°.

CORNER VISIBILITY TRIANGLE – The triangular space formed by joining the point on each property line established by measuring 7.5 metres (25 feet) in each direction along the property lines abutting a street or streets from the point where said property lines intersect.

CORPORATION – The Corporation of The City of Dryden.

CHIEF BUILDING OFFICIAL – A Chief Building Official as may be appointed by Council and certified as such by the Clerk of the City.

DRIVEWAY LINE – Line forming a boundary between that portion of a lot not normally used by vehicular traffic and the lateral limit of a driveway.

DRIVEWAY VISIBILITY TRIANGLE – The triangular space formed by joining the point on a property line and driveway established by measuring 4.5 metres (15 feet) in each direction along the property line abutting a street and along a driveway line from the point where the said property line and driveway intersect.

EXTERIOR SIDE LOT LINE – The longest lot line abutting a street with respect to a corner lot.

EXTERIOR SIDE YARD – A yard, immediately adjoining a public street, extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building on the lot.

FENCE – Any freestanding structure, wall or barrier, other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting

ingress to or egress from a property, providing security or protection to property and includes a hedge that abuts the front lot line or exterior lot line.

FRONT YARD – A yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot. For the purposes of this chapter the shortest line abutting the street is the front lot line.

HEIGHT – The distance measured from the grade where the fence posts are embedded to the top of the said posts.

INTERIOR LOT – A lot other than a corner lot.

INTERIOR SIDE YARD – Any yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building on the lot other than an exterior side yard.

LOT LINE – The line formed by the boundary of any lot.

OFFICER – Any municipal law enforcement officer or by-law enforcement officer of the Corporation.

OWNER – The registered owner, occupant or tenant of a property, or a person who, for the time being or permanently, is managing or receiving the rent from a property, whether on his/her own account or on account of an agent or trustee of any other person, or any one of the aforesaid.

PARKING SPACE – A parking space as defined by the Zoning By-law.

REAR YARD – A yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the building on the lot.

YARD – That part of a lot extending from a lot line into a lot to the nearest building and measured at right angles to the lot line.

ZONING BY-LAW – Any by-law administered by the City passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13 or a predecessor or successor thereof, as may be amended from time to time.

Article II – Fences Contrary to Regulations

78-3. Prohibition.

No person shall erect, construct or permit to be erected or constructed any fence that does not comply with the provisions of this chapter.

78-4. Removal.

No owner shall have, allow to remain, or fail to remove a fence that does not comply with the provisions of this chapter, unless in the opinion of the Chief Building Official it does not create an obstruction as identified in 78-5.

Article III – Visibility

78-5. Obstructions prohibited.

Notwithstanding any of the regulations set out in this chapter, no person shall erect, construct or permit to be erected or constructed a fence that, in the opinion of the Chief Building Official:

- A. Obstructs pedestrian or vehicular traffic; or
- B. Obscures clear visibility of normal approaching pedestrian or vehicular traffic.

Article IV – General Regulations

78-6. General appearance.

No person shall erect a fence or cause a fence to be erected unless the fence is:

- A. Stable;
- B. Vertical;
- C. Made of materials of good quality;
- D. Vinyl or powder coated, if constructed of chain link fence material;
- E. Suitable for the purpose;
- F. Constructed and supported in a manner commensurate with the design of the entire fence; and
- G. Constructed and finished in such a manner so as to present the finished side or an equal and uniformly distributed portion thereof, as determined by the Chief Building Official, toward the public street and the neighbouring properties.

78.7. Maintenance.

Every person who erects a fence or causes a fence to be erected or every owner of a fence shall keep such fence:

- A. In good repair;
- B. In safe and structurally sound conditions, free from accident hazards; and,
- C. Protected by paint, preservation or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood.

Article V – Fences on Interior Lots

78-8. Height; location.

Every person who erects a fence or causes a fence to be erected, or every owner of a fence located on an interior lot shall conform to the following regulations:

- A. A fence within the front yard shall not exceed a height of 0.91 metres (three feet).
- B. A fence within any rear yard or interior side yard shall not exceed a height of 2.44 metres (eight feet).
- C. No fence shall block access to a parking space as required by the Zoning By-law.
- D. A fence within a driveway visibility triangle shall have a maximum height of 0.91 metres (three feet).

Article VI – Fences on Corner Lots

78-9. Height; location.

Every person who erects a fence or causes a fence to be erected, or every owner of a fence located on a corner lot shall conform to the following regulations:

- A. Within a front yard shall have a maximum height of 0.91 metres (three feet);
- B. Within an interior side yard shall have a maximum height of 2.44 metres (eight feet);
- C. Within an exterior side yard or rear yard shall have a maximum height of:

- (1) 0.91 metres (three feet) if less than 1.5 metres (five feet) from the exterior side lot line or less than four metres (13 feet) from the nearest edge of the travelled portion of the road;
 - (2) 1.82 metres (six feet) if at least 1.5 metres (five feet) from the exterior side lot line but less than 4.57 metres (15 feet) from the exterior side lot line or more than four metres (13 feet) from the nearest edge of the travelled portion of the road; and,
 - (3) 2.44 metres (eight feet) if at least 4.57 metres (15 feet) from the exterior side lot line.
- D. Within a corner visibility triangle or driveway visibility triangle shall have a maximum height of 0.91 metres (three feet); and
- E. Shall not be located or constructed so as to block access to a parking space as required by the Zoning By-law.

Article VII – Salvage Yard

78-10. Enclosure specifications.

Notwithstanding any other provision herein, a person may erect, construct, or permit to be erected or constructed a fence to enclose a salvage yard, provided that such fence shall:

- A. Be not less than 2.44 metres (eight feet) in height and not more than 3 metres (10 feet) in height;
 - B. Be set back from all public rights-of-way a minimum of 7.62 metres (25 feet); and
- If on a corner lot, not be within any corner visibility triangle or driveway visibility triangle.

Article VIII – Commercial Lots

78-11. Enclosure specifications.

Notwithstanding Subsections A and B of 78-8 and Subsection A of 78-9, a person may erect, construct, or permit to be erected or constructed a fence to enclose a front yard of a lot used primarily for commercial purposes, provided that such fence shall:

- A. Be set back from the front lot line a minimum of 7.62 metres (25 feet); and

- B. If on a corner lot, not be within any corner visibility triangle or driveway visibility triangle.

Article IX – Barbed Wire Fences

78-12. Prohibition; exceptions.

No fence, or portion thereof, shall be constructed of barbed wire, except:

- A. Where the fence is situated on land in a rural zone as designated by the Zoning By-law and used for the purposes of keeping livestock;
- B. Where the barbed wire is located on the top of a fence that is situated in a commercial or industrial zone, as designated by the Zoning By-law, provided that it projects inwards to the area enclosed by the fence; or
- C. Where the barbed wire is located on the top of a fence that has been erected for security reasons around any recreational, operational or storage facility owned, operated or maintained by the Corporation.

Article X – Electric Fences

78-13. Compliance with applicable law required.

Any fence equipped with a device for transmitting an electric current thereon or there through must comply with all applicable laws and regulations.

Article XI – Public Information

78-14. Advertising of requirements.

The Chief Building Official may cause the requirements of this chapter to be advertised annually in a local newspaper having general circulation in the City of Dryden, and/or in such other form, manner or media, or from time to time, as deemed necessary to ensure, insofar as it is reasonably possible to do so, public awareness of the provisions of this chapter.

Article XII – Minor Variances

78-15. Committee of Adjustment appointed; purpose.

The Committee of Adjustment of the Corporation is hereby appointed a Standing Committee of the Council for the purpose of enquiring into and reporting on any applications for minor variances from the provisions of this chapter.

78-16. Recommendation action; conditions.

The Committee may recommend that any application be refused or that such relief as it considers appropriate be granted either absolutely or subject to conditions.

78-17. Procedure.

The Committee is directed to follow its usual procedure on such applications, so far as may be practical.

78-18. Council approval of reports.

The Clerk shall place all reports made by the Committee of Adjustment under this article before the Council for approval.

78-19. Delegations.

The Council's usual rules respecting delegations will apply to persons desiring to make representations in support of or against a Committee of Adjustment recommendation made under this article.

Article XIII – Public Use

78-20. Substantial compliance required; visibility.

Notwithstanding anything contained in this chapter, the City, any local board as defined in the Municipal Affairs Act, the Government of Canada, the Government of Ontario, including the Hydro One Networks Inc., or any such other local delegate, and any telecommunications company may, for public service purposes, construct or erect any fence on its lands within the City; provided, however, that the said fence shall be in substantial compliance with the regulations prescribed heretofore in this chapter to the maximum extent possible and provided that said fence fully complies with the provisions of 78-5 hereof.

Article XIV – Conditions

78-21. Development; redevelopment.

Notwithstanding any other provision herein, a fence which is required and approved as a condition of development or redevelopment of land shall be deemed to be in conformance with the provisions of this chapter.

Article XV – Enforcement

78-22. Fine for contravention.

Every person who contravenes any provision of this chapter is guilty of an offence and, upon conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act and to any other applicable penalty.

78-23. Inspection; right of entry.

An officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this chapter is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the Municipal Act, 2001.

78-24. Inspection; information; documents; testing.

For the purposes of an inspection pursuant to this chapter, an officer may:

- A. Require the presentation of any documents or things relevant to the inspection;
- B. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- C. Require information from any person concerning a matter related to the inspection; and
- D. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

78-25. Failure to comply; remedy by Corporation; costs.

If a person fails to do a matter or thing, including comply with an order under this chapter as directed or required by this chapter, the Corporation may, in default of it

being done by the person directed or required to do it, do the matter or thing at the person's expense. The Corporation may enter upon land at any reasonable time to do such matter or thing and may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

Article XVI – Severability

78-26. Provisions severable.

It is hereby declared that each and every of the foregoing provisions of this chapter is severable and that, if any provision of this chapter should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.