

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NUMBER 2012.90

BEING A BYLAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF
LAWFUL FENCES WITHIN THE TOWNSHIP OF RAMARA

WHEREAS the Municipal Act, 2001 (the Act) 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;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS paragraph 10 of subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting Structures, including fences and signs;

AND WHEREAS Section 391 of the Municipal Act (Ontario), Council is empowered to pass By-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Council of the Corporation of the Township of Ramara passed Bylaw 1998.46 regulating fences in the Township and further amended it by Bylaw 2002.85;

AND WHEREAS Council of the Corporation of the Township of Ramara deems it expedient to repeal and replace Bylaw 1998.46 to increase the height of an allowable fence;

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

1. **DEFINITIONS**

- 1.1 Closed fence shall mean any fence that does present 10% or greater surface measure of resistance to wind for the full height and length of the fence or any part thereof;

- 1.2 Construct shall include erect, install, extend, alter or repair;
- 1.3 Corner lot shall mean:
- i) a lot situated at the intersection of and abutting on two or more streets; or
 - ii) a lot abutting on one or more parts of the same street or two or more streets in which an interior angle of less than 135 degrees is contained by the two straight lines which join the foremost point of the lot with the two points at which the lot lines meet the street or streets;
- 1.4 Corporation means The Corporation of the Township of Ramara;
- 1.5 Daylighting Triangle shall mean that area which is determined by measuring from the point of the intersection of street lines on a corner lot, 3 metres along each street line and joining such points with a straight line and the triangular shaped land so enclosed form the daylighting triangle;
- 1.6 Divisional fence shall mean a fence between one owner's land and another owner's land;
- 1.7 Open fence shall mean any fence that does not present more than 10% surface measure of resistance to wind for the full height and length of the fence or any part thereof;
- 1.8 Township shall means the geographic limits of the Township of Ramara;

2. SCOPE

- 2.1 The regulations bylaw shall apply to the Township of Ramara.

3. REGULATIONS

- 3.1 No person shall construct or cause to be constructed a closed fence which exceeds 1.9 metres (6'.2") in height at any point measured from ground level;;
- 3.2 No person shall construct or cause to be constructed an open fence which exceeds 3.1 metres (10') in height at any point measured from ground level;
- 3.3 Notwithstanding the foregoing, no person shall construct or cause to be constructed any fence within a daylighting triangle that exceeds 1.0 metre if a closed fence and 1.3 metres if an open fence in height at any point measured from ground level;

- 3.4 Nothing herein this bylaw shall vary any award made by the Fence Viewers on the Township.
- 3.5 No person shall erect, use, or cause to be used any barbed wire on any fence that is an area zoned residential by the Zoning Bylaw or is common to a residential zone boundary;
- 3.6 No person shall within the Township of Ramara erect, use or cause to be used any barbed wire on any fence or to construct a fence solely of barbed wire except as permitted hereafter;
- i) any lands zoned agricultural or rural by the Zoning Bylaw where farming is conducted;
 - ii) any security fence in an area zoned Commercial, Community Facility, Industrial or Institutional provided the barbed wire is a minimum of 23 metres above grade
- 3.7 Nothing herein this bylaw shall prevent the maintenance or repair of a fence if the same was in existence at the time of the passing of this bylaw and was at the time of its construction in compliance with all bylaws of the Township.
- 3.8 All fences shall be constructed and maintained to be rigid and be able to resist any reasonable lateral forces that may be applied to the fencing material.

4. ENFORCEMENT

- 4.1 The Council herewith appoints the Township Bylaw Enforcement Officer as the Inspector to enforce the regulations of this bylaw.
- 4.2 Where a fence is found to be under construction and appears not to be in compliance with this bylaw and a Provincial Offences Officer or employee of the Township requests construction stopped until it can be determined that work which is required to comply to this bylaw, and work continues in non-conformity to this bylaw, the owner of the fence will be charged a re-inspection fee of \$50.00 for each re-inspection by the officer or Township employee to inspect the continuation of the work on the non-conformity.
- 4.2 Every person who contravenes the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine or penalty as provided by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, Section 61.
- 4.3 Where a conviction is entered under this section of the bylaw, in addition to any other remedy or penalty provided by law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

7. **ENACTMENT**

7.1 That Bylaw 1998.46 and Bylaw 2002.85 are hereby repealed and replaced.

7.2 That this bylaw shall come into force and take effect on the date of passing.

**BYLAW READ A FIRST SECOND AND THIRD TIME AND FINALLY PASSED
THIS 19TH DAY OF NOVEMBER, 2012.**



WILLIAM P. DUFFY, MAYOR



JANICE E. MCKINNON, CLERK