

The Corporation of the Township of Frontenac Islands

BY-LAW NO. 13-2012

BEING a By-Law to regulate the construction of fences in the Township of Frontenac Islands.

WHEREAS Section 11 (3) 7. of The Municipal Act provides that a lower tier municipality may pass by-laws respecting structures, including fences and signs; and

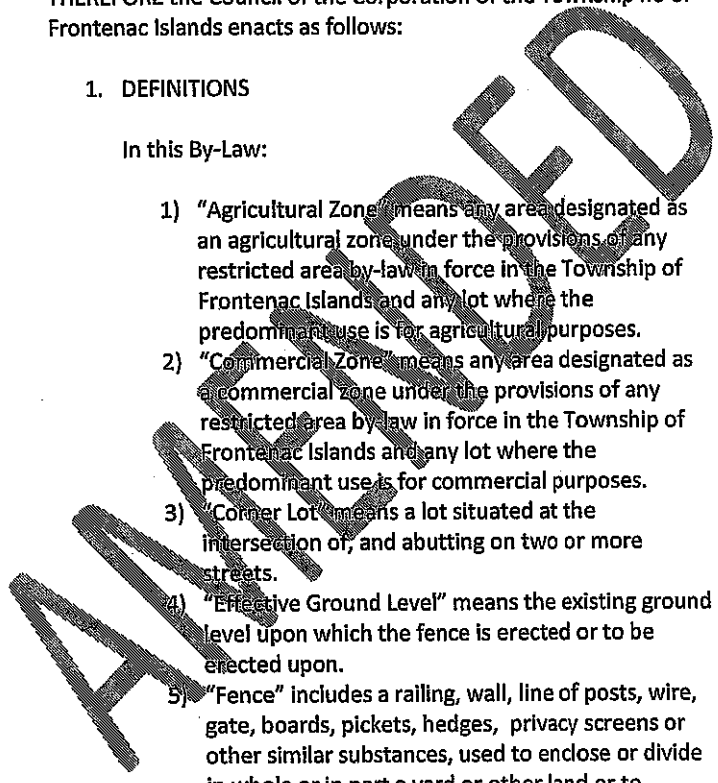
WHEREAS the Council of The Corporation of the Township of Frontenac Islands deems it necessary to pass a fencing by-law; now

THEREFORE the Council of the Corporation of the Township no of Frontenac Islands enacts as follows:

1. DEFINITIONS

In this By-Law:

- 1) "Agricultural Zone" means any area designated as an agricultural zone under the provisions of any restricted area by-law in force in the Township of Frontenac Islands and any lot where the predominant use is for agricultural purposes.
- 2) "Commercial Zone" means any area designated as a commercial zone under the provisions of any restricted area by-law in force in the Township of Frontenac Islands and any lot where the predominant use is for commercial purposes.
- 3) "Corner Lot" means a lot situated at the intersection of, and abutting on two or more streets.
- 4) "Effective Ground Level" means the existing ground level upon which the fence is erected or to be erected upon.
- 5) "Fence" includes a railing, wall, line of posts, wire, gate, boards, pickets, hedges, privacy screens or other similar substances, used to enclose or divide in whole or in part a yard or other land or to provide privacy.
- 6) "Front Lot Line" means a line that divides a lot from the street provided that in the case of either a through lot or corner lot, the line dividing the lot from the street upon which the property is addressed shall be deemed to be the front lot line.
- 7) "Height" means 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.
- 8) "Industrial Zone" means any area designated as an industrial zone under the provisions of any restricted area by-law in force in the Township of Frontenac Islands and any lot where the predominant use is for industrial purposes.



to the side lot line of the main building or structure on such lot.

2. General Fence Provisions

- 1) No person shall in any yard or lot erect, cause to be erected or maintain or permit a fence that is greater than 2.74 meters (9 feet) above effective ground level.
- 2) No person shall, in a residential zone within any interior side yard, exterior side yard or rear yard, erect or cause to be erected or maintain or permit a fence exceeding 2.13 meters (7 feet) in height.
- 3) No person shall, in a residential zone within a front yard erect or cause to be erected or maintain or permit a fence exceeding 0.9 meters (3 feet) min height.
- 4) No fence, in a residential zone, when measured at any point along its length from the highest grade within one meter on either side of the fence shall exceed 0.9 meters (3 feet) in a front yard or 2.13 meters (7 feet) in a rear yard or side yard.
- 5) Notwithstanding section 1. 6) of this by-law, on a corner lot where a driveway is not located within the same yard as the street address of the property, the line dividing the lot from the street upon which the driveway is located shall be deemed to be the front lot line.
- 6) The provisions of this by-law do not apply to a fence erected upon, or abutting land which is used for industrial purposes or municipal recreation facilities.
- 7) The provisions of this by-law do not apply to a person who erects or causes to be erected a privately owned outdoor tennis court, provided the fence is of chain link construction.
- 8) No person shall erect or cause to be erected a fence constructed with plywood or scrap metal.
- 9) Notwithstanding Section 2. 2), no person shall in any yard or lot erect, cause or permit to be erected, or maintain a fence that obstructs the view of a motorist or is determined to be a safety hazard under any other legislation or by-law.
- 10) Notwithstanding any provisions set out in this by-law, no person shall erect, or permit to be erected or maintain a fence that obscures clear visibility of normal approaching pedestrian or vehicular traffic.

3. Fences Within Sight Triangles

- 1) No person shall erect, cause or permit to be erected or maintain a fence within a sight triangle greater than a height of 0.9 meters (3 feet).

4. Open Type Construction Fences

- 1) Notwithstanding the provisions of sections 2 and 3, no person shall erect, cause or permit to be

READ a first and second time this 9th day of November, 2015.

READE a third time and finally passed this 9th day of November, 2015.

Denis Doyle, Mayor

Clerk/CAO Plumley

AMENDED

erected or maintain an open type construction fence higher than 1.71 meters (5 feet 6 inches) in a sight triangle or a front yard.

5. Maintenance

- 1) Every person who owns a fence shall maintain such fence in a good state of repair
 - a) by the fence being complete, standing in a vertical position and securely anchored
 - b) with no components of the fence broken, rusted, rotted or in a hazardous condition
 - c) and free from graffiti.

6. Fences With Barbed Wire Or Other Hazardous Material

- 1) No person shall erect, cause or permit to be erected or maintain in a residential zone a fence which contains or is constructed of barbed wire, cable or other hazardous material

7. Electrical Fences

- 1) Except as provided in this by-law no person shall erect, cause or permit to be erected or maintain an electrical fence on any land
- 2) An electrical fence using direct current may be erected on land while it is being lawfully used for agricultural purposes provided such fence
 - a) has a maximum 12 volt trickle charge
 - b) is designed and erected solely to contain animals
 - c) has attached thereto at approximately 15 meter intervals, a sign warning that the fence carries electricity.

8. 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 or the Township of Frontenac Islands requires it to be removed, altered or repaired.

9. That every person who contravenes any provision of this by-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$ 5,000.00 pursuant to and recoverable under the Provincial Offenses Act, as amended from time to time.

10. That this by shall come into force and take effect on the date of final passing thereof.

- 9) "Lot" means any parcel of land which can be separated or otherwise disposed of separately and apart from any abutting lands, whether or not such parcel is described in a registered deed or shown on a registered plan of subdivision.
- 10) "Open Type Construction Fence" means a fence constructed so that at least one third of its vertical surface area is open space, enabling motorists and pedestrians to have a clear view through such fence.
- 11) "Residential Zone" means any area designated as a residential zone under the provisions of any restricted area by-law in force in the Township of Frontenac Islands and any lot where the predominant use is for residential purposes.
- 12) "Sight Triangle" means an area free of buildings or structures and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance of 7.5 meters (residential use) or 15.0 meters (all non residential uses) along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the points is the required distance along the street lines is the Sight Triangle.
- 13) "Through Lot" means a lot bounded on two opposite sides by a street.
- 14) "Yard" means any open, uncovered unoccupied space appurtenant to a building, and
- (a) "Front Yard" means a yard extending across the full width of a lot, and lying between the front lot line of the lot and the part nearest to the front lot line of any building or structure on that lot.
 - (b) "Interior Side Yard" means a side yard other than an exterior side yard, which side yard extends from the front yard to the rear yard, between the side lot line and the main wall nearest to the interior side yard lot line of the main building or structure on such lot.
 - (c) "Exterior Side Yard" means the side yard of a corner lot, which side yard extends from the front yard to the rear yard between the side street line and the main wall nearest to the exterior side yard lot line of the main building or structure on that corner lot.
 - (d) "Rear Yard" means a yard extending across the full width of a lot between the rear lot line of that lot and the main wall nearest to the rear yard lot line of the main building or structure on such lot.
 - (e) "Side Yard" means a yard extending from the front yard to the rear yard between the side lot line and the main wall nearest