

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 59- 2007

BEING a By-law prescribing the height and description of lawful fences within the boundaries of the Township of Georgian Bluffs.

WHERE AS Section 11 of the Municipal Act, 2001 and amendments thereto, enables the council of local municipalities to pass by-laws to regulate the height and description of lawful fences:

AND WHEREAS the Council deem it desirable to regulate all fences placed in built up areas which are zoned in any residential, commercial, industrial or institutional category within the applicable zoning by-laws of the Township of Georgian Bluffs.

AND WHEREAS fences erected on land designated as agricultural or rural within any applicable zoning by-laws of the Township of Georgian Bluffs shall continue to be governed by the Line Fences Act, R.S.O. 1990, c.L.17.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS ENACTS AS FOLLOWS:

Definitions:

"Fence" means a structure comprised of wood metal, steel, plastic, concrete, stone, or other material or composite thereof which separates or purports to separate land not under common ownership.

"Hedge" means any boundary or fence of shrubs or low growing trees.

"Height" means the distance to the top or upper projection of any part of a fence measured from ground to such point anywhere along the length or span of such fence.

"Residential Zone" means any land located in an area zoned R1, R2, R3, R4, R5, or R6 pursuant to Zoning By-law 6-2003 as amended.

"Commercial Zone" means any land located in an area designated C1, C2, C3, and C4 pursuant to Zoning By-law 6-2003 as amended.

"Industrial Zone" means any land located in an area designated M1 and M2 pursuant to Zoning By-law 6-2003 as amended.

"Institutional Zone" means any land located in an area designated I pursuant to Zoning By-law 6-2003 as amended.

SECTION 1 - FENCES OR HEDGES ON TOWNSHIP PROPERTY

No person shall erect any fence or hedge on the Township of Georgian Bluffs property. Any fence or hedge so found on Township property shall be removed by Township employees subsequent to providing the offending property owner with notice and a thirty day opportunity to remove the hedge or fence. Should the property owner not remove the fence or hedge during the thirty day period the Township employees may remove same and all costs of removal will be charged to the property owner, plus any said fine.

SECTION 2 - TYPE OF FENCES IN ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ZONES

- (a) All persons erecting a new fence shall erect a fence using chain link fencing, wrought iron, cedar rails, page wire, PVC, or wooden boards, and no person shall erect a new fence higher than 1.98 metres, measurement to be taken from the ground, subject to the requirements as set out herein.

- (b) No person shall construct or cause to be constructed any fence in any Residential, Commercial, Industrial and Institutional Zone having barbed, razor, energized electric or similar wire or material.
- (c) All persons constructing new fences shall use materials made of page wire or chain link or wrought iron, shall only be erected using new chain link or page wire, PVC, or wrought iron material or otherwise approved by the Municipal Law Enforcement Officer. All persons constructing new fences shall ensure that steel fence posts are capped.
- (d) All persons erecting privacy fences shall use wooden materials shall be constructed of new wooden boards, or other approved materials, that are placed no further apart than 2.5 cm. with a minimum thickness of 2.5 cm and a maximum width of 15.2 cm. All persons erecting a privacy fence shall ensure that wooden fence posts are anchored into the ground and that the tops are cut off to avoid injury to persons. All persons erecting a privacy fence shall construct fences in a manner that creates a finished side showing on both the interior and exterior face of the fence. The boards may be vertical or horizontal.
- (e) Rail fences are exempt from Section 2 (Sub D).
- (f) No person shall erect a fence a manner that blocks the view of a driver, as defined by the latest revision of the Ontario Traffic manuals, leaving a property to enter the travelled portion of the roadway.
- (g) Every person shall maintain every fence in a good state of repair and be effectively at ninety degrees to the ground.

SECTION 3 – FENCES AROUND PRIVATE OUTDOOR SWIMMING POOLS

All persons shall ensure that every fence securing a private outdoor swimming pool shall be constructed within the provisions of By-Law 18-2004, as amended, or other such by-laws in effect, as amended, from time to time.

SECTION 4 - SPECIAL CIRCUMSTANCES AND PERMISSIONS

All persons having a fences or hedge which is not placed on the mutual property boundary due to disputes with neighboring property owners, shall be set back a minimum of one foot from the property boundary in order that the fence owner can access both sides of the fence for maintenance purposes.

SECTION 5 - ENFORCEMENT

- (a) This by-law shall be enforced by the Municipal Law Enforcement Officer or such other officer as may be appointed by Council from time to time.
- (b) Any person who contravenes any provision of this by-law, shall be, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
- (c) 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, and such order shall be in addition to any other penalty imposed on the person convicted.

SECTION 6 - PENALTY PROVISIONS

- (a) Every person who contravenes the provisions of this By-law is guilty of an offence and upon conviction thereof is liable to a penalty as provided for in Section 61 of the Provincial Offences Act as amended from time to time.

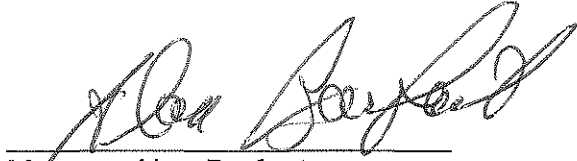
If, for any reason, any section, clause or provision of this By-law is declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part which was declared to be invalid.

This By-law shall come into full force and effect upon the final passing thereof.

This By-law hereby rescinds and replaces By-law 31-2007.

Read a first and second time this 1st day of August, 2007.

Read a third time and passed this 1st day of August, 2007.



Mayor – Alan Barfoot



Acting Clerk – Bruce Hoffman

I hereby certify the foregoing By-law No. 59-2007 to be a true and certified copy as passed on the 1st day of August, 2007.

Bruce Hoffman, Acting Clerk