

Corporation of the
Municipality of West Perth

By-Law 22 - 2001

Being a BY-LAW to regulate the erection and maintenance of privacy fencing on residential property,

WHEREAS the Council of the Municipality of West Perth deems it necessary in the public interest to pass a By-law to regulate privacy fences on residential property within the boundaries of the Municipality of West Perth,

AND WHEREAS pursuant to the provisions of Section 210(25) of the Municipal Act, R.S.O. 1990, By-laws may be passed by municipalities for the regulation of height and description of lawful fences on residential property,

NOW THEREFORE the Council of The Municipality of West Perth enacts as follows:

PART I

Definitions:

- (A) "Municipality" means the Corporation of the Municipality of West Perth.
- (B) "Lot Line" means any boundary of a lot or the vertical projection thereof.
- (C) "Lot Line, Front" means in the case of:
- (a) an interior lot, the line that abuts the street;
 - (b) a corner lot, the shorter lot line abutting the street shall be the front lot line and the longer lot line abutting the street shall be the exterior side lot line.
 - (i) where the lot lines abutting the street are of equal length, the lot line that abuts the street governed by the government with the higher jurisdiction shall be the front lot line while the other lot line shall be the exterior side lot line.
 - (ii) where the lot lines abutting the street are of equal length and the abutting streets are under the same jurisdiction, the lot line over which the principle means of access to the lot is obtained shall be the front lot line while the other lot line shall be the exterior lot line.
- (D) "Lot Line, Rear" means the lot line farthest from and opposite to the front lot line.
- (E) "Lot Line, Side" means a lot line other than a front or rear lot line. For the purpose of this By-law, there shall be two types of side lot lines which are classified as follows:
- (a) "Lot Line, Exterior Side" means a side lot line that abuts a street or reserve.
 - (b) "Lot Line, Interior Side" means a side lot line that abuts a neighbouring lot, block, or parcel of land.

- (F) "Daylight Triangle or Sight Triangle" means an area free of buildings and structures formed by measuring from the point of the intersection of lot lines abutting a street on a corner lot, the distance required under the appropriate Residential Zoning classification of By-law No. 100-1998 along each such lot line abutting the street and joining such points with a straight line.
- (G) "Obstructions on Corner Lots" means on a corner lot no obstruction between a height of 0.6 metres and 3 metres above the grade of the centre line of the street or streets abutting a sight triangle shall be permitted to impede or obscure the vision of the operator of a motor vehicle traveling on the abutting street(s).
- (H) "Front Yard, Minimum" means the distance setback from the Front Lot Line as specified under the appropriate Residential Zoning classification of By-Law 100-1998. (i.e: R1, R2, R3, R4 and HVR)

PART II

Regulation and Enforcement

All private fences on lands zoned for residential purposes in the Municipality of West Perth By-law 100-1998 shall meet the following requirements of this By-Law:

- 1) No fence shall be erected until approved by the Municipality or their appointed agent(s) and a permit issued.
- 2) The fence shall be a chain link fence, vertical wooden fence, or other type of fencing acceptable to the Municipality or their appointed agent(s).
 - (a) Where the fence type is a chain link fence, the openings, holes, or gaps shall not permit a solid spherical object with a diameter greater than 6 centimeters to pass through it.
 - (b) Where the fence type is a vertical wooden fence or vertical metal fence, the openings, holes, gaps shall not be greater than 100mm.
 - (c) Where the fence type is of material other than those mentioned, the size of the openings, holes, or gaps shall not be greater than 100 mm.
- 3) No fence shall exceed a maximum height of 1.83 metres from the finished grade on an interior lot line or rear lot line.
- 4) No fence shall exceed a maximum height of 1.2 meters from finished grade on an exterior lot line or front lot line setback.
- 5) The bottom of the required fence shall not be more than 7.5 centimeters above the finished grade.
- 6) In the case of a singularly owned fence, the fence shall be erected adjacent to property line on the owner's side of the lot line(s).
- 7) The finished side of the fence shall face away from the owner of the property and towards the neighbours' property.
- 8) A Registered Survey from an Ontario Land Surveyor shall be required to establish property boundaries.

- 9) All fences shall comply with front yard setback requirements for the subject properties particular zoning. (i.e: R1, R2, R3, R4 and HVR)
- 10) Fencing on a corner lot shall not cause an obstruction near the corner or next to an adjacent property.
(i.e: Daylight or Sight Triangle)
- 11) All fencing shall be maintained with regard to By-Law 123-1998 Property Standards By-law.
- 12) Fencing of swimming pools subject to regulation under By-laws No. 23-1992 Fullarton, No. 30-1992 Hibbert, No. 22-1994 Mitchell, No. 33-1992 Logan as amended from time to time.

PART III


Penalties

- 1) No person shall excavate for or erect a privacy fence until:
 - (i) Plans for all fences and gates required pursuant to this By-law are produced and submitted to the Municipality of West Perth Chief Building Official for permit and
 - (ii) permit has been issued.
- 2) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to the following:
 - (i) To a fine of \$500.00, exclusive of costs, for the first offence;
 - (ii) To a fine of \$1,000.00 exclusive of costs, for a second and each subsequent offence.
- 3) This By-law shall come into force on the date of its adoption.

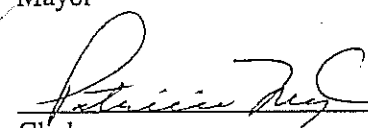
READ a first time this 19th day of March, 2001.

READ a second time this 19th day of March, 2001.

READ a third time and finally passed this 19th day of March, 2001.



Mayor



Clerk

**CORPORATION OF THE
MUNICIPALITY OF WEST PERTH**

BY-LAW 57-2006

Being a by-law to Amend By-law 48-2006

WHEREAS the Council of the Municipality of West Perth enacted By-law 48-2006, to regulate the erection and maintenance of privacy fencing on residential property in the Municipality;

AND WHEREAS the Council of the Municipality of West Perth deems it necessary to amend By-law 48-2006;

NOW THEREFORE the Council of the Municipality of West Perth hereby enacts as follows:

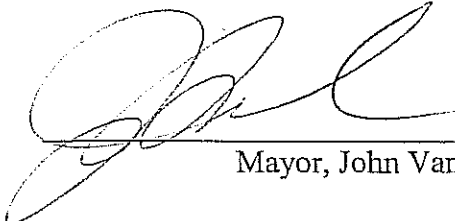
1. THAT By-law 48-2006, Part II, Section (iv) be amended to read:

iv) No fence shall exceed a maximum height of 1.83 meters from finished grade on an exterior lot line or front lot line setback.


This By-law shall come into force and take effect on the final reading thereof.

Read a first and second time this 14th day of November, 2006.

Read a third time and finally passed this 14th day of November, 2006.



Mayor, John Van Baken



Clerk, Patricia Taylor