

Property Fence Permit Guide

This guide is intended as a reference document to assist you in submitting a Property Fence Permit Application. This guide also explains the process once a permit application is submitted. Please note that failure to submit a complete permit application may result in delays in issuing the permit. It is an offence to construct a fence prior to obtaining a Property Fence Permit. If you have any questions about the Property Fence Permit Application process, please contact the building department at 519-348-8429 ext. 230. For more information regarding property fences see By-law 48-2006 and 57-2006 attached to this guide.

Property Fence Requirements

1. Fence height is to be at a maximum of 6 feet in height for the top board.
2. Design of fence to be as good or better facing neighbouring property.
3. Fence can be placed up to property line but cannot be placed in front of house or in daylight triangles for corner lots.
4. Two copies of scaled drawing for your project are required. Please use Schedule A that is in this package.
5. Confirmation of Property Boundaries. A survey of property or confirmation of neighbouring property boundaries.

Required Inspections

The owner of a property on which a privacy fence is being constructed, or their contractor, must arrange for the following inspections:

- 1) Excavation post hole inspection prior to filling with concrete.
- 2) Structural Inspection to ensure property fence meets by-law standards.
- 3) Final inspection of completed fence.

The permit plans and specifications must be on site and made available to the Building Inspector at the time of inspection. The Building Inspector's name and phone number are identified on the Property Fence Permit and inspections must be arranged 24 hours in advance of the requested inspection time.

Application Submission Checklist

- Completed Building Permit Application form including Schedule A. Permit applications can be emailed to dchaffe@westperth.com or submitted in person to the Building Department at the West Perth Municipal Office (169 St. David St., Mitchell, ON).
- Building Permit Application Fee: Refer to fee schedule
- It is the Owner's responsibility to call before you dig, Ontario One Call 1-800-400-2255
- Two copies of scaled drawing

Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

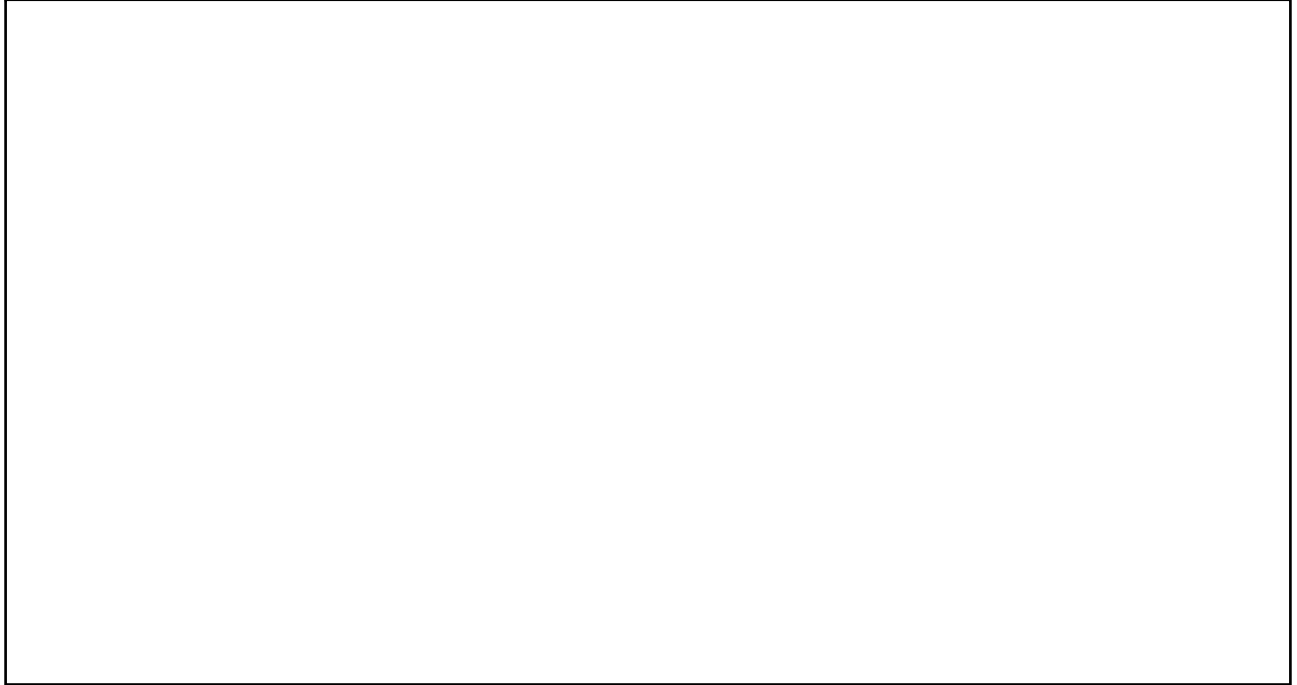
For use by Principal Authority				
Application number:		Permit number (if different):		
Date received:		Roll number:		
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)				
A. Project information				
Building number, street name			Unit number	Lot/con.
Municipality	Postal code	Plan number/other description		
Project value est. \$		Area of work (m ²)		
B. Purpose of application				
New construction	Addition to an existing building	Alteration/repair	Demolition	Conditional Permit
Proposed use of building		Current use of building		
Description of proposed work				
C. Applicant				
		Applicant is: Owner or Authorized agent of owner		
Last name	First name	Corporation or partnership		
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	
D. Owner (if different from applicant)				
Last name	First name	Corporation or partnership		
Street address			Unit number	Lot/con.
Municipality	Postal code	Province	E-mail	
Telephone number	Fax		Cell number	

E. Builder (optional)				
Last name		First name	Corporation or partnership (if applicable)	
Street address			Unit number	Lot/con.
Municipality		Postal code	Province	E-mail
Telephone number		Fax		Cell number
F. Tarion Warranty Corporation (Ontario New Home Warranty Program)				
i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.			Yes	No
ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?			Yes	No
iii. If yes to (ii) provide registration number(s): _____				
G. Required Schedules				
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.				
ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.				
H. Completeness and compliance with applicable law				
i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted). Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.			Yes	No
ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .			Yes	No
iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.			Yes	No
iv) The proposed building, construction or demolition will not contravene any applicable law.			Yes	No
I. Declaration of applicant				
I _____ declare that: (print name)				
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.				
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.				
_____		_____		
Date		Signature of applicant		

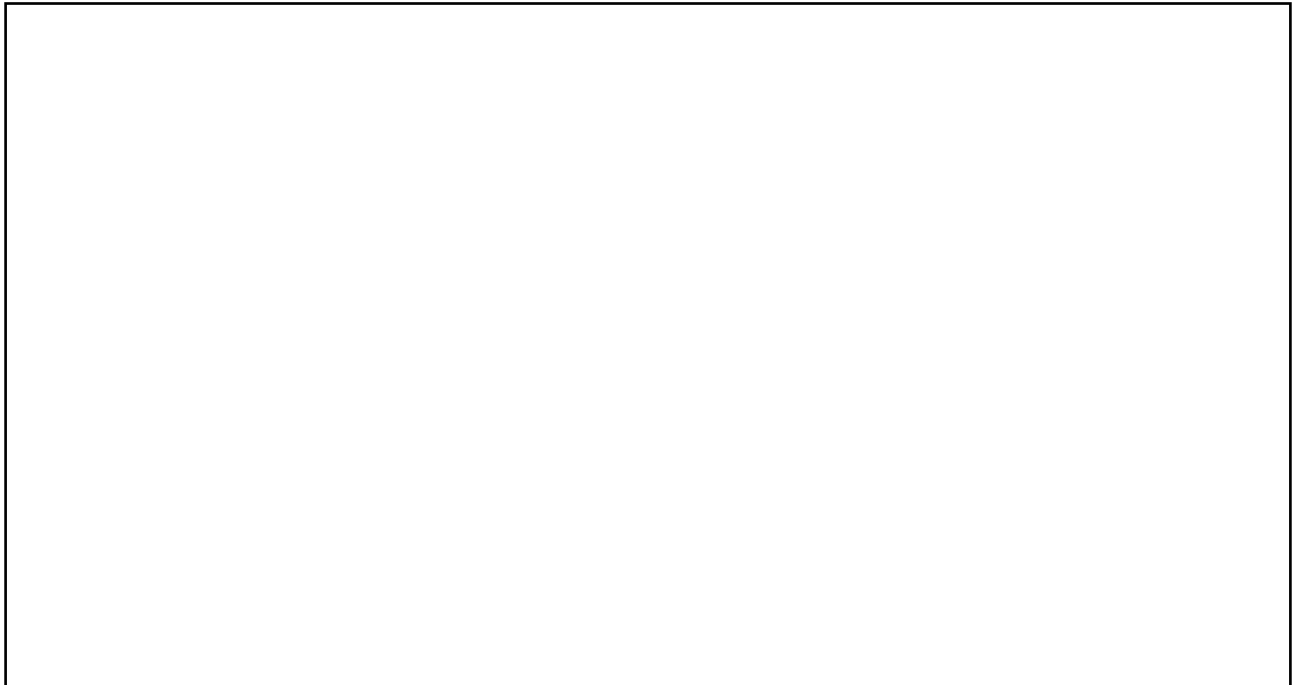
Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

Schedule A - Project Drawings

Please show fence location(s) in relation to building and streets/lanes. Include fence height(s). Please indicate if there are gates and where they are placed.



Please show a side drawing of the fence. Include height and design of fence.



**CORPORATION OF THE
MUNICIPALITY OF WEST PERTH**

BY-LAW 48-2006

**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 the Municipal Act, S.O. 2001, Sec. 11 a municipality may pass a by-law to regulate fencing;

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

Part I

Definitions:

- i) "Municipality" means the Corporation of the Municipality of West Perth
- ii) "Lot Line" means any boundary of a lot or the vertical projection thereof
- iii) "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 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 line while the other lot line shall be the exterior lot line.
- iv) "Lot Line, Rear" means the lot line farthest from the opposite to the front lot line
- v) "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
- vi) "Daylight Triable or Sight Triangle" means an area free of buildings and structures formed by measuring from the point of the intersection of the lot lines abutting a street on a corner lot, the distance required under the appropriate Residential Zoning classification of By-law 100-1998 along each such lot line abutting the street and joining such points with a straight line

- vii) "Obstruction 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 triangles shall be permitted to impede or obscure the vision of the operator of a motor vehicle traveling on the abutting street(s)
- viii) "Front Yard, Minimum" means that 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:

- i) No fence shall be erected until approved by the Municipality or their appointed agent(s) and a permit issued.
- ii) 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 100mm.
- iii) No fence shall exceed a maximum height of 1.83 metres from the finished grade on an interior lot line or rear lot line.
- iv) No fence shall exceed a maximum height of 1.2 meters from finished grade on an exterior lot line or front lot line setback.
- v) The bottom of the required fence shall not be more than 7.5 centimeters above the finished grade.
- vi) 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).
- vii) The finished side of the fence shall face away from the owner of the property and toward the neighbours' property.
- viii) A registered survey from an Ontario Land Surveyor shall be required to establish property boundaries.
- ix) All fences shall comply with the front yard setback requirements for the subject properties particular zoning. (i.e.: R1, R2. R3. R4 and HVR).
- x) Fencing on a corner lot shall not cause an obstruction near the corner or next to an adjacent property. (i.e.: Daylight or Sight Tringle.)

- xi) All fencing shall be maintained with regard to By-law 123-1998 Property Standards By-law.
- xii) Fencing of swimming pools shall be subject to By-law 73-2002 of the Municipality of West Perth.

Part III

Variance

- i) The Municipality of West Perth recognizes that there may be exceptional circumstances, and therefore an Application for Variance may be made to Council. Council may grant a variance if in the opinion of Council the general intent and purpose of the by-law are maintained.
 - a. Such appeals may be made submitted by completing a Variance form attached hereto and forming a part of this by-law as Schedule A.
 - b. All required permit application documents must also accompany a variance application.
 - c. The variance application fee must be paid, as per the Municipal Tariff of Fees.
 - d. Other information deemed necessary, or requested must be submitted.

Part IV

Penalties

- i) No person shall excavate for or erect a privacy fence until:
 - a. 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
 - b. permit has been issued
- ii) 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:
 - a. To a fine of \$500.00, exclusive of costs, for the first offence;
 - b. To a fine of \$1000.00, exclusive of costs, for a second and each subsequent offence.
- iii) This By-law shall come into force on the date of its adoption, and By-law 22-2001 of the Municipality of West Perth is hereby repealed.

Read a first and second time this 11th day of September, 2006.

Read a third time and finally passed this 11th day of September, 2006.

Mayor

Clerk

**Municipality of West Perth
By-law 48-2006
Schedule 'A'**

Phone 519-348-8429

Fax 519-348-8935

VARIANCE APPLICATION

WORK SHALL NOT COMMENCE UNTIL A PERMIT IS RECEIVED

This application does not constitute a Fence Building Permit until signed by the CBO.

1. Date of Application _____
2. Property Location _____
3. Name of Property Owner _____
Address _____
4. Contractor _____
5. Type of Fence _____
Length _____ Height _____
6. Value of Fence \$ _____
7. Variance application fee \$100.00
8. Brief Description of variance/relief requested:

9. Additional information:

DECLARATION

It is understood that the issuance of a permit shall not be deemed to waiver any of the requirements of all applicable Ontario Statutes and/or By-law and Regulations of the Municipality of West Perth.

I am the Owner or Authorized Agent of the owner named in the above application and I certify the truth of all the statements of representations contained therein or attached hereto. I agree, if a permit is issued, not to depart from the plans and specifications or sign location proposed in this application.

Dated at the Municipality of West Perth, (Mitchell) Ontario _____, 20__

Signature of Owner or Authorized Agent

For Office Use Only

Date of consideration of Variance application

Approved Denied

Signature of Building Inspector

**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 Bakel

Clerk, Patricia Taylor