

**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