

DEVELOPMENT REGULATIONS AMENDMENTS

FENCES

Regulation 38(A) is added which states:

38(A) FENCES

- (1) Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Regulation shall apply to all fences.
- (2) For the purpose of this Regulation a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.

Application

- (3) This Regulation only applies to fences situated on those portions of a property which run along the side of a road or street.

Sight Lines

- (4) Except as otherwise provided in these Regulations, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two street lines and a line connecting two points on the two street lines located 15 metres from the point of intersection of the two street lines where one of the streets is an arterial or collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets.
- (5) Except as otherwise provided in these Regulations, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Town it impedes sight lines.

Maximum Height between the Building Line and the Street Line

- (6) Except as otherwise provided in these Regulations, unless required for screening, no fence shall be greater than 0.75 metres in height between

the minimum building line as set out in Schedule C and the street line (the edge of the street right of way, property line).

Maximum Height

- (7) The maximum height of a fence shall not exceed 1.8 metres in height.

Fence Materials

- (8) The material or materials used in the erection and repair of a fence shall only be of a type that meets the approval of the Authority. **No barbed wire or electrical fence or fence made of boulders or guard-rails or similar materials shall be permitted.**

Order to Remove Fence

- (9) When in the opinion of the Authority, a fence creates a safety hazard or obstruction or impedes snow-clearing due to its location, height or construction material, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and that the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

Responsibility for Damage

- (10) The Authority shall not be liable for any damages for the repair of any fence whatsoever where the Town, its employees or agents or otherwise have acted without negligence. In particular, the Town shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks.