

The Corporation of the Town of Erin
By-law No.10-52

A by-law to regulate fences in the Town of Erin, and exempt urban and hamlet areas from the Line Fences Act, also repeals Village of Erin Fence By-law 91-21

WHEREAS the provisions of the Municipal Act, 2001 c. 25 Section 11, 3, 7; which authorizes municipalities to pass by-laws respecting structures including fences;

And

Provision 98(1) which provides that the Line Fences Act does not apply to all or any part of the municipality.

THEREFORE the Council of the Corporation of the Town of Erin enacts as follows:

- 1) **TITLE** This By-Law may be referred to as “The Fence By-Law”.
- 2) **DEFINITIONS** In this By-Law;

Chief Building Official means the Chief Building Official for the Corporation of the Town of Erin and includes his designate;

driveway sight triangle means the triangular area measured 2 metres along the frontage and lot boundary from the intersection of the lot boundary and a highway when a driveway exists within 2 metres of the said intersection.

electrical fence means a fence through which electricity passes;

erect includes alter, construct, place, relocate and any work preparatory to erection, and “erection” has a corresponding meaning;

fence includes a railing, wall, line of posts, wire, gate, boards or pickets or other similar substance, used to enclose or divide in whole or in part a yard or other land, or to provide privacy;

height means the distance measured from this grade where the fence posts are embedded to the top of the fence

highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

lot means any parcel of land which can be alienated or otherwise disposed of separately and apart from any abutting lands, whether or not such parcel is described in a registered deed or shown on an registered plan of subdivision;

municipal law enforcement officer means the Municipal Enforcement Officer of the Town of Erin duly appointed by by-law to administer and enforce the provisions of this by-law.

privacy screen means a visual barrier used to shield any part of a yard from view from any adjacent lot or highway that includes shrubs, hedges or landscaping materials.

sight triangle means the triangular area measured 4.5 metres along the frontage and flankage of a lot boundary abutting two highways in locations where the site triangle has not been dedicated to the municipality.

street line means the boundary between a highway and private land which separates private land from an abutting highway;

yard is defined by The Town of Erin Comprehensive Zoning By-law

- 3) **AUTHORITY**; The Chief Building Official and/or By-law Enforcement Officer or designate shall be responsible for the administration and enforcement of this By-Law.

4) **GENERAL FENCE PROVISIONS;**

- a) In the Agricultural Zone, where the lot is less than 1 ha and in all Residential Zones;
- i) Maximum fence height in front yard – 1.2 metres
 - ii) Maximum fence height in any yard other than a front yard – 2 metres
- b) In the Agricultural Zone where the lot is greater than 1 ha and in all Zones other than Residential Zones;
- i) Maximum fence height – 2.5 metres
- c) No person shall install a gate within a fence that abuts an adjacent lot without written authorization of the adjacent owner including lands owned by governmental authority.
- d) The provisions of this By-law do not apply to pool enclosures with the exception of Section 4 c) & 5). Pool enclosures are regulated by the Pool Enclosures By-law 09-14 or a successor thereof.

5) **SIGHT TRIANGLE OR DRIVEWAY SIGHT TRIANGLE.**

No person shall erect or plant a fence or privacy screen or like items that would obstruct street visibility in a sight triangle or driveway sight triangle.

6) **FENCES WITH BARBED WIRE OR OTHER HAZARDOUS MATERIAL**

- a) No person shall erect on any lot a fence which contains, or is constructed of any hazardous material.
- b) No person shall erect a barbed wire fence on any lot where a residential use is the main use of the lot.

7) **ELECTRICAL FENCES**

An electrical fence using direct current may be erected on land while it is being lawfully used for agricultural purposes, provided such fence:

- a) has a maximum 12 volt trickle charge,
- b) is designed and erected solely to contain animals;

8) APPLICATION OF LINE FENCES ACT

The Line Fences Act shall not apply to lands within the Urban Areas of Hillsburgh and Erin or hamlets as designated in the Town of Erin Official Plan except where the property boundary abuts an agricultural use.

9) APPLICATION OF THE FENCE BY-LAW

In the event of a conflict between the provisions of the Fence By-law and Province of Ontario or Federal regulations, the provisions of the Ontario or Federal regulations shall prevail.

10) SEVERABILITY

When a Court of competent jurisdiction declares any section or part of a section of this By-Law invalid, the remainder of this By-Law shall continue in force unless the Court makes an Order to the contrary.

11) PENALTY

Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction under The Provincial Offences Act is liable to a fine of not more than \$2,000.00 exclusive of costs

12) VILLAGE OF ERIN By-Law 91-21 is hereby repealed and replaced by this By-law.

READ A FIRST AND SECOND TIME this August 24, 2010.
READ A THIRD TIME AND PASSED this August 24, 2010.

Original is signed and sealed in the Municipal Office vault.

Mayor

Clerk