

THE CORPORATION OF THE VILLAGE OF MADOC

BY-LAW NUMBER 1992-6**FENCE**

being a By-Law for prescribing the height and description of lawful fences in the Village of Madoc.

WHEREAS the Municipal Act, R.S.O. 1980, Chapter 302, Section 210, paragraph 18 authorizes the passing of a By-Law for prescribing the height and description of lawful fences;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Village of Madoc enacts as follows:

SECTION I

TITLE

- 1.1 This By-law may be cited as the Fence By-Law.

SECTION II

DEFINITIONS

- 2.1 ERECT includes alteration, construction, re-construction, planting, placing or re-locating of any fence.
- 2.2 FRONT YARD, REAR YARD, SIDE YARD, FRONT LOT LINE, SIDE YARD LINE shall mean front yard, rear yard, side yard, front lot line and side lot line as defined in Zoning By-law No. 1987-7. RESIDENTIAL ZONE, COMMERCIAL ZONE and INDUSTRIAL ZONE shall mean the respective Residential Zones, Commercial Zones and Industrial Zones as defined in Zoning By-law No. 1987-7. Unless a contrary intention appears, the expressions used in this by-law shall be interpreted in a manner consistent with Zoning By-law No. 1987-7.
- 2.3 HEIGHT shall mean the distance measured from the grade where the fence posts are embedded to the highest point of the fence.

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2.4 **LAWFUL FENCE** shall mean:

- (i) any structure constructed of posts, boards, palings, rails, wire, masonry or similar materials or any combination thereof used to define a property boundary, or to enclose any outdoor area, but does not include any unfinished materials such as cedar rails;
- (ii) a hedge or row of shrubs, trees, bushes or other vegetation used to define a property boundary, or to enclose any outdoor area.

SECTION III

GENERAL PROVISIONS

- 3.1 No person shall erect a fence or permit the erection of a fence unless it is a lawful fence.
- 3.2 No person shall erect, or permit to be erected, any barbed wire fence, except that barbed wire is permitted,
 - (i) on a fence erected on land used for agricultural purposes and for the purpose of keeping livestock;
 - (ii) on the top of a fence erected in a commercial or industrial zone, as designated by Zoning By-law No. 1987-7 provided it projects inwards to the area enclosed by the fence.

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- 3.3 No person shall erect or permit to be erected any fence equipped with a device for transmitting an electric current thereon or therethrough, except on land used for agricultural purposes and for the purpose of keeping livestock, provided that the maximum electrical current does not exceed 120 volts at .04 amps and that it complies with the Power Corporation Act, R.S.O. 1980, Chapter 384 and regulations thereunder, as amended, from time to time.
- 3.4 The provisions of this By-Law shall not apply to prohibit the erection of a fence wholly or partially enclosing lands owned and in use by the Corporation of the Village of Madoc, any Board of Education or School Board, or any Public Authority including any Department of the Ministry of the Government of Canada, or Ontario, or any Conservation Authority, and for the purpose of this Section shall include Ontario Hydro, any telephone, cable television or telegraph company and any natural gas distribution system operated by a Company distributing gas to the residents of the Village.
- 3.5 The provisions of this By-law shall not apply to any fence in existence at the date of passage of this By-law, except that any replacement or re-construction of such fence shall conform to this By-law.
- 3.6 Nothing in this By-Law shall be deemed to repeal the provisions of any By-law providing for requirements for fences around swimming pools.

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SECTION IV

FENCES IN RESIDENTIAL ZONES

- 4.1 In a residential zone, no fence erected,
- (i) along a front lot line
 - (ii) in a front yard within an area measured perpendicularly a distance of 3.05 metres from the front lot line, or
 - (iii) along a side yard line measured a distance of 3.05 metres from the front lot line

shall exceed .6 metres in height.

- 4.2 In a residential zone, and subject to Section 4.1, no fence erected in a front yard, side yard or rear yard shall exceed 1.96 metres in height.

SECTION V

FENCES IN COMMERCIAL AND INDUSTRIAL ZONES

- 5.1 No fence in a commercial or industrial zone shall exceed 3.05 metres in height.
- 5.2 Where a commercial or industrial zone adjoins a residential zone, the provisions of Section 5.1 shall apply to fences erected along the common boundary.

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SECTION VI

CONSTRUCTION AND MAINTENANCE

- 6.1 Every fence shall be designed and erected in such manner as to meet its intended function.
- 6.2 Every fence as defined in Section 2.4(i) shall be
- (i) constructed in accordance with plans submitted to the By-law Enforcement Officer;
 - (ii) structurally sound and plumb and securely anchored; and
 - (iii) protected by weather and corrosive resistant materials.
- 6.3 Every fence as defined in Section 2.4(i) shall be maintained in good repair.
- 6.4 All surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration.
- 6.5 No fence as defined in Section 2.4(i) shall be erected unless the plans have first been approved by the By-law Enforcement Officer. A wood privacy fence may be constructed in the manner shown in Schedule "A" and a chain link security fence may be constructed in the manner shown in Schedule "B" to this By-law. Any modification to these designs must be shown not to materially detract from the structural and aesthetic integrity of such fences as depicted in Schedules "A" and "B".

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SECTION VII

ENFORCEMENT

- 7.1 This By-law shall be administered and enforced by the Municipal Law Enforcement Officer.

SECTION VIII

EXCEPTIONS

- 8.1 The provisions of this By-Law shall prevail unless otherwise specified within a development agreement, site plan agreement, subdivision agreement, or where such fence is erected as a noise control barrier required by any railway or governmental authority.

SECTION IX

VALIDITY

- 9.1 In the event any part or provision of this By-law is held to be illegal or void, this shall not have the effect of making illegal or void any of the other parts or provisions thereof, which may or shall be determined to be legal.

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SECTION X

P E N A L T Y

- 10.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his territorial jurisdiction, a penalty of up to a maximum of \$2,000.00 as provided for under the Provincial Offences Act. Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

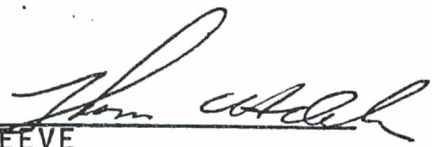
SECTION XI

E F F E C T

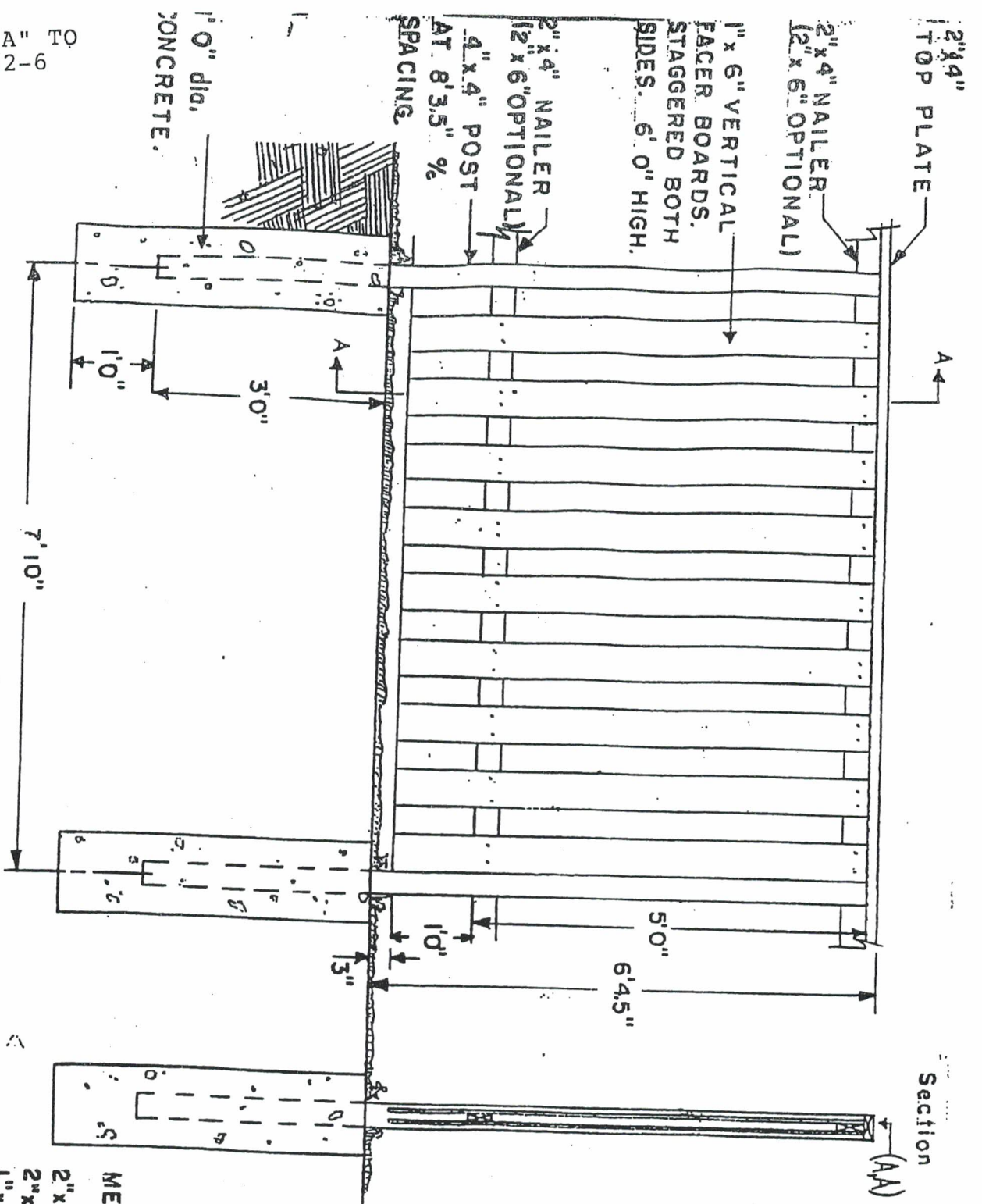
- 11.1 This By-law shall take force and effect upon the final passing thereof.

Read a first and second time this 18th day of February 1992.

Read a third time and finally passed this 18th day of February 1992.


REEVE


CLERK



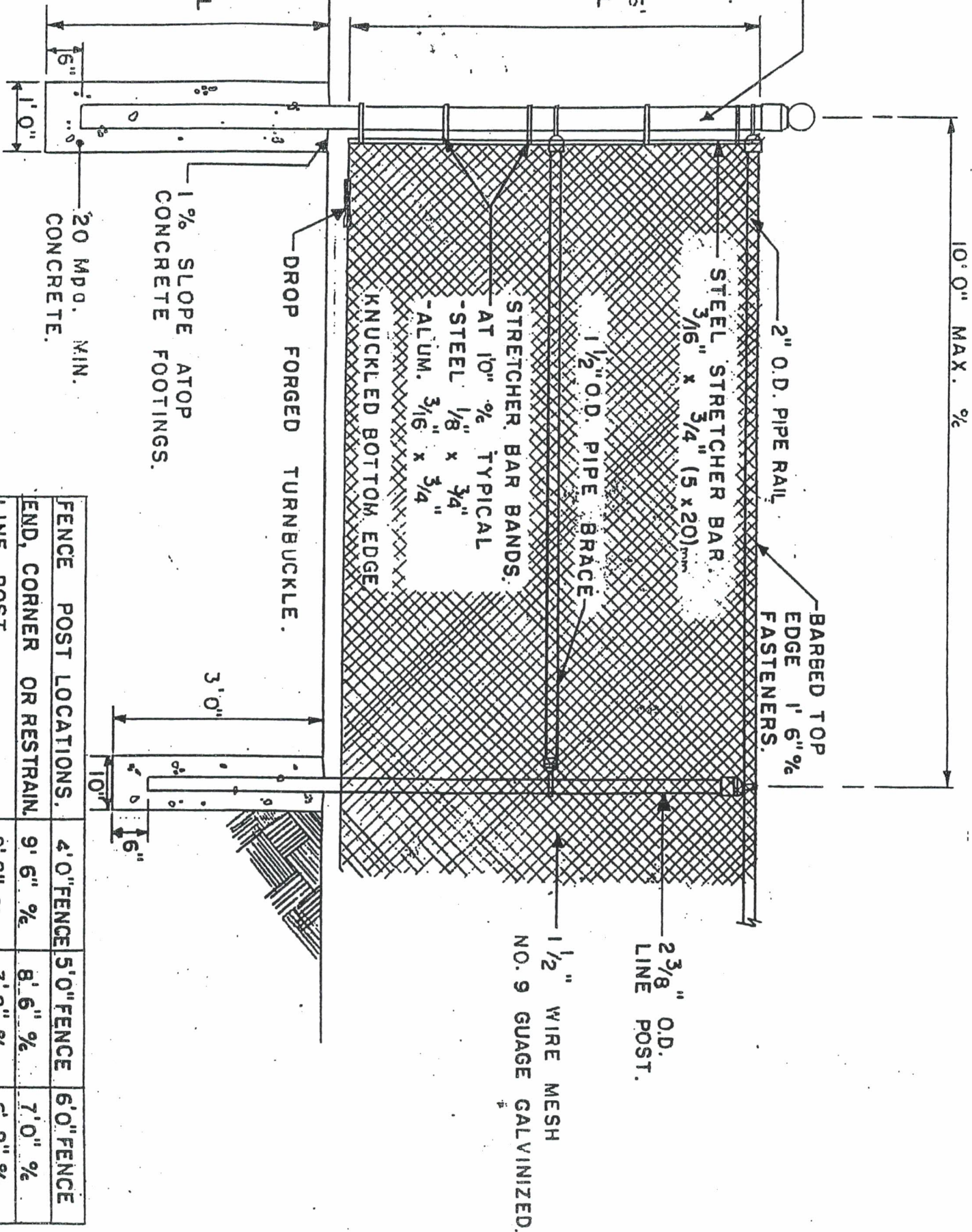
NOTES:

- Concrete to be lean mix.
- Use construction grade - ced or B.C. red-wood. Do not use spuce or hemlock. (pressure treated lumber acceptable)
- Finish to be to towns requests.

METRIC EQUIV.

2"x4"s	=	38mm x 89mm
2"x6"s	=	38mm x 140mm
1"x6"s	=	19mm x 140mm
4"x4"s	=	89mm x 89mm
6'0"	=	1829mm

4" Ø END OR
CORNER POST
MIN. 40 GAUGE.
4', 5' or 6'
HIGH TYPICAL
AS SPECIFIED.



FENCE POST LOCATIONS.	4' 0" FENCE	5' 0" FENCE	6' 0" FENCE
END, CORNER OR RESTRAIN.	9' 6" %	8' 6" %	7' 0" %
LINE POST	8' 8" %	7' 8" %	6' 9" %