

CORPORATION OF THE TOWNSHIP OF BLANDFORD-BLENHEIM

BY-LAW 2125-2019

A BY-LAW TO REGULATE THE HEIGHT, KIND AND LOCATION OF FENCES WITHIN DEFINED AREAS IN THE TOWNSHIP OF BLANDFORD-BLENHEIM

WHEREAS Section 210(25) of the Municipal Act, R.S.O. 1990 c. M.45 permits that Councils of municipalities may pass by-laws for prescribing the height and description of lawful fences;

AND WHEREAS the Council of the Corporation of the Township of Blandford-Blenheim deems it advisable to enact a by-law to regulate fences within defined areas in the municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BLANDFORD-BLENHEIM ENACTS AS FOLLOWS:

1. DEFINITIONS

In this by-law:

“**building**” See Definition in Zoning By-law.

“**corner lot**” See Definition in Zoning By-law.

“**Council**” means the Council of the Corporation of the Township of Blandford-Blenheim.

“**electrical fence**” means a fence through which electricity passes.

“**erect**” includes alter, construct, plant, place, relocate and any work preparatory to erection, and "erection" has a corresponding meaning.

“**fence**” includes a railing, wall, hedge, line of posts, shrubs, wire, gate, boards, masonry, concrete, pickets or other similar substances, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, or to provide privacy but does not include a retaining wall defined under the Ontario Building Code or a deck.

“**height**” means the distance measured from the grade to the tallest point 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.

“**interior lot**” See Definition in Zoning By-law.

“**land**” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.

“**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 a registered plan of subdivision.

“**person**” includes an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with The Interpretations Act.

“**privacy screen**” means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway.

"**yard, front**" See Definition in Zoning By-law.

"**yard, side**" See Definition in Zoning By-law.

"**yard, side, exterior**" See Definition in Zoning By-law.

"**yard, side, interior**" See Definition in Zoning By-law.

"**yard, rear**" See Definition in Zoning By-law.

"**Zoning By-law**" means any by-law administered by the Township passed pursuant to Section 34 of the Planning Act or a predecessor or successor thereof, as may be amended from time to time.

2. APPLICATION OF BY-LAW

This by-law applies to all fences and privacy screens erected in the Township of Blandford-Blenheim on and after the date of enactment and passage of this by-law, and except as provided in this section, applies to all fences in the Township of Blandford-Blenheim whenever erected.

Sections 3.1 through 3.4 (inclusive) do not apply to a fence which on the date of enactment and passage of this by-law was already erected and in place.

The provisions of Sections 3.1 through 3.4 (inclusive) of this by-law do not apply to fencing or privacy screen provisions contained in site plans or site plan agreements approved or executed by the Township of Blandford-Blenheim under the *Planning Act*.

Sections 3.1 through 3.4 (inclusive) do not apply to a fences, guards, and railing erected on decks to which the Ontario Building Code applies.

Sections 3.1 through 3.4 (inclusive) do not apply to fences erected around pools or used during construction.

Sections 3.1 through 3.4 (inclusive) do not apply to temporary fences erected as snow fencing during the months of November to April.

3. FENCING PROVISIONS

3.1 Fences on Interior Lots

No person shall erect, construct or permit to be erected or constructed, a fence on an interior lot except in accordance with the following regulations:

- (a) a fence within the front yard shall not exceed a height of 0.91 metres (3 feet);
- (b) a fence within any rear yard or interior side yard shall not exceed a height of 2.43 metres (8 feet);

3.2 Fences on Corner Lots

No person shall erect, construct, or permit to be erected or constructed a fence on a corner lot except in accordance with the following regulations:

- (a) a fence not exceeding 0.91 metres (3 feet) in height may be erected within a front yard;
- (b) a fence not exceeding 2.43 metres (8 feet) in height may be erected within an interior and exterior side yard.

3.3 Barbed Wire Fences

No person shall erect, construct or permit to be erected or constructed any barbed wire fence within the Township, except that barbed wire is permitted:

- (a) on a fence erected on land in an agricultural zone as designated by the Zoning By-law and used for the purpose of keeping livestock; and
- (b) on the top of a fence erected in a commercial or industrial zone as designated by the Zoning By-law provided that it projects inwards to the area enclosed by the fence; and
- (c) on the top of a fence erected for security reasons around any recreational, operational or storage facility owned, operated or maintained by the Township.

3.4 Electric Fences

No person shall erect, construct or permit to be erected or constructed any fence

equipped with a device for transmitting an electric current thereon or there through, except on land designated as agricultural by the Zoning By-law and used 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, and the regulations thereunder, as amended, from time to time.

4. GENERAL PROVISIONS

4.1 General Provisions

No fence shall be located or constructed so as to block access to a parking space required by the township Zoning Bylaw.

4.2 Minor Variances

The Committee of Adjustment of the Township is hereby appointed a Standing Committee of the Council for the purpose of enquiring into and reporting on any applications for minor variances from the provisions of this by-law.

The Committee may recommend that any application be refused or that such relief as it considers appropriate be granted either absolutely or subject to conditions.

The Committee is directed to follow its usual procedure on such applications, so far as may be practical.

The Township Clerk shall place all reports made by the Committee of Adjustment under this section before the Council for approval.

The Council's usual rules respecting delegations will apply to persons desiring to make representations in support of or against a Committee of Adjustment recommendation made under this Section.

4.3 Public Use

Notwithstanding anything contained in this by-law, the Township, the County of Oxford, any Local Board as defined in the Municipal Affairs Act, the Government of Canada, the Government of Ontario and any telecommunications company may, for public service purposes, construct or erect any fence on its lands within the Township. Provided, however, that the said fence shall be in substantial compliance with the regulations prescribed heretofore in this by-law to the maximum extent possible and shall require written permission of the Township of Blandford-Blenheim.

4.4 Enforcement

Every person who contravenes any provision of this by-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33, and is liable, upon conviction, to a fine not exceeding five thousand (\$5,000.00) dollars, exclusive of costs, for each offence.

4.5 Severability

It is hereby declared that each and every of the foregoing provisions of this bylaw is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

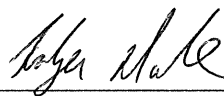
5. By-law Number 411-81 enacted July 13, 1981 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 6th day of March, 2019.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 6th day of March, 2019.



Mark Peterson
Mayor



Rodger Mordue
Clerk