

**THE CORPORATION OF THE MUNICIPALITY
OF THE TOWNSHIP OF BROOKE-ALVINSTON**

BY-LAW No. 46 of 2006

**A By-law to Regulate Construction of Fences
In the Urban/Residential, Commercial & Industrial Zones**

WHEREAS it is deemed expedient to Regulate Construction of Fences in the non-agricultural zones of Brooke-Alvinston.

NOW THEREFORE the Council of the Township of Brooke-Alvinston hereby enacts as follows

1. INTERPRETATION:

1.1 "Alley" means a public right-of-way which affords a secondary means of access to the abutting lots.

1.2 "Building – defined"
"building" means any permanent structure used or intended to be used for the shelter, accommodation or enclosure of person, animals or goods, but shall not include a lawful boundary wall or fence.

1.3 By-law Enforcement Officer and Chief Building Official – defined
"Chief Building Official", and/or "By-law Enforcement Officer" means the officer or employee of the Township of Brooke-Alvinston appointed to the position of Chief Building Official and By-law Enforcement Officer.

1.4 Corner Lot – defined
"corner lot" means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same streets, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents of the street extremities of the side lot line) contain an angle of not more than 135 degrees. In the case of the curved corner, the corner of the building lot shall be that point on the street line nearest to the point of intersection of the said tangents.

1.5 Fence – defined
"fence" means a wall, structure or other barrier of any construction or kind whatsoever which separates or divided any parcel of land or part thereof from any other parcel of land or part thereof.

1.6 Height – defined
"height" means the distance measured from the grade where the fence posts are embedded or other supporting structures are located to the top of said fence.

1.7 Interior lot – defined
"interior lot" means a lot other than a corner lot.

1.8 Non-residential lot – defined
"non-residential lot" means any lot not zoned as residential in the Zoning By-law of the Township of Brooke-Alvinston and includes but is not restricted to industrial zones, commercial zones and institutional zone.

1.9 Residential – defined
"residential lot" means any lot zoned as residential zone in the zoning By-law of the Township of Brooke-Alvinston

1.10 Sight Triangle – defined

shall mean the triangular space formed by the Street Lines of a Corner Lot and a line drawn from a point in one Street Line to a point in the other Street Line, each such point being 9 metres or 30 feet from the point of intersection of the Street Lines (measured along the Street Line). Where the two Street Lines do not intersect as a point of intersection of the Street Lines shall be deemed to be the intersection of the projection of the Street Lines or the intersection of the tangents to the Street Lines.

a) the intersection of an alley and a street, or two alleys and a straight line connecting them 10 feet (3.05 metres) from their point of intersection.

1.11 Yard – front – defined

“yard – front” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot. Where a lot is a corner lot, the shortest lot line abutting the street is the front lot line.

1.12 Yard – rear – defined

“yard – rear” means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the main building on the lot.

1.13 Yard – side – defined

“yard – side” means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building on the lot.

1.14 Yard – side – exterior – defined

“yard – side, exterior” means a side yard immediately adjoining a public street.

1.15 Yard – side – interior – defined

“yard – side, interior” means a side yard other than an exterior side yard.

1.16 Zoning By-law – defined

“Zoning By-law” means any by-law administered by the Township of Brooke-Alvinston passed pursuant to the provisions of the Planning Act, 1983 or predecessor or successor thereof, as may be amended from time to time.

SECTION 2 – GENERAL PROVISIONS

2.1 Erection – fence – non-compliance – prohibited

No person shall erect, construct or permit to be erected or constructed, any fence in the Township of Brooke-Alvinston Residential Zones that does not comply with the provisions of this By-law, unless such fence was erected in compliance with the predecessor of this By-law and is not moved, altered or enlarged in any way.

2.2 Fence – condition of – development – redevelopment

Notwithstanding any other provision in this By-law, a fence which is required and approved as a condition of development or redevelopment of land shall be deemed to be in conformance with the provisions of this Section.

2.3 Exemption – Corporation – boards – P.U.C. – Gas

The provisions of this Chapter shall not apply to the erection of fences by the Corporation of the Township of Brooke-Alvinston or any local boards thereof, any Public Utilities, Union Gas and all Boards of Education.

2.4 Administered – enforced – Chief Building Official and By-law Enforcement Officer

This By-law shall be administered and enforced by the Chief Building or the By-law Enforcement Officer.

SECTION 3 – RESIDENTIAL LOTS

3.1 Regulation – construction – erection

No person shall erect, construct or permit to be erected or constructed, a fence on a residential lot except in accordance with the regulations set out in Section 3.2 through 3.5 inclusive.

3.2 Front Yard – maximum height

A fence within a front yard shall not exceed a height of 1 metre.

3.3 Rear – side yard – maximum height

A fence within any rear yard or side yard shall not exceed a height 2 metres.

3.4 Within visibility triangle – maximum height

No fence exceeding a height of 1 metre may be erected within any visibility triangle.

3.5 Front Yard – abutting – corner lot – requirements

Notwithstanding Section 3.2 where a front yard abuts a rear yard of an adjacent corner lot, a fence not exceeding a height of 2 metres may be erected along the portion of the lot line between said lots having regard to the visibility triangle requirements of Section 3.4.

SECTION 4 – NON RESIDENTIAL LOTS

4.1 Regulations – construction – erection

No person shall erect, construct or permit to be erected or constructed, a fence on a non-residential lot except in accordance with the regulations set out in Section 4.2 through 4.5 inclusive.

4.2 Maximum Height – any yard – 10 feet

A fence within any yard shall not exceed a height of 10 feet (3.05 metres)

4.3 Set Back – front yard – minimum requirements

A fence to enclose a front yard shall be set back from the front lot line a minimum of 15 feet (4.57 metres)

4.4 Visibility Triangle – maximum height

No fence exceeding a height of 1 metre shall be erection within any visibility triangle.

4.5 Abutting – residential lot – maximum height

No fence exceeding a height of 2 metres shall be erected within any yard on a non-residential lot that abuts on a residential lot.

SECTION 5 – BARBED WIRE FENCES

5.1 Regulations – construction – erection – Residential Zones

No person shall erect, construct or permit to be erected or constructed, a fence composed wholly or partly of barbed wire or any other barbed material within the Township of Brooke-Alvinston Residential Zones.

5.2 Top of Fence – projecting inward – minimum height

Barbed wire is permitted in a non-residential zone on the top of a fence, provided that it projects inwards to the area enclosed by the fence, the height of which said fence shall be not less than 6 feet (1.83 metres) in height prior to the addition of the barbed wire.

5.3 Top of Fence – minimum height – prior to addition

Barbed wire shall be permitted on the top of a fence erected on a non-residential lot, provided that the fence height is not less than 7 feet (2.13 metres) prior to the addition of the barbed wire.

SECTION 6 – ELECTRIC FENCES - Prohibited

6.1 No person shall erect, construct or permit to be erected or constructed, any fence equipped with a device for transmitting an electric current thereon in Brooke-Alvinston Residential Zones.

6.2 Notwithstanding Section 6.1, an electric security fence designed for the containment of a dog is permitted.

SECTION 7 – FINE – for contravention

Any person who contravenes any provision of this Section is guilty of an offence and upon conviction is liable to a fine or penalty of not more than the general penalty for an offence, as prescribed by and recoverable under the Provincial Offences Act.

This By-law shall come into force and effect on the final day of passing thereof.

Read a first and second time this 23rd day of November, 2006



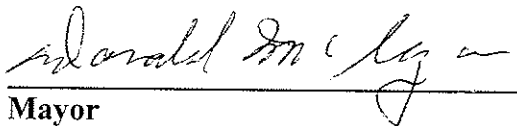
Mayor



Clerk

2007 

Read a third time and finally passed this 11th day of January,





Mayor



Clerk

CLERK'S CERTIFICATE

Certified a true copy of By-law 46 of 2006 passed by the Council of the Township of Brooke-Alvinston the 11th day of January, 2007 



Clerk

**TOWNSHIP OF BROOKE-ALVINSTON
SCHEDULE "A" TO
BY-LAW No. 46 of 2006**

Part 1 – Provincial Offences Act

SET FINE SCHEDULE

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Erect fence front yard – too high	Sec. 3.2	\$55.00
2.	Erect fence rear yard – too high	Sec. 3.3	\$55.00
3.	Erect fence visibility triangle – too high	Sec. 3.4	\$55.00
4.	Erect fence in Non Res. Lot – too high	Sec. 4.2	\$55.00
5.	Erect fence in Non Res. Lot – outside minimum set back	Sec. 4.3	\$55.00
6.	Erect fence in Non Res. Lot – visibility triangle too high	Sec. 4.4	\$55.00
7.	Erect fence in abutting residential lot – too high	Sec. 4.5	\$55.00
8.	Erect Barbed Fence – Residential Lot	Sec. 5.1	\$55.00
9.	Erect Electric Fence – Residential Zone	Sec. 6.1	\$55.00

NOTE: The penalty section for offences cited above is Section 7 of By-law No. 46 of 2006, a certified copy of which has been filed.

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