

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NO. 93-35

BEING A BY-LAW to prescribe the height and description of lawful fences within the Town of Mattawa

WHEREAS Section 25(a) Chapter M-45 of the Municipal Act, R.S.O. 1990 empowers municipalities to enact by-laws for prescribing the height and description of lawful fences.

WHEREAS the Corporation of the Town of Mattawa deems it expedient to prescribe the height and different types of fences permitted.

NOW THEREFORE, the Corporation of the Town of Mattawa enacts as follows:

SECTION (1) DEFINITIONS

The following definitions shall apply in respect of this By-law.

(a) **CHIEF BUILDING OFFICIAL**

Chief Building Official shall mean the officer or employee of the Corporation of the Town of Mattawa charged with the duty of enforcing the provisions of the Ontario Building Code Act and regulations thereto, and including employees acting under his/her direction.

(b) **MUNICIPAL BY-LAW ENFORCEMENT OFFICER**

Shall mean the Municipal By-law Enforcement Officer for the Town of Mattawa.

(c) **CONSTRUCT - ERECT**

Shall mean build, reconstruct or relocate, and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining, or any altering of an existing structure by an addition, extension or other structural change.

(d) **EXISTING**

Shall mean existing as of the date of the passing of this By-law.

(e) **FENCE**

Shall mean any structure of manufactured material which is erected for the purpose of screening, safeguarding, or enclosing property, persons, livestock, pets, material, or for delineating property lines.

(f) GATE

Shall mean any moveable barrier (swinging, sliding or otherwise) used to fill or close an access and includes a door.

(g) GRADE

Shall mean the elevation of the finished surfaces of the ground immediately surrounding a fence.

(h) PERSON

Shall include an individual, an association, a chartered organization, a firm, a partnership or a corporation.

(i) TOWN

Town shall mean the Corporation of the Town of Mattawa.

SECTION (2) DESIGN

- (a) Where a fence exhibits a "finished" and "unfinished" face, the most finished face shall face outward from the owner's property. Where the cost of construction is to be shared between owners on adjacent properties, then both sides of the fence must be equally "finished" along the shared portion.

SECTION (3) APPLICATION TO CONSTRUCT, PERMITS AND FEES

- (a) No person shall construct or cause to construct, erect or cause to erect any fence without first obtain a permit to do so from the Municipal By-Law Enforcement Officer or the Chief Building Official.
- (b) Every person, when applying for a fence permit, must file an application to construct a fence along with a site plan indicating the location of the fence and he or she must ensure that the fence is located within the side, rear and front lines of the said property. listed in Schedule "A" of this By-Law.
- (c) Applications required under this by-law are subject to approval under any other by-laws of the Town and any federal or provincial statute having jurisdiction, and shall require their approval prior to the issuance of a permit by a signing authority.
- (d) The fee payable upon the issued of each permit and on any renewal or re-issued shall be the sum as set out in Schedule "B".

SECTION (4) - CONSTRUCTION REQUIREMENTS- FENCES

- (a) Every fence gate shall be supported by substantial hinges and equipped with a self-closing and self-latching device placed at the top inside corner of the gate.
- (b) A space of no more than three (3) inches shall be permitted through or below any point in a fence or gate.

SECTION (5) - FENCE TYPES PERMITTED

- (a) Fences may be of wooden, chain link, stone, wrought iron, brick or similar construction material.

SECTION (6) - FENCE TYPES PROHIBITED

- (a) No person shall erect a barbed wire or electric fences.

SECTION (7) - MAXIMUM AND MINIMUM HEIGHTS - FENCES

- (a) No person shall construct or cause to construct or erect or cause to erect a permitted fence except as set out in this section.
- (b) Every person to whom this section relates shall observe and comply with the following regulations or caused the same to be observed and complied with.

- (i) Residential Zone

Maximum height of 5 feet
rear and side yard
excluding site
triangles.

Maximum height of 3 feet front
yard.

- (ii) Commercial Zones
(including Highway Commercial
zone)

Maximum height of 6 feet
rear and side yard
excluding site
triangle.

Maximum height of 6
feet
front yard

(iii) Institutional Zones and any other zones

Maximum Height of 6
feet
rear and side yard
excluding site triangle

Maximum Height of 6 feet
front yard.

SECTION (8) - APPLICATION

- (a) The provisions of this By-law shall apply to the erecting of fences in all areas of the town.

SECTION (9) - NON-CONFORMITY

- (a) Nothing in this By-law shall prevent the use, maintenance, repair and replacement of any fence for any purpose prohibited by the By-law, if such fence was lawfully erected and used for such purpose prior to the enactment of this By-law.

SECTION (10) - ENFORCEMENT

- (a) This By-law shall be enforced by the Municipal By-law Enforcement Officer and the Chief Building Official of the Town of Mattawa.

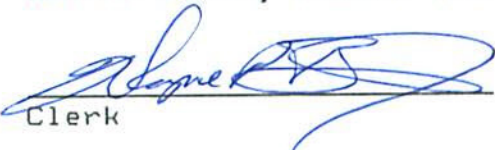
SECTION (11) - PENALTY AND RESTRAINING ORDER


- (a) Any persons who contravenes any provisions of this by-law is guilty of an offence and such fines are recoverable under the Provincial Offenses Act.
- (b) When a person has been convicted of an offence under this by-law, the Divisional Court or competent jurisdiction thereafter any, in addition to any other penalty imposed on the person convicted, issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence

SECTION (12) BY-LAW TO TAKE EFFECT

- (a) This By-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 27 DAY OF June 19 93


Clerk


Mayor

Schedule "A"
FENCE APPLICATION/PERMIT

FIELD COPY

OFFICE COPY

Corporation of the Town of Mattawa

Fence Permit:

Date:

In accordance with section 3 of the Fence By-Law # 93-30 Schedule "A" permission has been granted to erect a fence:

Name of owner or agent and address

Name		Address	
		Postal Code	

Contractor's name and address:

Name		Address	
		Postal Code	

PROJECT LOCATION

Address					
Lot		Plan		Roll	

I _____ of the _____ do solemnly declare
 in the District/County of _____
 That I am the Owner/Authorized Agent of the Owner named in the application for a fence permit.
 That the statements herein contained in the said application are true and made a full knowledge of the circumstances connected with the same.
 That I know of no reason why the fence permit should not be granted to me in pursuance of the said application, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature:

SIGNATURE MUNICIPAL BY-LAW ENFORCEMENT OFFICER PRINT NAME:

FEES:

CONDITION TO PERMIT: YES: _____ NO: _____

Conservation Authority:	Yes		No		Permit #	
Ministry of Transportation:	Yes		No		Permit #	
Ministry of Natural Resources:	Yes		No		Permit #	
Committee of Adjustment:	Yes		No		Permit #	

NOTIFICATION OF THIS PERMIT

Pursuant to Fence By-Law Number 93-30 here is the following information relating to your permit.

Section 2 Where a fence exhibits a "finished" and "unfinished" face, the most finished face shall face outward from the owner's property. Where the cost of construction is to be shared between owners on adjacent properties, then both sides of the fence must be equally "finished" along the shared portion.

Under Section 5 of the by-law fences may be of wooden, chain link, stone, wrought iron, brick or similar construction material. Chain link fences shall be screened with natural growing materials where required pursuant to applicable zoning by-laws.

The maximum and minimum heights required under this by-law are listed below, and part of section 7.

- (i) Residential Zone
 - Maximum 5 height feet rear and side yard excluding site triangles.
 - Maximum 3 feet front yard.
- (ii) Commercial Zones (including Highway Commercial Zones)
 - Maximum height of 6 feet rear and side yard excluding site triangle.
 - Maximum height of 6 feet front yard
- (iii) Institutional Zones
 - Maximum Height of 6 feet rear and side yard excluding site triangle
 - Maximum Height of 6 feet front yard.

BUILDING AND BY-LAW ENFORCEMENT DEPARTMENT
telephone number for inspections
744-2000

This document constitute part of this application/permit and is required to be completed prior to the issuance of a fence permit within the Town of Mattawa as per By-law 93-30.

A large empty rectangular box with a double-line border, occupying the majority of the page below the text. It is intended for a drawing or additional information related to the application/permit.

Schedule "B"

- (1) For the erection
of a fence in a
Residential Zone..... \$25.00

- (2) For the erection
of a fence in a
Commercial Zone.....\$45.00

- (3) For the erection
of a fence in a
Institutional Zone.....\$45.00

DATE: June 29, 1993

CORPORATION OF THE TOWN OF MATTAWA

COMMITTEE: Protection of Persons and Property
Building and By-Law Enforcement Department

CHAIRPERSON: Paul Dupras

DEPT. HEAD: Richard T. Seguin
Chief Building Official
Municipal Law Enforcement Officer
Property Standards Officer

TITLE: Fence By-Law #93-35

X DRAFT BY-LAW # 93-35 ITEM: _____ POLICY RECOMMENDATION

Mayor C. Wilson and Members of Council:

For some time this department, has been preparing a by-law regulating the erection of fences within the Town of Mattawa. The provincial authority to regulate fences is section 25(a) of the Municipal Act Chapter M-45.

The purpose of this by-law is to assure that fences are properly erected and not encroach on any person's property. This by-law also regulates the maximum height permitted in different zones.

Furthermore, at the last Council Meeting dated June 14, 1993, the Municipal Council was concern about the statement of use and maintenance which would not cover repair and replacement of a lawful fence erected prior to the enactment of the Fence By-Law which caused By-Law # 93-30 to be withdrawn. Shortly after the June 14, 1993 Municipal Council Meeting, the words "repair and replacement" were added to the By-law.

RECOMENDATION:

That By-Law #93-35 be adopted which is a by-law that regulates the construction, erection and the height of lawful fences within the Town of Mattawa.

Respectfully submitted

Paul Dupras
Chairperson
Protection of Persons and Property
Building and By-Law Enforcement Department