

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 786-85-PP

AS AMENDED BY

BY-LAWS NUMBER 1260-93-PP, 1517-98-PP, 1521-98-PP, 1540-98-PP, 1605-99-PP, 1606-99-PP, 1708-2001-PP, 1762-2002-PP, 1926-2004-PP, 2298-2010-PP, 2447-2012-PP and 2767-2017-PP
(CONSOLIDATED VERSION)

A BY-LAW TO REGULATE FENCE CONSTRUCTION IN THE CORPORATION OF THE TOWNSHIP OF BROCK

The Council of the Corporation of the Township of Brock enacts as follows:

I. Title

1. This By-Law may be known and referred to as “The Brock Fence By-Law.”
2. This By-Law shall not be construed to be a by-law under paragraph 20, section 210, the Municipal Act, R.S.O. 1980, c. 302 or amendments thereto.

II. Road Fences

3. In this Part:
 - (a) “Highway” means any public roadway or thoroughfare under the jurisdiction of the Municipality and includes an unopened road allowance.
 - (b) “Municipality” means The Corporation of the Township of Brock.
4.
 - (a) The owner of any lands, any part of which is used for the pasturing or feeding of animals, and which lands are adjacent to a highway shall erect and maintain a fence along the boundary line between such lands and such highway in accordance with the minimum standards prescribed in Schedule A of this By-Law.
 - (b) Notwithstanding subsection (a), where no animals are pastured or fed on lands adjacent to such a highway, no fence shall be required along the boundary line of such lands and such highway so long as a fence is constructed and maintained to the minimum standards prescribed by this By-Law around the perimeter of any part of such lands used for the pasturing or feeding of animals; but this subsection shall not preclude an owner from erecting a fence under paragraph 4 (a) and being compensated therefore under paragraph 5.
5. The Municipality shall pay the sum of \$2.00 for each 5 metres of fence newly erected pursuant to paragraph 4 (a), such sum to be paid to the owner of the land in respect of which the fence is erected to be payable upon satisfactory evidence being provided to the Municipality that such fence has been satisfactorily erected and paid for.

III. Farm Fences

6. In this Part “Fence Viewers” means those persons appointed as such by the Municipality pursuant to the *Line Fences Act*.
7.
 - (a) A fence marking the boundary of agricultural lands shall be erected in accordance with the standards prescribed in Schedule A of this By-Law.
 - (b) Notwithstanding subsection (a) where; after a consideration of the nature of the terrain on which such fence is located, the nature of other fences in use in the locality, and the suitability of such fence to the needs of each adjoining owner, the Fence Viewers may make an award under the *Line Fences Act* specifying a fence to different standards than those prescribed in Schedule A and any fence erected pursuant to such an award shall be deemed to be within the standards of this By-Law.

IV. Commercial, Institutional, and Industrial Fences

8. In this Part:
- (a) "Height" means the perpendicular distance measured from the ground to the top of the fence at the point of measurement.
 - (b) "Person" shall include a firm, corporation, partnership, individual or association who or which owns or occupies land.
9. No person shall erect a fence
- (a) exceeding 2440 mm in height on the boundary line of or on commercial use property separating commercial uses from other commercial uses, residential uses, agricultural uses or highways, or
 - (b) exceeding 3050 mm thereon when separating commercial uses from industrial uses.
10. No person shall erect a fence exceeding 3050 mm in height on the boundary line of or on institutional property separating institutional uses from other institutional uses, residential uses, commercial uses, industrial uses, agricultural uses or highways.
11. No person shall erect a fence exceeding 3050 mm in height on the boundary line of or on industrial use property separating industrial uses from other industrial uses, residential uses, commercial uses, institutional uses, agricultural uses or highways.

V. Residential Fences

12. In this Part:
- (a) "Front lot line" means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting the street shall be deemed to be the front lot line.
 - (b) "Front Yard" shall mean the open space extending across the full width of a lot between the front lot line of the lot and the nearest part of any legal building or structure on the lot.
 - (c) "Height" means the perpendicular distance measured from the ground to the top of the fence at the point of measurement.
 - (d) "Rear lot line" means a lot line other than a "front lot line" or a "side lot line" as defined in this By-Law.
 - (e) "Rear Yard" shall mean the area of a lot not included in the front and side yards.
 - (f) "Residential Area" shall include all lands within areas zoned Rural Residential, Hamlet Residential, Shoreline Residential, Residential Type One, Residential Type Two and Residential Type Three pursuant to the zoning by-laws of The Corporation of the Township of Brock.
 - (g) "Side lot line" means, in the case of an interior lot line, the line between adjacent properties extending from the street to the point of intersection with a line drawn perpendicularly to the lot line and extending to the part of a legal residence furthest from the street. In the case of a corner lot, the longer street line extending from the intersection with a line drawn perpendicularly to the street line and extending to the part of a legal residence furthest from the front lot line shall be deemed to be a side lot line.
 - (h) "Side Yard" shall mean the open space extending from the front yard to a line drawn perpendicularly from the part of a legal residence erected on a lot furthest from the front lot line.

13. No person shall erect a fence exceeding 1220 mm in height when located on the front lot line or in the front yard or on the side lot line or in the side yard of a residential property upon which a residence has been built except where a greater height is permitted under this By-Law.
14. No person shall erect a fence exceeding 1830 mm in height when located on the rear lot line or in the rear yard of a residential property upon which a residence has been built except where a greater height is permitted under this By-Law.
15. No person shall erect a fence exceeding 1220 mm in height on the boundary line of or on a vacant lot in a residential area except where a greater height is permitted under this By-Law.
16. (a) Notwithstanding paragraphs 13, 14 and 15, a fence not exceeding 2440 mm may be erected when separating residential uses from commercial or agricultural uses and not exceeding 3050 mm when separating residential uses from industrial or institutional uses.
- (b) Notwithstanding paragraphs 13, 14 and 15, a fence which is in existence on the date of passing of this By-Law and which exceeds the height requirements of this By-Law may be continued provided that any fence replacing such fence shall conform to the provisions of this By-Law.
- (c) Notwithstanding paragraphs 13, 14 and 15, no person shall erect a fence on the lot line of or around any lot located at the intersection of two streets which will have the effect of substantially limiting the visibility of persons using the intersecting streets.
- (d)

By-law No. 1260-93-PP	Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 53 River Street and being Part Lots 32 and 33, Plan 26, in the former Village of Sunderland, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the north boundary of the subject lands abutting the public road allowance.
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- (d)

By-law No. 1517-98-PP	Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 4 Whippletree Lane and being Lot 31, Plan 40M-1750, in the former Village of Sunderland, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the east boundary of the subject lands abutting the public road allowance.
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- (e)

By-law No. 1521-98-PP	Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 62 Victoria Street, and forming Lot 95, Plan 340 in the former Village of Beaverton, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the side lot line, front lot line, and the line between the front and side yards on each side of the principal dwelling of the subject land.
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- (f)

By-law No. 1540-98-PP	Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 134 Munro Street, and forming Part of Lots 94 and 95, Plan H-50055 in the former Village of Cannington, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the rear lot line of the subject land.
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- (g) By-law No. 1605-99-PP Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as B25610 Maple Beach Road, and forming Lots 22 and 23, Plan 185, within the former Township of Thorah, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the northerly side lot line extending a distance of 25.3 metres from the front lot line.
- (h) By-law No. 1606-99-PP Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 9 Church Street and forming Lot 7, Plan 26, within the Sunderland urban area, in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the side yard abutting the southerly property line extending a distance of 9.1 metres.
- (i) By-law No. 1708-2001-PP Notwithstanding the provisions of paragraphs 13, 14 and 15, the lands municipality described as 52 Cameron Street East, and forming part of Lot 7 and Lot 8, Plan 14, in the former Village of Cannington, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the side and rear lot lines of the subject land.
- (j) By-law No. 1762-2002-PP Notwithstanding the provisions of paragraph 13, the lands municipality known as 198 Laidlaw Street South, and forming part of Lot 21, Concession 11, in the former Village of Cannington, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the front lot line, front yard, interior side lot line, and interior side yard of the subject land.
- (k) By-law No. 1929-2004-PP Notwithstanding the provisions of paragraph 13, the lands municipality known as 12 Jones Street, and forming part of Lot 6, Plan 26, in the former Police Village of Sunderland, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the front and interior side yard in the vicinity of the northerly property line extending a distance of 3.6 metres easterly and 0.9 metres northerly.
- (l) By-law No. 2298-2010-PP Notwithstanding the provisions of paragraph 13, the lands municipality known as 293 Church Street, and forming Lot 6, Plan 97, within the former Township of Thorah, now in the Township of Brock, in the Regional Municipality of Durham, may be varied, subject to the approval of the municipality, insofar as these provisions apply to the front lot line, front yard, interior side lot line, and interior side yard of the subject land.
- (m) By-law No. 2767-2017-PP Notwithstanding the provisions of paragraph 13, the lands municipality known as 32 Elmwood Avenue, and forming Lot 17, Plan 222, in the former Township of Thorah, now in the Township of Brock, in the Regional Municipality of Durham, may be varied subject to the approval of the municipality, in so far as these provisions apply to the front and interior side yard on the easterly property line.

VI. Swimming Pool Fences

17. Repealed by By-Law Number 1936-2005-PP.
18. Repealed by By-Law Number 1936-2005-PP.
19. Repealed by By-Law Number 1936-2005-PP.
20. Repealed by By-Law Number 1936-2005-PP.
21. Repealed by By-Law Number 1936-2005-PP.
22. Repealed by By-Law Number 1936-2005-PP.

VII. General

23. No fences carrying an electric current shall be erected on or within 6 mm of any boundary line of any land without the express written consent of the adjacent land owner.
24. No fences composed in whole or in part of barbed wire shall be erected on or adjacent to any residential property without the express written consent of the owner of the residential property.
25. Barbed wire shall only be used 1220 mm above ground level on any fence.
26. Where a fence is erected within an area which could be lawfully covered with a building, such fence may be of a height not to exceed the height permitted for the walls of a building that could be lawfully erected.
27. Fences shall be kept:
 - (a) protected by paint, or other weather-resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
 - (b) in structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - (c) in good repair and free of accident hazards; and
 - (d) so as not to present an unsightly appearance.
28. If any section, clause or provision of this By-Law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that all remaining sections, clauses or provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
29. By-Laws Numbers 20-74-PP, 83-75-PP and 115-75-PP are hereby repealed.
30. Every person who violates any provision of this By-Law shall be guilty of an offence and upon conviction therefor shall forfeit and pay a penalty not exceeding Two Thousand Dollars (\$2,000.00) exclusive of costs for each offence.

BY-LAW NUMBER 786-85-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 29th day of July, 1985.

“Gorge S. Graham”
Clerk-Administrator

“Donald Hadden”
Mayor

BY-LAW NUMBER 1260-93-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 6th day of December, 1993.

“Gorge S. Graham”
Clerk-Administrator

“David Marquis”
Mayor (Acting)

BY-LAW NUMBER 1517-98-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 27th day of April, 1998.

"Gorge S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW NUMBER 1521-98-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 27th day of April, 1998.

"Gorge S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW NUMBER 1540-98-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 27th day of July, 1998.

"Pauline Fenton"
Clerk-Administrator (Acting)

"Keith Shier"
Mayor

BY-LAW NUMBER 1605-99-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 27th day of September, 1999.

"Gorge S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW NUMBER 1606-99-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 27 th day of September, 1999.

"Gorge S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW NUMBER 1708-2001-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 25th day of June, 2001.

"Gorge S. Graham"
Clerk-Administrator

"W. Terry Clayton"
Mayor

BY-LAW NUMBER 1762-2002-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 22nd day of April, 2002.

"Gorge S. Graham"
Clerk-Administrator

"W. Terry Clayton"
Mayor

BY-LAW NUMBER 1926-2004-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 22nd day of November, 2004.

"Gorge S. Graham"
Clerk-Administrator

"Keith Shier"
Mayor

BY-LAW NUMBER 2298-2010-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 23rd day of August, 2010.

"Thomas G. Gettinby"
Clerk

"Larry O'Connor"
Mayor

BY-LAW NUMBER 2447-2012-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 3rd day of December, 2012.

"Thomas G. Gettinby"
Clerk

"W. Terry Clayton"
Mayor

BY-LAW NUMBER 2767-2017-PP READ A FIRST, SECOND, THIRD TIME and FINALLY PASSED THIS 20th day of November, 2017.

"Thomas G. Gettinby"
Clerk

"W.E. Ted Smith"
Deputy Mayor

Schedule A to By-Law Number 786-85-PP

Road and Farm Fence Standards and Specifications

Material Specifications for Road and Fences

1. Wooden fence posts shall be of untreated Eastern White Cedar or pressure preservative treated Jack Pine or Red Pine cut from round, live, growing trees. Posts shall be clean peeled for their full length. All knots or projections shall be shaved smooth and flush with the surrounding surface. All ends shall be cut square.
2. Fence fabric shall be No. 9 3/4 Standard, Style No. 948 and shall conform to the requirements of CSA Standard G 42.
3. Steel line posts shall be T-rail posts weighing approximately 1.4 lbs. per foot of length conforming to the requirements of CSA Standard G 30.12 or G 30.13. Steel posts shall be 8 feet long and shall be punched so that the fence fabric can be secured to the broad face of the post. Each post shall have not less than 7 ties of No. 9 gauge galvanized steel wire for securing the fence fabric. The posts shall be shop painted with one coat of primer.
4. Wire staples shall be No. 9, galvanized with a driving length of at least 1 3/4 inches.
5. Brace wire shall be No. 9 galvanized soft steel.
6. Gates shall be constructed from 1 5/16 inch OD galvanized steel pipe frame and braces conforming to the current requirements for "standard weight" pipe ASTM Designation A120. The fabric shall match that of the fence.