

THIS OFFICE CONSOLIDATION EDITION IS PREPARED FOR PURPOSES OF CONVENIENCE ONLY, AND FOR ACCURATE REFERENCE RECOURSE SHOULD BE HAD TO THE ORIGINAL BY-LAW.

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NO. 1034 (1985)

Being a by-law to prescribe the height and description of lawful fences.

WHEREAS it is deemed expedient to exercise the authority vested in the Council of the Corporation of the Town of Pelham by paragraphs 18, 19, 20, 21 and 22 of Section 210 of the Municipal Act, R.S.O. 1980, Chapter 302 respecting fences;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. For the purposes of this by-law: ----

(a) **"Enforcement Officer"** shall mean the By-law Enforcement Officer appointed by the Council of the Corporation of the Town of Pelham for the purpose of the enforcement of Town by-laws;

(b) **"Grade Level of Roadway"** shall mean the grade level of the centre of the travelled portion of any roadway;

(c) **"Highway"** shall mean and include a common and public highway, street, avenue, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicles, but shall not include an alley;

(d) **"Intersection"** shall mean the area embraced within the prolongation or connection of the lateral boundary lines of the roadway of two or more highways which join one another at an angle, whether or not one highway crosses the other;

(e) **"Front Yard"** shall mean a yard extending across the full width of any lot or parcel between the front lot line and the nearest wall of any building or structure on the lot or parcel;

(f) **"Lawful Fence"** shall mean any fence, wall (other than a wall of a building), hedge or gate which separates or divides any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto, which is erected and maintained in accordance with the provisions of this by-law;

(g) **"Hedge"** shall mean a row of three or more shrubs or bushes, but shall not include trees having a calibre dimension of 5.0 cm (2") or more;

(h) **"Rear Yard"** shall mean a yard extending the full width of any lot or parcel from the rear lot line to the wall of any building or structure nearest to the front lot line;

(i) **"Corner Lot"** shall mean a lot or parcel which is situated at the intersection of and abutting upon two or more streets or parts of the same street provided that the angle contained by two of such lots' or parcels' adjacent lot lines that abut the street or streets is not more than 135 degrees;

(j) **"Interior Lot"** shall mean a lot or parcel other than a corner lot;

(k) **"Through Lot"** shall mean an interior lot that abuts more than one street;

(l) **"Lot Line"** shall mean any boundary of a lot or parcel;

(m) **"Front Lot Line"** shall mean, in the case of an interior lot, the line dividing the lot or parcel from the street; where the lot or parcel is a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting a street shall be deemed to be an exterior side lot line, provided that, where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed to be the front lot line; where the lot or parcel is a through lot, the lot line where the principal access to the lot or parcel is provided shall be deemed to be the front lot line;

(n) **"Rear Lot Line"** shall mean the lot line farthest from and opposite to the front lot line;

(o) **"Side Lot Line"** shall mean the lot line other than a front lot line or a rear lot line.

2. No person shall erect or cause to be erected or maintained or cause to be maintained any fence within the Town of Pelham unless such fence is a lawful fence.

3. No fence shall be maintained or caused to be maintained in a damaged or disrepaired state of condition by reason of fire, decay or otherwise and all fences shall be constructed or caused to be constructed in a sound manner and shall be straight and true.

4. No fence of a greater height than 0.5 m (1'-8") above the grade level of any adjacent roadway shall be erected or caused to be erected or maintained or caused to be maintained within 9.1 m (30'-0") of any roadway intersection.

5. Subject to the provisions of sections 4 and 10 of this by-law, no fence of a greater height than 1.22 m (4'-0") above the adjoining ground level shall be erected or caused to be erected or maintained or caused to be maintained in any front yard, provided, however, that the portion of any such fence erected or maintained along the side or rear lot line of the rear yard of any adjoining property may be of a height not greater than 1.82 m (6'-0"). Where a fence is erected on a terrace in a front yard, the height of such fence shall be calculated as the combined height of the fence and the terrace above the adjoining ground level.

6. Subject to the provisions of sections 4 and 10 of this by-law, no fence of a greater height than 1.82 m (6'-0") above the adjoining ground level shall be erected or caused to be erected or maintained or caused to be maintained in any rear yard, provided, however, that the portion of any such fence erected or maintained along the side lot line of the front yard of any adjoining lot shall not be of a greater height than 1.22 m (4'-0") unless such fence is erected or maintained in the rear yard of a corner lot along the side lot line of the front yard of an adjoining property in which case the fence may be erected or maintained to a height not greater than 1.82 m (6'-0").

7. Subject to the provisions of sections 4 and 10, but notwithstanding the provisions of any other section of this by-law, a fence not exceeding 2.44 m (8'-0") in height above the adjoining ground level shall be permitted around the perimeter of any parcel of land used for

commercial, agricultural or industrial purposes wherever such parcel does not abut a residential use.

8. No fence composed wholly or partly of barbed wire or other barbed material, shall be erected or caused to be erected or maintained or caused to be maintained, within the Town of Pelham provided, however, barbed wire or other barbed material may be permitted along the top of any fence of a greater height than 2.14 m (7'-0") enclosing land used for commercial or industrial purposes, wherever such land does not abut land used for residential purposes, and the manner of affixing such barbed wire or other barbed material is approved by the Enforcement Officer. This section shall not apply to barbed wire fences erected in agricultural areas for the purpose of confining livestock.

9. All fences erected along a highway or any part thereof shall be maintained and kept in a proper state of repair and condition in accordance with the provisions of this by-law.

10. The provisions of this by-law shall not apply to any fence or other barrier wholly or partially enclosing lands owned and in use by the Corporation of the Town of Pelham or any Boards, Commissions or companies providing telephone, electric, water or gas service to the inhabitants of the Town of Pelham.

11. Every person who contravenes any of the provisions of this by-law shall upon conviction thereof forfeit and pay at the discretion of the convicting judge or justice of the peace a penalty not exceeding Two Hundred Dollars (\$200.00), excluding costs, for each offence and such penalty shall be recoverable under the provisions of the Provincial Offences Act.

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