

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NUMBER 06-28

BEING A BY-LAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF
LAWFUL FENCES IN THE TOWNSHIP OF CRAMAHE.

WHEREAS Section 8 of the *Municipal Act, 2001 S.O. 2001, c. 25* provides that the council of a municipality may pass by-laws respecting matters within spheres of jurisdiction;

AND WHEREAS powers to pass by-laws respecting fences is not restricted;

AND WHEREAS powers to enforce the by-laws are in Section 427(1);

NOW THEREFORE the Corporation of the Township of Cramahe HEREBY ENACTS as follows:

1. This by-law shall only apply to lands zoned Residential in the Township of Cramahe or Village of Colborne Comprehensive Zoning By-Law, and any amendment thereof, but does not apply to fences constructed for the purpose of creating an enclosure around a pool.
2. No person shall construct or permit to be constructed any fence unless it is made of galvanized wire or vinyl coated wire (chain link), wood, wood type or steel, or any other material as may be acceptable to the Township of Cramahe By-Law Enforcement Officer or Township of Cramahe Chief Building Official.
3. Notwithstanding Section 2, snow fencing may be used between November 1 and April 30 of any given year, provided said fencing is being used for the purpose for which it is intended, and that the use of said fence does not hinder or impair any street under the jurisdiction of the municipality. Snow fencing may also be used to temporarily mark or enclose a hole or other hazard until said time as the hazard can be removed or more permanent fencing constructed. For the purpose of this by-law, "temporarily" shall be not more than 90 (ninety) days from the time it comes to the attention of the By-Law Enforcement Officer.
4. No fence shall have a height greater than 2 meters (6.2 feet) as measured from ground level.
5. No fence shall be constructed with a sight triangle as defined in the Township of Cramahe and Village of Colborne Comprehensive zoning by-laws, as amended.
6. All fences shall be maintained and kept in good repair so as not to create a hazardous situation for abutting property owners.
7. All fences that existed as of the date of passing of this by-law that do not conform to the provisions of this by-law shall be legal non-complying until such time as alteration or repair is required, and at that time, the entire fence shall be brought into compliance with this by-law.
8. If, after receiving a complaint in writing, the By-Law Enforcement Officer deems that a fence constructed after this by-law comes into force and effect does not conform with the provisions of this by-law, the owner of said fence shall take such action as is necessary to ensure compliance with this by-law by the date specified in a notice issued by the By-Law Enforcement Officer.

9. If a person who is given notice under Section 8 fails to take action by the date specified in the notice, the Township may do the necessary work at the persons expense by adding the costs incurred by the Township to the tax roll and collecting them in the same manner as taxes.
10. 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 and that it is hereby declared to the intention of Council that all the remaining sections, clauses and provisions of this by-law shall remain in full force and effect until repealed.
11. Any person who violates any of the provisions of this by-law shall be deemed to have committed an offence and may be liable to such penalties and fines as set out in the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P.33*.

This by-law shall come into force and effect on the day that it is passed.

Township of Cramahe By-Law 04-68 is hereby repealed.

Read a First time, this 18th day of April 2006.

Read a Second time this 18th day of April 2006.

Read a Third time and passed this 18th day of April 2006.

Mayor, Elie Dekeyser

Clerk/Administrator, Christie Alexander