



Report to: General Committee

Date Report Authored: May 7, 2012

SUBJECT: Amendment to Fence By-law
PREPARED BY: W. Wiles, Manager, By-law Enforcement & Licencing (x4851)

RECOMMENDATION:

- 1) That the Report entitled "Amendment to Fence By-law" be received; and,
- 2) That Council amend the Fence By-law by enacting the By-law Amendment attached as Appendix 'A' - Draft By-law Amendment; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

Amendment of Town's Fence By-law to incorporate the following new provisions in the by-law to:

1. Incorporate authority for the Manager of By-law Enforcement & Licencing to grant exemptions to the By-law.
2. Incorporate provisions authorizing Enforcement Staff to issue Orders to property owners to stop the construction of non-complying fences and the authority for staff to remove illegal fences or make fences legal with the cost being charged to the property owner, if the Order is not complied with; and,
3. Administrative Changes to the By-law.

BACKGROUND:

The Town's Fence By-law provides regulations for the height and general construction/ maintenance requirements of fences within the community. The current parent by-law was enacted in 1997 and is typical of municipal fence by-laws passed during that time. When enacted the by-law was very compatible with the traditional residential development.

Styles of residential development have changed and a new urbanism along with increased enhancements of residential properties by owners is creating situations of minor non-compliance with the Fence By-law. These situations, while non-compliant, normally meet the intent of the Fence By-law and are supported by surrounding property owners.

Under the present by-law there is no process for obtaining a variance to the By-law. Persons wishing a variance are required to amend the By-law and the process requires a formal application, report to General Committee and completion of the full by-law amendment process.

OPTIONS/ DISCUSSION:

Exemptions to the Fence By-law

To adopt a streamlined and resident responsive fence variance system, a number of GTA municipalities have used authorities in the *Municipal Act 2001*, to delegate the authority to grant amendments to the Fence By-law to the Director/ Manager of the By-law Enforcement

Orders to Discontinue & Work Orders

The new *Municipal Act 2001*, provides the municipality with the authority to issue Orders to discontinue activity and require compliance with the by-law. The *Act* also enables municipalities to enter upon lands to perform work where an Order has been issued and defaulted on by the property owner. Similar authorities have been incorporated in the Site Alteration and Tree Preservation By-laws adopted by Council.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not significant

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Municipal Services- Incorporation of new regulations to more effectively and efficiently service residents.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal, Urban Design

RECOMMENDED BY:

5/17/2012

X



Kimberley Kitteringham
Town Clerk

X



Nasir Kenea
Acting Commissioner, Corporate Services

ATTACHMENTS:

Attachment 'A'- Draft Amendment Bylaw