

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2024-44

A By-law to provide uniform standards for the maintenance of fences within the Town of Wasaga Beach

WHEREAS Section 11(3)7 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Section 425(1) of the Municipal Act, 2001, S.O. 2001 c. 25, authorizes a municipality to pass-by-laws providing that a person who contravenes a by-law passed under this act is guilty of an offence;

AND WHEREAS the Town has passed an Administrative Monetary Penalties System By-law;

AND WHEREAS Section 132(1) of the Municipal Act, 2001, S.O. 2001 c. 25, provides that a municipality may authorize the Owner or occupant of a land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the Owner or occupant but only to the extent necessary to carry out the repairs or alterations;

AND WHEREAS Council has deemed that certain routine administrative and legislative powers are minor in nature, and the delegation of these powers would contribute to the efficient management of the Town while still adhering to the principles of accountability and transparency;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WASAGA BEACH HEREBY ENACTS AS FOLLOWS:

PART 1 – SHORT TITLE

- 1.1 This by-law shall be known and cited as the “Fence Maintenance By-law”.

PART 2 – SCOPE

- 2.1 This by-law establishes the maintenance standards of existing fences within the municipality.

PART 3 – DEFINITIONS

- 3.1 “act” or “Act” means the Municipal Act, 2001, S.O. 2001 c. 25 as amended;

- 3.2 **“Administrative monetary penalties”** means fines or sanctions imposed as a consequence for violating by-laws and regulations for the purpose of enforcing compliance with the by-laws and regulations of the Town of Wasaga Beach;
- 3.3 **AMPS By-law** means the Town’s Administrative Monetary Penalties By-law, as may be amended from time to time.
- 3.4 **"Council"** means the elected Council of the Corporation of the Town of Wasaga Beach.
- 3.5 **Director** means the General Manager – Development Services, or his/her designate or successor;
- 3.6 **“Erected”** means to build, construct, reconstruct, alter or relocate.
- 3.7 **“Fence”** means a barrier Erected or grown dividing two or more lot lines, which marks or substantially marks the boundary of a property.
- 3.8 **“Officer”** means a Municipal Law Enforcement Officer or Building Inspector, appointed by the Town pursuant to S. 15 of the Police Services Act, R.S.O. 1990, c. P. 15, as amended or pursuant to the Building Code Act.
- 3.9 **“Owner”** means the registered Owner of a property, a lessee, tenant, mortgage in possession, or person otherwise in charge of any property, acting as the authorized agent of the Owner.
- 3.10 **“Person”** means an individual, firm, corporation, association or partnership.
- 3.11 **“Town”** means the Corporation of the Town of Wasaga Beach.

PART 4 – GENERAL GUIDELINES

- 4.1 Fences shall be maintained according to Schedule “A”.

PART 5 – ENFORCEMENT & PENALTY

- 5.1 Every person who contravenes any provision of this by-law, including Schedule ‘A’ may be subject to the Town’s AMPS By-law.

PART 6 – DELEGATED AUTHORITY

- 6.1 The Director is authorized to make minor housekeeping amendments to this by-law that do not alter the meaning or intent in any way.

PART 7 - SEVERABILITY

- 7.1 If any section or sections of this Bylaw or part thereof, is found in any court of law to be illegal or beyond the power of the power if the Town to enact, such section or sections or part thereof shall be deemed to be severable and all other section or parts of the Bylaw shall be deemed to be separate and independent thereof and to be enacted as such.

PART 8 - EFFECTIVE DATE

- 8.1 This Bylaw shall come into force and take effect immediately upon the passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF 13th DAY OF JUNE, 2024.

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Director, Legislative Services & Clerk

Schedule A

Fences shall be maintained:

- a) in a structurally sound condition;
- b) in good repair, free from cracks, and missing, broken, or warped components;
- c) free from hazards, including protruding nails, screws and staples;
- d) Unless formal approval from the Town has been granted fences must be free from posters, signs, notices, advertising materials, words, slogans, pictures, drawings, or other defacements;
- e) in a plumb condition, unless specifically designed to be other than vertical;
- f) so that it is of uniform appearance; and
- g) so that it does not create an unsightly appearance;
- h) free from deterioration by the application of paint or other suitable protective materials of uniform colour, or constructed of a material that is resistant to such deterioration;

Fences shall not be used as a support for any structure, object or thing that could exert a lateral force against or upon the Fence.