

IMPORTANT NOTICE

This document is an office consolidation of the Township's Fence By-law 1197-80, as amended, and has been prepared for ease of reference purposes. While every attempt has been made to ensure the accuracy of this consolidation, in the event of a discrepancy between it, and Fence By-law 1197-80, and amendments thereto, the original by-laws shall prevail.

Amendments: By-laws 1874-1990, 2278-1996, 2910-2006, 3010-2008 and 3722-2019

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW 1197-80

BEING a by-law to regulate the height, description and location of fences in the Township of Montague

WHEREAS it is deemed advisable, pursuant to the provisions of The Municipal Act, R.S.O. 1970, Chapter 284, Section 354(1), subsections 19, 20, 21, 22, and 24, to regulate the height, description and location of fences in the Township of Montague and to require the owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools;

AND WHEREAS the Line Fences Act, 1979, Section 7(3) provides that where there is a by-law in force in the municipality under the Municipal Act prescribing the height and description of lawful fences or otherwise regulating the construction of fences, the description of the fence specified in the award shall confirm to the by-law;

NOW THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Township of Montague as follows:

1. This By-law shall be cited as "The Fence By-law".

2. **DEFINITIONS**

For the purpose of this By-law:

- (a) "Fence" shall mean any structure of posts, boards, wood, wire, plastic, concrete, stone, metal, or any combination thereof along any highway or separating or purporting to separate any parcel of land immediately adjacent thereto.
- (b) "Lawful fence" shall mean any fence separating two parcels of rural or agricultural land; or separating any parcel of rural or agricultural land from any parcel of land immediately adjacent thereto; and shall be constructed of wire or dry cedar rails and shall be constructed to specifications.

- (c) "Front lot line" shall mean any lot line abutting a public highway, street, avenue, lane, parkway or driveway intended for or used by the general public for the passage of vehicles.

3. **REGULATIONS**

- (a) No person shall construct or erect, within the Township of Montague, any boundary, line or swimming pool fence in contravention of the provisions of this By-law.

- (b) Specifications - wire fence (line fence for rural, agricultural land abutting rural, agricultural land; or rural, agricultural land abutting any parcel of land adjacent thereto):

- i) Steel or dry cedar posts, minimum 54" above grade, cedar posts not to be less than 5" in diameter at smaller end;
- ii) Posts to be not more than 1 rod (16.5') apart, on a straight line, with brace posts (not less than 8" in diameter at the smaller end) at least every fifteen rods. Brace poles to be not less than 4" in diameter at the smaller end;
- iii) On rocky ground, a stone-loaded brace may be used, the vertical position to be at least five feet (5') above grade, not less than eight inches (8") in diameter at the smaller end. The two bottom sleepers to be at least seven feet (7') in length, not less than five inches (5") in diameter at the smaller end. Sleepers to be at least three feet (3') apart at the widest point. Braces to be not less than four inches (4") in diameter at the smaller end. To be loaded with stone to the height of the wire fence;
- iv) Brace and corner posts to be a minimum of eight inches (8") at smaller end, not more than twelve feet (12') apart;
- v) Wood posts should be three feet (3') in the ground; steel posts drilled in rock at least two feet (2') in the ground; steel posts in clay should be three feet (3') in the ground;
- vi) Page wire, minimum eight (8) strand, extending from within six inches (6") above grade to an overall height of not less than fifty-four inches (54"). Barbed wire may be used on top, if agreeable to both parties;
- vii) Wire to be wrapped around end posts with each horizontal wire wrapped around itself. On wooden posts, wire to be stapled to the post on every strand. On steel posts, wire to be wired to post on every strand.

- (c) Specifications - rail fence (line fence for rural, agricultural land abutting rural, agricultural land; or rural, agricultural land abutting any parcel of land adjacent thereto):

- i) All wood material to be dry cedar;

- ii) Wire to be standard twelve (12) gauge black wire;
 - iii) Not less than five (5) rails; five feet (5') in height; bottom rail not more than eight inches (8") above grade; spacing between the top two rails to be not more than ten inches (10"); spacing between other rails to be not more than six inches (6");
 - iv) All binders used must reach from the ground to above the top rail;
 - v) Snake rail fences to be staked at corners.
- (d) On a corner lot, within the triangular space formed by the projection or connection of the lateral curb lines, or if none, then of the edge of the travelled roadway, for a distance of thirty feet (30') from their point of intersection, no fence shall be erected or shall be maintained that, in the opinion of the By-law Enforcement Officer, obstructs the view of a driver of a vehicle approaching the intersection.
 - (e) A fence not exceeding three feet (3') in height may be erected between the wall of a building and the front lot line.
 - (f) A latticed, louvered or other open type construction may be erected up to six feet (6') high, if located back of the front wall of a building.
 - (g) A solid fence may only be erected back of the front wall of a building and then only to a height of five feet (5').
 - (h) Fences (in locations other than those referred to in Sections (b) and (c) of Clause 3) shall be constructed in such a way that the bracing and posts face to the inside of the owner's property and the "good side" faces out.
 - (i) A fence may be erected of chain link construction with a height not exceeding eight feet (8') when used to enclose or protect a property for educational, commercial or industrial purposes.
 - (j) Barbed wire may only used on the top and the inside of commercial and industrial fences and as referred to in (b) (vi) of Clause 3.
 - (k) No electric fence or gate will be allowed to be constructed on a property line without first obtaining written permission from the adjacent property owner(s). If all parties are agreeable, and once the fence has been installed, notices would be required to advise the presence of an electric fence, and the fence is to be marked with coloured markers/spacers so as to make the fence clearly visible.
 - (l) Taller fences or fences of different construction may be allowed where specifically prescribed pursuant to a Zoning By-law or approval under Section 41 of the Planning Act.

4. **PENALTIES**

Any person violating any of the provisions of this by-law is guilty of an offence and on conviction shall be liable to a fine pursuant to the Provincial Offences Act.

5. **COMPENSATION**

The Township shall pay compensation of two dollars (\$2.00) per rod (16.5') for any fence constructed in accordance with Section (b) of Clause 3, which is thirty-three feet (33') from the centre line of the travelled portion of a township road.

6. That By-law 1003-76 and all other by-laws inconsistent with this By-law are hereby repealed.

7. That this By-law shall come into force and take effect on the date of the final passing thereof.

Read a first and second time this 23rd day of July, 1980

Given under the Seal of the Corporation and finally passed this 23rd day of July, A.D., 1980

REEVE

CLERK