

FENCE REGULATIONS

Pursuant to the powers vested in it under and by virtue of Section 414(2)(hh) of the Municipalities Act, 1999, and all other powers it enabling the Town Council of the Town of Wabush in the regular session convened on the 28 day of January 2008, hereby passes and enacts the following regulations for the construction of fences.

1. These Regulations may be cited as the Town of Wabush (Fence Regulations) 2008.
2. Interpretations in these regulations unless the context otherwise requires:
 - a) “Act” means the Municipalities Act, 1999.
 - b) “Council” means the Town Council of the Town of Wabush constituted under the provisions of the Municipalities Act, 1999.
 - c) “Inspector” means the Building Inspector, Municipal Enforcement Officer or some other employee of Council designated by Council to enforce the provisions of these Regulations.
 - d) “Town” means the Town of Wabush as defined by paragraph 2 of Order-In-Council dated the 11th day of April 1967, and made under the provisions of the said Act.
3. All fences must conform with the following standards:
 - a) Rear Yard Fences
Shall be of a material approved by Council
Shall not detract from the immediate or surrounding properties.
Shall not exceed 182 cm (6 feet) in height
Shall be placed a minimum of 30cm (1 foot) inside the property line
 - b) Front Yard Fences
May be permitted at the owners risk in relation to damages that may be caused by snow clearing or other municipal works.
Shall be of a material approved by Council
Shall not detract from the immediate or surrounding properties
Shall not exceed 75 cm (2 ½ feet) in height
Shall be placed a minimum of 121 cm (4 feet) inside the property line

- c) Side Yard Fences
May be permitted at the owners risk in relation to damages that may be caused by snow clearing or other municipal works.
Shall be of a material approved by Council
Shall not detract from the immediate or surrounding properties
Shall be placed a minimum of 30 cm (1 foot) inside the property line except where the side yard is adjacent to a street, in that case the fence shall be placed a minimum of 182 cm (6 feet) inside the property line.
 - d) All Fences
Horizontal and vertical fences may be constructed but fence posts may not be more than 300 cm apart.
All fences shall be kept in a good state of repair at all times to the satisfaction of Council.
The front, rear, or side yard of a lot shall be determined by the attached diagrams.
Fences will not be permitted within (150 cm) five feet of row garages.
 - e) Where property owners of adjoining residences apply to the Town to erect a rear/side yard fence, a permit may be granted for placement on the property line.
- 4.**
- a) Fences shall be erected only after a permit in writing has been issued by the Council.
 - b) Where a fence has been erected or commenced to be erected without the written permission of Council or a fence is in a dilapidated state, as in the opinion of the Council, hazardous to public safety, or is a public nuisance, the Council may order the owner or occupier to pull down and remove the fence and return the site to its original state, or make such disposition or alterations of the fence as the order directs, within the time specified in the order.
 - c) An order made under this section shall be signed by the Town Clerk and shall be served upon the owner or builder of the fence either personally or by registered mail, or by posting the notice on the fence, where the owner or builder is not known.

- d) If an order under this section is not complied with within the time set out in the order, and a period of fourteen days has passed from the time of service or posting of the notice, and an appeal has not been commenced, heard, or otherwise disposed of by the Council, the Council, may itself carry out the order through its employees or agents and may recover the cost thereof as a civil debt from the person on whom the order was served.
 - e) Council retains the right to reject, or modify applications which will restrict access to neighbouring properties for the purpose of fire fighting, delivering of utilities, snow removal, etc.
5. Any person who contravenes or fails to comply with any of the provisions of these regulations, removes, or damages any regulations, order or notice posted by Council is guilty of an offence as per Section 420(1)(a) and Section 420(1)(b) of the Municipalities Act, 1999.
6. These regulations shall come into effect on the ___ day of _____, 2008.
7. All previous Fence Regulations are hereby repealed.

In Witness Whereof the seal of the Town of Wabush has been affixed herewith and the Mayor and the Town Clerk have signed these Regulations on behalf of the Wabush Town Council this ___ day of _____, 2008.

Jim Farrell
Mayor

Witness

Martina Gale
Town Clerk/Treasurer