



WABUSH

TOWN OF WABUSH

FENCE REGULATIONS

Pursuant to the authority conferred by the Municipalities Act 1999, chapter M-24. Section 414 and any other enabling sections of Municipalities Act 1999, chapter M-24 as amended, the Town Council of Wabush hereby adopt the following Fence Regulations.

1. TITLE

These Regulations may be cited as "The Town of Wabush Fence Regulations 2023"

2. INTERPRETATION

In these Regulations, unless the context otherwise requires:

- a) "Act" means the Municipalities Act, 1999, SNL 1999 Chapter M-24 as amended.
- b) "Building Line" means a line established by Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line on both the primary and flanking streets.
- c) "Corner Lot" means a lot flanked by two intersecting streets.
- d) "Council" means the Town Council of the Town of Wabush.
- e) "Enforcement Authority" means Council or its authorized administrator.
- f) "Flanking Street" means the secondary street bordering a corner lot.
- g) "Fence" includes railing, line of posts, wire, gate, or other upright structure or other similar materials used to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary.
- h) "Front Lot Line" means the property line dividing the lot from an abutting road. In the case of a corner lot, the property lot line that is parallel to the front of the house shall be the front lot line.
- i) "Front Yard" means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any main building or main structure on the lot.
- j) "Municipal Enforcement Officer" means the Municipal Enforcement Officer appointed by the Town of Wabush.

- k) "Nuisance Condition" means any condition of a fence that is deemed to be an eyesore due to use of non-approved construction materials, poor maintenance, poor construction, graffiti and or advertisements.
- l) "Owner" means a person or entity owning or having the legal right to use the land under consideration.
- m) "Person" means any person, firm, partnership, association, corporation, company, co-operator, club, society or any other corporate body or organization.
- n) "Rear Yard" means a yard extending across the full width of a lot between the rear lot line and nearest main wall of any main building or main structure on the lot.
- o) "Right of Way" means the area of land over which a public road or pathway exists, including the legal limits of the public road or pathway reservation.
- p) "Side Yard" means the area of the lot between the side wall of the building and side lot line.
- q) "Snow Fence" means a temporary light fence of lath and wire or of polyethylene mesh and used to redirect snow drifting.
- r) "Town" means the Town of Wabush

3. CONFORMITY WITH REGULATIONS

No person or business shall erect, maintain, repair, or replace a fence except in accordance with these Regulations.

4. APPLICATION

- a) These Regulations shall apply to all lands contained within the municipal boundary and planning area of the Town of Wabush.
- b) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.
- c) A fence in existence at the date coming into effect of these Regulations which is not in accordance with the provisions of the regulations may continue to exist provided the structure is maintained in a good state of repair and the fence is not deemed to be a safety hazard or obstruction by the Council.

5. PERMIT REQUIRED

- a) No person shall erect, alter, repair, or relocate a fence unless the Town approves the location and plan for the fence and a permit has been issued for construction, alteration, repair and or relocation.

- b) An application to construct a fence shall be made to the Town only by the Owner or by a person authorized by the Owner on such form as may be prescribed by the Town. Every application _____ shall include such plans, specifications and drawings as the Town may require and be accompanied by the required permit fee.

6. FENCES

- a) Fences shall be constructed within the owner's property boundaries, not on boundary lines and shall not be constructed within a Municipal or any other easement without the permission of the respective Municipal Authority or easement holder.
 - i) It is the responsibility of the property owner to ensure permission is received from the easement holder before construction of fencing in said easement. The Town of Wabush does not take responsibility for enforcing any issues with respect to fences erected in a non-municipal easement without permission; these issues must be dealt with directly between the property owner and the easement holder.
 - ii) Fences erected in a municipal easement will be subject to removal or reconstruction according to Section 12 of these regulations.
- b) No fence shall be permitted to be erected where, in the opinion of the Municipal Authority, it obscures a clear view of a street intersections, pedestrian traffic.
 - i. Fences shall not be constructed to impede access for firefighting purposes and shall not enclose or be within 5 feet of a fire hydrant
 - ii. Fences will not be permitted within 5 feet of row garages
- c) Council retains the right to reject or modify applications which will restrict access to neighboring properties for the purpose of firefighting, delivering of utilities, snow removal etc.

7. DESIGN CRITERIA

- a) The maximum height of a fence erected on the front yard is 3' and may be permitted at the owner's risk in relation to damages caused by snow clearing or other municipal works. Fence shall be set a min 4 feet inside the property line
- b) The maximum height of a fence erected at the rear of a property and side yard shall be 6' in height.
- c) Properties located on corner lots shall set their fence inside the property line a minimum 6' at the owner's risk in relation to damages caused by snow clearing or other municipal works.
- d) No person shall erect a fence or cause a fence to be erected unless the fence is constructed and finished in such a manner so as to present the finished side thereof, as determined by the Municipal Authority, toward the public street and the neighboring properties.

8. MATERIALS

- a) No more than two different types of fencing materials (i.e., wood and chain link or two types of wood) are permitted.
- b) The use of barbed wire, single strand wire, electrified wire and barbed type obstacle are prohibited fencing materials.

9. FENCE ON INDUSTRIAL OR COMMERCIAL PROPERTIES

- a) A fence not exceeding 8 feet in height shall be permitted around the perimeter of any parcel of land used for industrial or commercial purposes wherever such land does not abut a residential use. Fences that abut a residential use are permitted provided the Fence is constructed in accordance set out in Section 7 of these Regulations.
- b) Unless otherwise approved by Council, a minimum setback of ten (10) meters shall be maintained between the front lot line

10. MAINTENANCE

- a) Property owners shall be responsible for maintenance of the fencing on their property and for removal of any fence if it comes unsightly, dilapidated or a menace to public safety, health and welfare.
- b) Every person who owns a fence shall maintain such a fence in a good state of repair. For this section, "good state of repair" shall mean:
 - i) The fence is complete and is constructed in a quality of work manner; is of structurally sound condition, properly cut and trimmed, is plumb and securely anchored and maintained in an upright condition.
 - ii) Fence components are not broken, rusted, rotten or in a hazardous condition. Missing boards, pickets or posts shall be replaced with material of the same type and quality.
 - iii) Fences may be constructed but fence posts may not be more than 300cm apart

11. TEMPORARY FENCING

- a) No Person shall erect or maintain a snow fence within the Municipality Boundary during the period of May 1 to October 1 in any year

12. COMPLIANCE

- a) Enforcement and prosecution under these Regulations may be undertaken by any person authorized by the Enforcement Authority.
- b) Where a fence is in violation of the Regulations, the Enforcement Authority may order the owner or builder to stop construction or pull down the fence within the time specified in the order.
- c) All fences within the boundaries of the Town shall be maintained to the satisfaction of Council and where a fence is in the opinion of the Municipal Authority, in need of maintenance or creates a safety hazard or obstruction due to its location, height or construction material, the Enforcement Authority may issue an order to the property owner to undertake such work to remove the safety hazard or obstruction and to make the structure conform to the standard including removal, reconstruction, repair, painting, or clean up within a specified time and the cost to remove, reconstruct, repair, paint or cleanup of said fence thereof, shall be at the owner's expense.

- d) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or person violating a provision of the Regulations, a notice instructing the owner of a property into conformance with the standard:
 - i) To undertake work to bring the property into conformance with the standard
 - ii) To stop work
 - iii) To demolish all or a portion of the fence; or
 - iv) To carry out the remediation as may be required to provide a satisfactory condition of appearance and cleanliness
- e) The owner or tenant shall carry out the directions of Council referred to in Section 12(d) of these regulations at the cost of the owner or tenant and within the time specified. In the case of an emergency, an order may or may not be provided in writing and owner or person on whom the order is served shall carry out the work forthwith. In the event of the issuance of a stop work order, the owner, or the person on whom the order is served, shall immediately secure the site and cease all work.
- f) Where the Enforcement Authority has placed or caused the placing of a sign, placard or notice upon premises under the authority of these Regulations or any other applicable law, by-law, or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority.
- g) Any dispute concerning the location of fencing between two adjacent properties is strictly a civil matter between the property owners. Town Council will not be involved. Property owners are advised to ensure themselves that their fencing is constructed within their own property boundaries.

13. RIGHT OF ENTRY

- a) Pursuant to Section 158 of the Act, Council or its duly authorized agents have the authority to enter a property for the purposes of inspections and enforcement as required under these Regulations.

14. FAILURE TO COMPLY

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 12d of these Regulations, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt owed to Council.
- b) Council may delegate to an official or employee of Council the power to issue orders under this section.

15. OFFENCE AND PENALTY

- a) Pursuant to Section 419(2) of the Act, each day upon which the same offence is committed or continued is a separate offence.

- b) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
- i) Shall be liable to penalties to Section 421.1 of the Act or,
 - ii) Shall be liable of a summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
 - iii) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (b) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in compliance.

16. SEVERABILITY

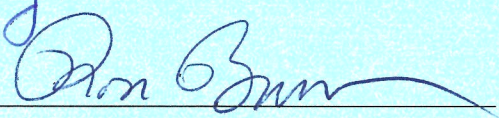
If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations shall be valid and shall remain in force.

17. REPEAL OF PREVIOUS REGULATIONS

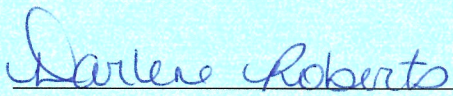
All previous Fence Regulations for the Town of Wabush are hereby repealed.

18. These regulations shall come into effect on the 20 day of July 2023.

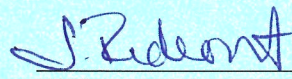
In Witness Whereof the seal of the
Town of Wabush has been affixed herewith
and the Mayor and the Town Clerk have
signed these Regulations on behalf of the
Wabush Town Council this 20 day of
July 2023



Ron Barron
Mayor



Witness



Tiffanee Rideout
Town Clerk/Director of Finance