



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole - Community Development

**Date:** June 6, 2022

**Department:** Community Development

**Topic:** Proposed Bylaw to Regulate the Erection, Height and Maintenance of Boundary Fences

**Purpose:** For Committee to review and make a recommendation to Council on the adoption of a bylaw that would regulate boundary fences on residential properties in the Township. The bylaw is meant to carry forward provisions within our current zoning bylaw that are not included in the draft new zoning bylaw. Some additional provisions are included.

The proposed bylaw does not apply to fences that are required by other bylaws, including swimming pool fences, construction barriers, or animal control fences. Likewise, it does not attempt to regulate fencing required for agricultural use or for properties that require fencing as part of a site plan control agreement.

**Background:** Section 4.12 of the Township's Zoning Bylaw 2012-35 provides provisions for the height of fences on residential use properties. It considers a smaller height in property front yards to maintain curb appeal and encourage good sight lines for road safety. Additionally, a smaller maximum height is provided adjacent to the St. Lawrence River to maintain river views. There are no proposed changes to the maximum heights in the draft bylaw.

The current zoning bylaw also prohibits dangerous materials such as barbed wire, sharp objects or electrically charged fencing to be used where the fence is adjacent to a residential use property. This provision is also proposed to carry forward.

Similar to other municipalities, the Township permits fences to be erected on a property line. The bylaw clarifies that it is the responsibility of the property owner to determine their property boundary. A required setback to a sidewalk or roadway is added so that this infrastructure can be maintained. Committee may consider that property owners be required to erect the fence with a setback from the property line, unless an agreement with the adjacent property owner is in place. Should Committee wish to enforce a required setback, the requirement for a fence permit is recommended.

Basic maintenance standards are included for safety and to maintain curb appeal. Some municipalities take additional steps to regulate the appearance of fences, including the requirement of a “good neighbour” fence, where the most visually appealing side faces the neighbour or street. Should Committee wish to further regulate these aesthetics, the requirement for a fence permit should be considered.

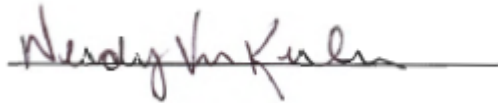
**Policy Implications:** The *Municipal Act*, section 11(3) provides that Municipalities may pass bylaws regarding structures, including fences.

The Township’s Zoning Bylaw 2012-35 section 4.12 includes provisions to regulate the height and material of fences on and adjacent to residential use properties. There are no fence provisions proposed in the draft new zoning bylaw.

There is no requirement for property owners in Edwardsburgh Cardinal to obtain a permit to erect a fence.

**Financial Considerations:** None.

**Recommendation:** That Committee recommend that Council adopt a bylaw to regulate the erection, height and maintenance of boundary fences, as attached.

A handwritten signature in dark ink, appearing to read "Wendy Van Kesteren", is written over a horizontal line.

Community Development Coordinator