

The Corporation of the City of Kawartha Lakes

Council Report

Report Number BLDG2017-003

Date: October 24, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Draft Fence By-law

Author: Susanne Murchison, Chief Building Official

Recommendations:

RESOLVED THAT Report **BLDG2017-003, Draft Fence By-law**, be received;
and

THAT a By-law, substantially in the form attached as Appendix B to Report
BLDG2017-003 be forwarded to Council for adoption.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of November 24, 2015, Council adopted the following resolution:

CR2015-1222

Moved by: Gord James

Seconded by: Pat Dunn

RESOLVED THAT Report CLK2015-026, Fence Regulation By-law, be received;

THAT Resolution Number CR2007-231 be considered complete; and

THAT staff be instructed to prepare a draft by-law to regulate fencing in the City and forward it to Council for review and potential adoption.

This report addresses that resolution request.

Rationale:

In 2015 Council Report CKL2015-026, speaking to a potential consolidated fence by-law, was presented to Council for their review. A copy of that report is attached as Appendix A to this report.

CKL2015-026 addressed the direction previously adopted by Council in a 2007 resolution which read:

RECOMMEND THAT Report CAO2007-010, Fence By-law Update, be received; and **THAT** all existing by-laws relating to fencing, other than swimming pool fencing; be repealed upon the passing of the Comprehensive Zoning By-law for the City of Kawartha Lakes.

This resolution resulted from an effort to consolidate different by-laws enacted by predecessor municipalities that had since lost their legislated foundation or lacked a comprehensive breadth of regulatory aspects. In 2007, the staff recommendation within Development Services was to remove all but specific land use related aspects of fencing from the future proposed citywide consolidated zoning by-law, such as maximum heights and use as a buffer between land use types. Further, staff recommended enactment of a citywide fencing by-law to address the construction aspects of fencing, with a non-permitting format. This format would clearly outline consistent rules regarding fencing that can be enforced, while removing the administrative aspect of permit issuance.

The project was initially tasked to the Clerk's Office but the Chief Building Official, as subject matter expert, volunteered to take over lead of the project in 2016. A

working group was formed including the Manager of Municipal Law Enforcement and the Manager of Planning. A draft by-law has been prepared for Council's consideration and is attached as Appendix B to this report.

Other Alternatives Considered:

If Council does not wish to regulate fencing, then the following resolution should be adopted,

THAT staff take no further action on developing a by-law to regulate fencing in the City at this time; and

THAT a by-law to repeal all existing predecessor by-laws regulating fencing be forwarded to Council.

Financial/Operation Impacts:

There is no revenue generated with the proposed non-permitting based approach, however there is potential for increased operating costs relating to the enforcement aspect of the by-law.

The passing of this bylaw will increase the number of bylaws being enforced and increase the general workload of occurrences to be investigated. Additional workload without a staff increase will result in slower response/resolution times for all municipal law enforcement issues.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Creation of a fence regulatory by-law will provide a clear set of acceptable standards across the municipality and enhance the transparency of regulations relating to fencing.

Consultations:

Clerk's Office

Manager of Planning

Manager of Municipal Law Enforcement

Economic Development Officer - Agriculture

Attachments:

Appendix A – Report CKL2015-026



CLK2015-026FenceRegulationBy-law.docx

Appendix B – Draft Fence By-law 2017



2017 Draft Fence
By-law 2.docx

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services