

# **The Corporation of the City of Kawartha Lakes**

## **Council Report**

**Report Number CLK2015-026**

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**Date:** November 24, 2015

**Time:** 2:00 p.m.

**Place:** Council Chambers

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**Ward Community Identifier:**

**Subject:** Fence Regulation By-law

**Author/Title:** Judy Currins, City Clerk

**Signature:**

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### **Recommendation(s):**

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

**THAT** Resolution Number CR2007-231 be considered complete;

**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.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**

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## **Background:**

In 2006 and 2007, Council reviewed reports dealing with the regulation of fences as part of the consolidation of predecessor municipal by-laws. Fourteen of the seventeen predecessor municipalities regulated fencing to different degrees with most of the townships only regulating snow fences. The former by-laws are very outdated and were passed under legislation that no longer exists. Many regulated fencing height only within the zoning by-law, however some former municipalities did regulate other aspects of fencing.

At the time this was previously considered, it was the recommendation of the planning department that fencing requirements for height only should be part of the city comprehensive zoning by-law and Council decided not to regulate any other aspects of fencing. As a result, the following resolution was adopted by Council:

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By-law Update, be received; and THAT all existing by-laws relating to fencing, other than swimming pool fencing, be repealed upon the passing of the Comprehensive Zoning By-law for the City of Kawartha Lakes.

In an effort to clean up old outstanding resolutions, this report is being brought forward to address this direction.

## **Rationale:**

Planning staff are working towards drafting a City-wide comprehensive zoning by-law. The view of the current planning staff is that a separate stand-alone fence by-law should be enacted to regulate construction of fencing. This position is also supported by the Chief Building Official and the Manager of Municipal Law Enforcement.

The intent of comprehensive zoning by-laws is to deal with land use. It would be appropriate to keep regulations regarding maximum heights of fencing with the zoning by-law, as they relate to zone category, however, it is not appropriate to include other fence regulations within the zoning by-law. The other fence requirements can be addressed in a stand-alone fence regulation by-law, which will outline prescriptive criteria for fencing, relative to type of materials, use of the fence, installation guidelines, etc. It is the recommendation of staff to have a fence regulation by-law for this municipality with no required permit. This way, there are consistent rules set by by-law that can be enforced, however, the addition of the administrative process of obtaining a permit would not be required. Should Council agree and direct that the by-law be prepared, staff will add this to their 2016 work plan for drafting of a stand alone fence regulation by-law.

The City passed a by-law to regulate swimming pool fencing that outlines the specific fence and permitting requirements for such an activity and it would be prudent to pass a comprehensive fence by-law to regulate all other scenarios.

### **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 Considerations:**

There are no direct financial considerations with respect to this report as no permitting would be required. If there are enforcement issues, the fines should be set to recover any enforcement expenses.

### **Relationship of Recommendation(s) To Strategy Map:**

By creating a fence regulation by-law, it develops acceptable standards across the municipality.

### **Review of Accessibility Implications of Any Development or Policy:**

N/A

### **Servicing Comments:**

N/A

### **Consultations:**

CAO  
Chief Building Official  
Manager of Municipal Law Enforcement

### **Attachments:**

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**Department Head:** Ron Taylor, CAO

**Department File:**