

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 21-96

BEING a By-Law to prescribe regulations governing the construction, height and description of fences of any type, as amended by By-law 03-05 and By-Law 51-2022

WHEREAS section 210 (25) of the Municipal Act c. M. 45 R.S.O. 1990 as amended does allow for the passing of By-Laws for prescribing the height and description of lawful fences and for prescribing the area of the municipality to which the By-Law applies;

AND WHEREAS with the growth of the Village of Merrickville a By-Law prescribing the height and description of fences is deemed to now be necessary;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville does enact as follows that:

1. This By-law shall only apply to the following lands:
 - a) All lands within Settlement Areas of the Village of Merrickville-Wolford identified in the Village of Merrickville-Wolford Official Plan Schedule A-1 as having a “Hamlet” designation, including but not limited to the Settlement Areas of Jasper, Eastons Corners, and Carleys Corners; and
 - b) All lands identified in the Village of Merrickville-Wolford Official Plan B-1 as being within the Urban Area Boundary” of Merrickville.
- 1.1 Notwithstanding section 1, the By-law shall not apply to any lands legally being used for Agricultural Uses or Agriculture-Related Uses, in accordance with the By-law 23-08, as amended from time to time.
2. For purposes of this By-law the definitions contained in By-law 23-08, as amended from time to time, shall apply and are hereby incorporated by reference.
3. No person shall construct a fence on any Lot except in accordance with this By-law.
4. All fences shall be constructed in accordance with the following requirements:
 - a) A fence on a Rear Lot Line shall not exceed a height of 1.81 metres and may be opaque;
 - b) A fence on a Side Lot Line that does not face a municipally maintained road shall not exceed a height of 1.81 metres and may be opaque;
 - c) A fence on a Side Lot Line that faces a municipally maintained road shall not exceed a height of 1.81 metres for that portion of the fence that is outside of the Front Yard and may be opaque for any portion of the fence that does not intrude into the Front Yard;
 - d) Any fence that is constructed within the Front Yard shall not exceed a height of 1.22 metres and may be opaque;
 - e) Fences on a Rear Lot Line or Side Lot Line that do not face a municipally maintained road and which do not extend into the Front Yard may have additional height over 1.81 metres provided that the height over 1.81 metres is constructed of an open weave material with a minimum opening

size of the weave of 2.5 square centimetres, and provided that the total height of the fence does not exceed 2 metres.

5. No fence shall be painted in or made from luminous or reflective material.
6. No fence shall use or incorporate 'barbed wire' or 'electrification' in any manner whatsoever.
7. This By-law supersedes any other By-law respecting fences save and except for By-law No. 19-07 being the By-Law respecting the enclosures for privately-owned outdoor swimming pools.
8. This By-Law has no retroactive clauses and does not apply to any fence existing at the date of passage thereof save that all new fences shall comply.
9. All fences shall be constructed, with the 'good' side out and within the property line(s).
10. The provisions of section 1, 2 and 4 do not apply to a person who erects a private outdoor tennis court.
11. An owner, or occupant, of land containing a fence shall have the right to enter upon adjoining land for the purpose of maintaining the fence. However, the owner, or occupant, shall inform the owner or occupant of the adjoining land of the intention to maintain. The adjoining land shall be left in the same condition as it was prior to such entry.
12. A hedge when located on the perimeter of a property, shall be maintained so as:
 - a) Not to encroach upon or interfere with any sidewalk, highway, traffic sign, fire hydrant, valve or other public utility connection or of a neighbouring property;
 - b) Not to become overgrown to the extent that visibility or access to the main entrance or driveway of any dwelling, whether the owner or adjacent property is limited for the ingress or egress of vehicles.
13. Any contravention of this by-law is an offence with respect to which the proceedings and fines set out in the Provincial Offences Act applies.

Read a first and second time this 15th day of July, 1996.

Read a third time and passed on this 15th day of July, 1996.

Mayor

Clerk