

Property Maintenance

Chapter 724 Fences – Vacant Commercial/Industrial Property within BIA

Chapter Index

Article 1 - Short Title

724.1.1 Citation

Article 2 - Interpretation

724.2.1 Business Improvement Area - defined

724.2.2 Vacant land - defined

724.2.3 Screen fence - defined

Article 3 - General Provisions

724.3.1 Vacant land - fence - Business Improvement Area

724.3.2 Location - on property owner's property

724.3.3 Location - exception corner lots

724.3.4 Location - exception adjacent properties

724.3.5 Location - exception adjacent driveways

724.3.6 Property line - determination - owner's expense

724.3.7 Fence - unlawful on highway - removal owner expense

724.3.8 Height - requirements

724.3.9 Gate - self closing - self latching - requirements

724.3.10 Fence - requirements

724.3.11 Exemption

Article 4 - Enforcement

724.4.1 Fine - for contravention

724.4.2 In default - costs recovered through municipal taxes

Article 5 - Enactment

724.5.1 Effective date

Article 1 - Short Title

724.1.1 Citation

The short title of this Chapter is "The Fencing of Vacant Commercial/Industrial Property within the Business Improvement Area By-law."

Article 2 - Interpretation

724.2.1 Business Improvement Area - defined

"Business Improvement Area" means that area within the City of Woodstock contained within the boundaries described as follows:

commencing at a point being the intersection of the centre lines of Oxford Street and Hunter Street;

thence easterly along the centre line of Hunter Street to the centre line of Princess Street;

thence easterly along the centre line of Princess Street to the centre line of Beale Street;

thence southerly along the centre line of Beale Street to the centre line of Bay Street;

thence southerly along the centre line of Bay Street to the centre line of Main Street;

thence westerly along the centre line of Main Street to the centre line of Mill Street;

thence northerly along the centre line of Mill Street to the centre line of Oxford Street;

thence northerly along the centre line of Oxford Street to the place of beginning.

724.2.2 Vacant land - defined

"vacant land" means a parcel of land separately assessed that has no significant structure thereon.

724.2.3 Screen fence - defined

"screen fence" means a fixed barrier which conceals vacant land from public view and access constructed on or in proximity to the property line.

Article 3 - General Provisions

724.3.1 Vacant land - fence - Business Improvement Area

Every owner of vacant land zoned commercial and/or industrial purposes within the area designated as the Business Improvement Area shall erect a screen fence as described herein along all property lines of the vacant land abutting public land, roads and lanes to conceal the vacant land from public view and restrict access to the vacant land.

724.3.2 Location - on property owner's property

All screen fences shall be constructed so as to be immediately behind the property line and entirely located on the property of the owner of the vacant land.

724.3.3 Location - exception corner lots

Notwithstanding Section 724.3.2, a screen fence shall be constructed so as to be on or immediately abutting the hypotenuse of the triangular space formed by the intersection of street lines for a distance of 9 metres (30 feet) each way from the point of intersection.

724.3.4 Location - exception adjacent properties

Notwithstanding Section 724.3.2, a screen fence shall be constructed so as to be on or immediately abutting a line constituting the average of the setback distances of the main buildings on the adjacent two lots.

724.3.5 Location - exception adjacent driveways

Notwithstanding Section 724.3.4, a screen fence shall be setback a distance of 6 metres (20 feet) from the street line when a driveway on an adjacent property is within 9 metres (30 feet) of the common property line.

724.3.6 Property line - determination - owner's expense

Every person, before fencing on his or her property along any highway or public place shall ascertain at his or her expense the correct line of the highway adjacent to and bounding such property from a legally qualified Provincial Land Survey and such person shall file in the City Engineer's office plans and data of the said lines when required to do so by the City Engineer or designate.

724.3.7 Fence - unlawful on highway - removal owner expense

Any screen fence placed unlawfully upon or over a highway, either wholly or partly, shall be removed and the road restored to its former condition all at the expense of the owner of the vacant land in connection with which such fence exists.

724.3.8 Height - requirements

Every screen fence, including gates, shall extend from the ground to a height of not less than 1.8 metres (6 feet) as measured at the outside of the enclosure.

724.3.9 Gate - self closing - self latching - requirements

Every gate in a screen fence shall be equipped with a self closing device, latch and locking mechanism at the top and on the inside of the gate.

724.3.10 Fence - requirements

Screen fences shall comply with the following requirements:

- a) screen fences shall be constructed so as not to allow light to pass through any portion of its height;

- b) the top, bottom and intermediate rails of a screen fence shall be covered such that the rails have an equal or lesser exposure on the side visible from the public land, road or lane;
- c) screen fences shall be constructed of weather proof materials;
- d) screen fences constructed of plywood shall be painted;
- e) screen fences shall not deflect or move more than 25 millimetres (10 inches) when subjected to a lateral force by a person; and
- f) screen fences shall be kept free of graffiti and advertisement.

724.3.11 Exemption

Vacant land which is:

- a) topsoiled, seeded with grass and maintained in a well kept manner; or
- b) a legal parking lot, shall be exempt from the provisions of this Chapter.

Article 4 - Enforcement

724.4.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction, forfeit and pay a penalty of not more than \$5000, exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*.

724.4.2 In default - costs recovered through municipal taxes

Pursuant to the provisions of section 326 of the *Municipal Act*, R.S.O. 1990, c. M.45 the Council may direct that, in default of an owner erecting a screen fence to properly enclose vacant land in compliance with this Chapter, the City may undertake to have the fence erected and recover the expense incurred in the same manner as taxes.

Article 5 - Enactment

724.5.1 Effective date

This Chapter shall become effective as of the third and final reading of the enabling by-law. By-law 7861-02, December 5, 2002.