
HALDIMAND COUNTY

Memorandum BME-M02-2020 Further Information re: Report BME-02-2020 Establishment of a Fence By-law and Memorandum BME-M01-2020

For Consideration by Council in Committee on December 8, 2020



To: Mayor Hewitt and Members of Council

From: Randy Charlton, CMM III, MLEO(c), CPSO, Chief Building Official, Manager of Building and Municipal Enforcement Services

On November 23, 2020, Council deferred Report BME-02-2020 and Memorandum BME-M01-2020 until the December 8, 2020 Council in Committee meeting, to allow for the Agricultural Advisory Committee to provide its feedback on the proposed Fence By-law.

Staff reached out to the Agricultural Advisory Committee by e-mail on November 26, 2020 welcoming the Committee to provide any further questions or comments as it relates to the proposed Fence By-law. Staff in the e-mail, provided the Committee with the links to Staff Report – BME-02-2020, the report attachment outlining the fence height limits and setbacks, as well as the draft by-law. The e-mail indicated that responses were to be submitted by Wednesday December 2, 2020 by 4:30 pm.

An e-mail was received from a member of the Agriculture Advisory Committee with some questions and commenting on the By-law advising that:

The By-law looks to be well written. I particularly like the dispute resolution. It seems to be a lot more straightforward than that outlined in the Line Fences Act.

Staff have replied to the questions as follows:

Question 1:

How does the Haldimand County By-law propose to handle Municipal/Provincial roadways, Cemeteries or does the *Line Fences Act* still govern?

Response 1:

The dispute resolution within the By-law is a provision for a Fence marking the boundary between adjoining parcels of land. Fences along County roads or road allowances are not subject to the By-law.

There is no reference in the Line Fences Act to Cemeteries.

Question 2:

From an agricultural perspective, I'm keenly interested if there is a permitting process and fee schedule for the repair, replacement of existing or installation of new fencing for livestock control or general security purposes? Does the By-law apply if the fence is at an appreciable distance from the lot line? An example here might be a greenhouse or livestock facility where the owner wants a security fence installed close to the structures.

Response 2:

There are no fees for fencing for livestock control or general security purposes. The By-law does not regulate the repair or maintenance of paddock fencing entirely on private property or near a farm facility. That being said, if a paddock fence is

unsecure, broken or in need of repair, the existing Property Standards By-law may apply and require the fence to be repaired or removed in order to comply. That being said, there is nothing in any of the County's by-laws that requires a fence to be constructed for livestock. Noting, however, that animals, including livestock are not to be running-at-large.

The By-law does not and cannot regulate fencing as a normal farm practice.

Question 3:

What are the circumstances when a permit if any is required and what are the fees? The By-law looks to be silent on this.

Response 3:

There are no fees to construct a fence.

Question 4:

Does Haldimand County have any authority under the By-law to force land owners to repair or remove fences in disrepair? If so, who is the authority to determine a fence (agricultural) is in disrepair? In this situation, no action has been initiated by either abutting land owner.

Response 4:

The By-law does not force land owners to repair or remove fences in disrepair.

However, a complaint about the maintenance of any fence in the County has always been possible through the Property Standards By-law. Refer to response on question 2 above.

It is staff's understanding from the representative of the Agriculture Advisory Committee that the responses to the questions raised are satisfactory and there are no concerns with the By-law given its limited affect on agriculture operations. Staff will continue to respond to questions as they may come forward to assist residents in the education of the proposed Fence By-law.

There have been no requests for any part of the Draft Fence By-law to be changed, therefore, staff is recommending that the By-law be passed as presented at the November 23rd Council meeting.