

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /25

Being a by-law to amend By-law 2217/20 to regulate the construction of fences in Haldimand County

WHEREAS Section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the Act) provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and further that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS the Council of The Corporation of Haldimand County deems it expedient to amend By-law 2217/20 to include a provision for appeals, regulation regarding Fences of Open Type Construction and various height restrictions,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT PART II – DEFINITIONS** of By-law 2217/20 be amended by adding the following definition as section oo. for “Visually Unobstructed”:

oo. “Visually Unobstructed” refers to the materials and the material sizes or dimensions which are permitted to be used in the construction of the Fence, so that the Fence can be accepted as Visually Unobstructed, for the purpose of this by-law, therefore all:

- a. posts, supporting the rails, when of wood, composite, Vinyl, aluminum or iron, shall not be more than .15 x .15 metres (6 x 6 inches) in diameter and situated a distance not less than 1.83 metres (6 feet) between the posts; or
- b. with 3 or less, equally spaced supporting rails, with no pickets and that each rail shall not be more than .135 x .135 metres (5 ¼ inches) wide; or
- c. vertical pickets, attached to the supporting rails, when of wood or composite that shall not be more than 0.07 metres (2 ¾ inches) wide and have the spacing of not less than .13 x .13 metres (5 inches) between vertical pickets; or
- d. vertical pickets attached to the supporting rails, when of vinyl, aluminum or iron shall not be more than 0.02 metres (¾ inches) wide and have a spacing of not less than .13 metres (5 inches) between vertical pickets; or
- e. vinyl, aluminum or iron vertical pickets that do not comply with subsection c) above, must be in accordance with subsection b. of this definition to be considered as Visually Unobstructed; or
- f. chain link mesh shall not have openings less than 40mm (1-½ inch); or

- g. Posts supporting chain link mesh shall not be more than 1.07 metres (3 ½ inches) in diameter and supporting the rails, shall not be more than 0.04 metres (1 ½ inches) in diameter.

2. **THAT PART III – EXEMPTIONS** of By-law 2217/20 to be amended by adding the following as Section 1.1 respecting “Fences - Deemed to Comply”:

- 1.1. The Chief Building Official may deem acceptable any combination of the materials and the material sizes or dimensions used in the construction of a Fence of Open Type Construction, not otherwise permitted in this By-law, where in the opinion of the Chief Building Official the construction of the Fence maintains the general intent and purpose of this By-law.

3. **THAT PART III – EXEMPTIONS** of By-law 2217/20 be amended by adding the following as Section 1.2 respecting “Compliance Tolerance”:

Compliance Tolerance

- 1.2. A Fence that is permitted pursuant to this By-law and which has been constructed to within 98% of the application by-law provision(s), shall be deemed to comply with this by-law.

4. **THAT PART V - FENCES IN RESIDENTIAL ZONES** of By-law 2217/20 be amended by adding the following as Sections 7.1 and 7.2 respecting “Height - Location”:

- 7.1 Notwithstanding Section 6b. and 7b., a Fence of Open Type Construction may be erected with any Driveway Visibility Triangle or within the Required Front Yard.

- 7.2 No person shall erect, construct, maintain or permit to be erected a Fence exceeding a Height of 1.2 metres (4 feet) of Open Type Construction in:

- a. any Driveway Visibility Triangle; or
- b. in the Required Front Yard.

5. **THAT PART IX – REMEDIAL ACTION** of By-law 2217/20 be amended by adding the following as Sections 33.1, 33.2, 33.3, 33.4 respecting “Variances and Appeals”:

- 33.1 An application for a variance or an appeal from any provision of this By-law shall be accompanied by the appropriate form and fee. The section does not apply to Part VI respecting Division Fences.

- 33.2 The County may on the application of a person:

- (a) authorize a variance or appeal from the provisions of this By-law where in the opinion of the County:

- i) there are special circumstances or conditions application to the property or building where the Fence is proposed to be erected and these circumstances or conditions are not shared by others with similar properties or buildings; or
 - ii) strict application of the provisions of this By-law would create practical difficulties or unusual hardship for the applicant; or
 - iii) the special circumstances or conditions were not created by the applicant; or
 - iv) approval of the variance or appeal will not alter the character of the area where it is located; and
 - v) approval of the variance or appeal will not affect public safety; and
 - vi) approval of the variance or appeal maintains the general intent and purpose of this By-law.
- (b) authorize a variance or appeal to this By-law may permit a Fence which does not comply with this By-law.

33.3 A variance or appeal from the provisions of this By-law may be authorized by Council, or if Council so delegates, by a Committee of Council.

33.4 Where Council has delegated approval of a variance or appeal to a Committee of Council and the Committee of Council refuses the application, the applicant may appeal the refusal to Council. Council shall consider the appeal and Council's decision will be final.

6. **AND THAT** this by-law shall take force and effect on the date of passing.

ENACTED this 5th day of May, 2025.

MAYOR

CLERK