

Note: Within the below table, items referenced utilizing a strikethrough have been removed and those highlighted are proposed to be included. Any wording not stroked out or highlighted is proposed to remain unchanged.

Table 1.0: – Formatting Errors / Omissions

Item	Existing By-Law 54-03	Proposed Approach	Explanation/Rationale				
Amendment Title Page	BY-LAW NUMBER 54-03 (As amended by By-Laws, 158-04, 74-11, and 84-11) Updated August 2011	<div><div><div><div><div><div></div><div><u>BY-LAW</u></div><div>- 2022</div></div></div><div><div>AMENDED BY BY-LAW(S):</div><table><tr><td>Amending By-Law</td><td>Explanatory Note</td></tr><tr><td></td><td></td></tr></table></div></div></div></div>	Amending By-Law	Explanatory Note			Allows ongoing amendments to the document to be easily referenced and tracked.
Amending By-Law	Explanatory Note						
By-Law Recital	<p>This is an office consolidation of By-Law 54-03 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk.</p> <p>BY-LAW NUMBER 54-03 (As amended by By-Laws, 158-04, 74-11, and 84-11) Updated August 2011 <u>BY-LAW NUMBER 54-03</u></p> <p>- of -</p>	<p>Being a by-law to regulate fences and to amend By-Law 54-03.</p> <p>For accurate reference you should consult the original by-laws that are retained by the Clerk.</p> <p><u>BY-LAW NUMBER</u> <u>-22</u></p> <p>- of -</p> <p><u>THE CORPORATION OF THE COUNTY OF BRANT</u></p>	<p>Updates the recital to acknowledge amendments to existing By-Law 54-03 (the County’s Fence By-Law) and provides direction on where previous versions of the County’s Fence By-Law can be accessed.</p> <p>Includes By-Law title and number.</p>				

	<u>THE CORPORATION OF THE COUNTY OF BRANT</u>		
Short Title	A by-law to regulate fences	A by-law to regulate fences on privately owned lands.	Provides brief description of the intent of the By-Law. Clarifies the existing description.
Applicable Sections of the <i>Municipal Act, 2001, S.O. 2001, c.25</i>	<p>WHEREAS Section 11 (1) 7 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to pass a by-law regarding structures, including fences;</p> <p>AND WHEREAS Section 98 (1) of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to provide that the <i>Line Fences Act</i> does not apply to all or any part of the municipality;</p> <p>AND WHEREAS Section 132 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes council to pass a by-law to authorize the</p>	<p>WHEREAS sections 8, 9 and 10 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorize the County of Brant to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 10 of subsection 10(2) authorizes by-laws respecting fences;</p> <p>AND WHEREAS pursuant to Subsection 8(3) of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> the by-laws of a municipality may (a) regulate or prohibit regarding a certain matter; (b) require a person to do certain things respecting such matter;</p> <p>AND WHEREAS Section 98 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> provides that a municipality may provide that the <i>Line Fences Act, R.S.O. 1990, c. L-17</i> does not apply to all or any part of the municipality, but despite such by-law being passed, Section 20 of the <i>Line Fences Act, R.S.O. 1990, c.L.17</i> continues to apply throughout the municipality;</p>	Recital of legislative authority to enact by-laws to regulate private fencing is updated to reflect amendments to the <i>Municipal Act, 2001, S.O. 2001, c.25</i> since the initial passing of the County's Fence By-Law in 2003.

	<p>owner or occupant of <i>land</i> to enter adjoining <i>land</i>, at any reasonable time, for the purpose of making repairs or alterations to any building, <i>fence</i> or other structures on the <i>land</i> of the <i>owner</i> or occupant but only to the extent necessary to carry out the repairs or alterations;</p> <p>AND WHEREAS Section 427 of the <i>Municipal Act, 2001</i>, S.O. 2001, c.25 authorizes Council to pass a by-law enabling the municipality to do such matter or thing at the <i>person's</i> expense when that <i>person</i> fails to do what they are required or directed to do by by-law or otherwise, and to recover the costs of such action from the <i>person</i> by adding the costs to the tax roll and collecting them in the same manner as taxes;</p>	<p>AND WHEREAS it is deemed expedient to exclude the Corporation of the County of Brant from the provisions of the <i>Line Fences Act, R.S.O. 1990, c. L-17</i>, as amended;</p> <p>AND WHEREAS Section 132 of the <i>Municipal Act, 2001</i>, S.O. 2001, c.25 authorizes council to pass a by-law to authorize the <i>owner</i> or occupant of <i>land</i> to enter adjoining <i>land</i>, at any reasonable time, for the purpose of making repairs or alterations to any building, <i>fence</i> or other structures on the <i>land</i> of the <i>owner</i> or occupant but only to the extent necessary to carry out the repairs or alterations;</p> <p>AND WHEREAS section 425 of the <i>Municipal Act, 2001</i>, S.O. 2001, c.25 authorizes the County of Brant municipality to pass by-laws providing that a person who contravenes a by-law of the County Brant municipality passed under that Act is guilty of an offence;</p> <p>AND WHEREAS Section 446 of the <i>Municipal Act, 2001</i>, S.O. 2001, c.25 authorizes Council to pass a by-law enabling the municipality to do such matter or thing at the <i>person's</i> expense when that <i>person</i> fails to do what they are required or directed to do by by-law or otherwise, and to recover the costs of such action from the <i>person</i> by adding the costs to the tax roll and collecting them in the same manner as taxes;</p> <p>WHEREAS subsection 391(1) of the <i>Municipal Act, 2001</i>, S.O. 2001, c.25 provides that a municipality may impose fees and charges on persons, (a) for services or activities provided or done by or on behalf of it; (b) for costs payable by it for services or activities provided or done by or on</p>	
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	<p>AND WHEREAS Council is desirous of regulating the injury to and maintenance of <i>fences</i> bordering on municipal property, and other matters relating to fences;</p>	<p>behalf of any other municipality or any local board; and, (c) for the use of its property including property under its control;</p> <p>AND WHEREAS Council is desirous of regulating the injury to and maintenance of <i>fences</i> bordering on municipal property, and other matters relating to fences.</p>	
Terminology	<p>Masculine Pronouns “he”, “him”, and “his” throughout By-Law 54-03 relating to possession/ownership and Municipal Officials/Positions.</p>	<p>All use of masculine pronouns have been removed and replaced with gender neutral pronouns of “they”, “them”, and “theirs” throughout the By-Law.</p>	<p>Removes unnecessarily descriptive wording relating to gender specific pronouns.</p>
Short Title	<p><u>Short Title</u> 1. This by-law shall be known as the Fence by-law.</p>	<p>1. <u>Short Title</u> 1.1. This by-law shall be known as “The Municipal Fence By-law.”</p>	<p>The “Short Title” of the By-Law has been advanced within the document and amended slightly in wording.</p>
General Provisions	<p><u>General Provisions</u></p>	<p>2. <u>GENERAL PROVISIONS</u></p>	<p>The “General Provisions” Section of the By-Law has been formatted to create consistency throughout the document.</p>
General Provisions	<p>2. The Line Fences Act shall continue to apply in the County of Brant, except with respect to Municipal Fences as set out in Sections 14 through 20.</p>	<p>3.2. <i>The Line Fences Act, R.S.O. 1990, c. L-17</i> shall continue to apply in the County, except to municipal fences.</p>	<p>Paragraph has been amended to remove reference to sections of the By-Law which no longer correspond to this regulation.</p>

General Provisions	<p>4. (a) The persons listed in Schedule 'A', forming part of this by law, are hereby appointed as fence viewers for the County of Brant and shall hold office until their successors are appointed, and shall carry out their duties in accordance with the Line Fences Act; (a) The said fence viewers shall each be paid the sum, as set out in Schedule 'A', forming part of this by law, for each attendance or re-attendance by them, and a mileage rate as set out from time to time by Council; BY LAW NUMBER 54-03 (As amended by By-Laws, 158-04, 74-11, and 84-11) Page 4 (c) Every Award or Agreement of a fence viewer shall provide for the payment of the fence viewers costs and a payment, as set out in Schedule 'A', forming part of this by law, for administration costs undertaken through the</p>	Removed.	<p>These Paragraphs have been removed based on the structure of the proposed By-Law and change in process function.</p> <p>The new County Fence By-Law will be enforced by the By-law Law Enforcement and Regulatory Services Division.</p>
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	Clerk's office, such administration fee to be credited to the County's General Funds.		
General Provisions	5. This by-law shall not apply to licensed Automobile Wrecking Yard fences, constructed in accordance with the provisions of the Business Licensing By-Law.	3.3. This by-law shall not apply to licensed Automobile Wrecking Yard <i>fences</i> , constructed in accordance with the provisions of the County's Business Licensing By-Law.	Paragraph has been amended to clarify the Business Licensing By-Law is the County of Brant's municipal by-law.

2 – Implementation Barriers

Item	Existing By-Law 54-03	Proposed Approach	Explanation/Rationale
General Formatting of Sections	Not all sections of By-Law 54-03 are formatted and identified.	The proposed By-Law is formatted into 12 Sections and Schedule 'A' for ease of reference.	Formatting changes throughout the proposed By-law create consistency with other municipal by-law structure, ensure easy reference of Sections and Clauses, and provide clarity on Section titles for ease of reference.
Application of Provisions and Regulations	Reference to all provisions and regulations relating to Swimming Pool Enclosures have been removed.	Provisions and Regulations only relate to private fencing throughout the County of Brant.	Provisions and Regulations relating to swimming pool enclosures have been removed as part of this project to create two separate by-laws for the regulation of each of these structure types.
Definitions	<u>Definitions</u>	<p>2. <u>Definitions</u></p> <p>2.1. For the purpose of this by-law:</p>	The "Definitions" Section of the By-Law has been formatted to create consistency throughout the document, add reference to each

			definition within this Section, and acknowledge how the meaning of each term is intended to be used.
Definitions - “Building” definition	Building shall mean any permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons, animals, or goods, but shall not include a lawful boundary wall or fence.	2.2. “Building” means a building as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been simplified and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.
Definitions - “Chief Building Official” definition	Chief Building Official shall mean the person appointed as such by the Corporation of the County of Brant or his designate.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - “Corner Lot” definition	Corner Lot shall mean a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than one hundred and thirty five (135) degrees. In the case of a curved corner, the corner of the building lot shall be that point on the street line nearest to the point of intersection of the said tangents.	2.3. “Corner Lot” means a corner lot as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been simplified and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.

Definitions - "County" definition	County shall mean the Corporation of the County of Brant.	2.4. "County" means the Corporation of the County of Brant and includes the geographic area contained within the County of Brant.	Definition has been clarified to include reference to not only the County as a Corporation but also as a geographical location to assist with implementation.
Definitions - "Daylight Corner" definition	Daylight Corner shall mean that portion of a corner lot within the triangular space formed by joining the street lines by a straight line, drawn between two points on the street lines, each such point being 6 metres (19 ft. 8 inches) measured along each street line from the point of intersection of the street lines, or such other sight triangle set out in the zoning by-law or in a site plan control agreement for a particular lot.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - "Effective Ground Level" definition	Effective Ground Level shall mean the highest level of the ground at a particular location taking into consideration the surrounding ground level for a horizontal distance of five feet either side of the location being considered.	2.5. "Effective Ground Level" means the highest level of the ground within 1.00 m (3.28 feet) horizontally in any direction from the point being considered.	Definition has been simplified to assist with implementation.
Definitions - "Ground Level" definition	Ground Level shall mean the ground level at the boundary line but where the ground levels are not the same on both sides of the boundary, the higher of such levels shall be considered as	2.8. "Ground Level" means the <i>ground level</i> at the boundary line but where the <i>ground levels</i> are not the same on both sides of the boundary, the higher of such levels shall be considered as <i>ground level</i> for the purposes	Definition has remained largely unchanged apart from a minor

	ground level for the purposes of the fence; however, in the case of a privacy screen on an elevated deck, the surface of the deck shall be the point of measurement.	of the <i>fence</i> ; however, in the case of a <i>privacy screen</i> on an elevated deck, the surface of the deck shall be the point of measurement.	amendment with the removal of “shall.”
Definitions - “Height” definition	Height shall mean the distance measured from the ground level or effective ground level, as the case may be, where the fence posts are embedded to the top of the said posts	2.9. “Height” means the distance measured from the <i>ground level</i> or <i>effective ground level</i> , as the case may be, where the <i>fence</i> posts are embedded to the top of the said posts.	Definition has remained largely unchanged apart from a minor amendment with the removal of “shall.”
Definitions - “Interior Lot” definition	Interior lot shall mean a lot other than a corner lot.	2.10. “Interior lot” means an <i>interior lot</i> as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been simplified and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.
Definitions - “Lot” definition	Lot shall mean any parcel of land that can be alienated or otherwise disposed of separately and apart from any abutting lands, whether or not such parcel is described in a registered deed or shown on a registered plan of subdivision.	2.12. “Lot” means a <i>lot</i> as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been simplified and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.
“Lot Line” definition	Does not form part of the current By-Law.	2.13. “Lot Line” means a <i>lot line</i> as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been added based on wording of the By-Law and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.

Definitions - "Owner" definition	Owner when used in relation to a swimming pool or swimming pool enclosure shall mean the owner of the property or any person having care and control of the property upon which the pool is located.	2.15. "Owner" shall mean the <i>owner</i> of the property or any person having care and control of the property, including an occupant or tenant.	Definition has been amended to remove reference to swimming pools and generalize the intent of the definition and terminology utilized throughout the proposed By-Law.
Definitions - "Person" definition	Person shall include an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to which the context can apply in accordance with the Interpretation Act, R.S.O. 1990, c.I.11.	2.16. "Person" means a natural person, partnership, or corporation, and includes the heirs, executors, administrators or other legal representatives to whom the context can apply according to law.	Definition has been amended to generalize intent and assist with implementation.
Definitions - "Privacy Screen" definition	Privacy Screen shall mean a visual barrier that shields any part of a yard from view from any adjacent parcel or highway.	2.17. "Privacy Screen" shall mean a visual barrier that shields any part of a <i>yard</i> from view.	Definition has been amended to generalize intent and assist with implementation.
Definitions - "Quality" definition	Quality shall mean that any alteration to the construction must be substantially similar to the existing construction.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.

Definitions - “Same Materials” definition	Same Materials shall mean that any new or additional materials being used in the alteration must be substantially similar to the materials used in the construction of the fence.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - “Swimming Pool” definition	Swimming Pool shall mean any privately owned body of water located out of doors which is contained solely by artificial means and is capable of containing a depth of 40 cm (16 inches) or more, but does not include a hot tub which is covered and locked.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - “Swimming Pool Area” definition	Swimming pool area shall mean the swimming pool plus any surrounding platforms, walkways, play areas and landscaped areas, which lie within the swimming pool enclosure.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - “Swimming Pool Enclosure” definition	Swimming pool enclosure shall mean a fence or wall or combination thereof including any doors or gates surrounding a swimming pool.	Removed.	Definition has been removed in the amended By-Law, as this term is no longer utilized within the revised document.
Definitions - “Sound Barrier” definition	Does not form part of the current By-Law.	2.18. “Sound Barrier” means a fence or building constructed to minimize sound from road, highway or railway traffic.	Definition has been added based on wording of the By-Law to consider sound barriers and

			assist with implementation.
Definitions - “Visibility Triangle” definition	Does not form part of the current By-Law.	2.19. “Visibility Triangle” means a <i>visibility triangle</i> as defined in the County of Brant Comprehensive Zoning By-Law.	Definition has been added based on wording of the By-Law to consider visibility triangles and assist with implementation.
Definitions - “Yard” definition	Does not form part of the current By-Law.	2.20. “Yard” means a <i>yard</i> as defined within the County of Brant Comprehensive Zoning By-Law.	Definition has been added based on wording of the By-Law and consideration of yards when implementing the provisions and regulations of the proposed By-Law.
Definitions - “Front Yard” definition	Yard, Front shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot. For the purpose of this by-law the shortest lot line abutting the street is the front lot line.	2.20.1. “Front Yard” means a <i>front yard</i> as defined within the County of Brant Comprehensive Zoning By-Law. For the purpose of this by-law the shortest <i>lot line</i> abutting the street is the front <i>lot line</i> .	Definition has been amended to refer to the County of Brant Comprehensive Zoning By-Law to create consistency with implementation and interpretation. Added clarity as to what yard should be

			considered the front in case of discrepancy is also included.
Definitions - "Rear Yard" definition	Yard, Rear shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the main building on the lot.	2.20.2. "Rear Yard" means a rear yard as defined within the County of Brant Comprehensive Zoning By-Law.	Definition has been amended to refer to the County of Brant Comprehensive Zoning By-Law to create consistency with implementation and interpretation.
Definitions - "Side Yard" definition	Yard, Side shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building on the lot	2.20.3. "Side Yard" means a rear yard as defined within the County of Brant Comprehensive Zoning By-Law.	Definition has been amended to refer to the County of Brant Comprehensive Zoning By-Law to create consistency with implementation and interpretation.
Definitions - "Exterior Side Yard" definition	Yard, Side, Exterior shall mean a side yard immediately adjoining a public street.	2.20.4. "Exterior Side Yard" means an exterior side yard as defined within the County of Brant Comprehensive Zoning By-Law.	Definition has been amended to refer to the County of Brant Comprehensive Zoning By-Law to create consistency with implementation and interpretation.
Definitions - "Interior Side Yard" definition	Yard Side, Interior shall mean a side yard other than an exterior side yard.	2.20.5. "Interior Side Yard" means an interior side yard as defined within the County of Brant Comprehensive Zoning By-Law.	Definition has been amended to refer to the County of Brant Comprehensive Zoning By-Law to

			create consistency with implementation and interpretation.
Definitions - “Zone” definition	Does not form part of the current By-Law.	2.21. “Zone” means any land use zone established in the County of Brant Comprehensive Zoning By-Law.	Definition has been added based on structure and wording of the proposed By-Law and refers to the County of Brant Comprehensive Zoning By-Law to maintain consistency.
Definitions - “Zoning By-Law” definition	Does not form part of the current By-Law.	2.22. “Zoning By-law” means any by-law administered by the County passed pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.	Definition has been added based on structure and wording of the proposed By-Law and refers to the implementing legislative act being Section 34 of the Planning Act, R.S.O. 1990, c.P.13.
General Provisions	<u>General Provisions</u>	3. GENERAL PROVISIONS	The “General Provisions” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions

			and regulations which are generally intended to apply to fences throughout the County of Brant.
General Provisions	The Line Fences Act shall continue to apply in the County of Brant, except with respect to Municipal Fences as set out in Sections 14 through 20.	3.2. <i>The Line Fences Act, R.S.O. 1990, c. L-17</i> shall continue to apply in the County, except to municipal fences.	Paragraph has been amended to remove reference to sections of the By-Law which no longer correspond to this regulation.
General Provisions	4. (a) The persons listed in Schedule 'A', forming part of this by law, are hereby appointed as fence viewers for the County of Brant and shall hold office until their successors are appointed, and shall carry out their duties in accordance with the Line Fences Act; (a) The said fence viewers shall each be paid the sum, as set out in Schedule 'A', forming part of this by law, for each attendance or re-attendance by them, and a mileage rate as set out from time to time by Council; BY LAW NUMBER 54-03 (As amended by By Laws, 158-04, 74-11, and 84-11) Page 4 (c) Every Award or Agreement of a fence viewer shall provide for the payment of the fence viewers costs and a payment, as set out in Schedule 'A', forming part of this by law, for administration costs	Removed.	These Paragraphs have been removed based on the structure of the proposed By-Law and change in process function. The amended County Fence By-Law will be enforced by the By-law Law Enforcement and Regulatory Services Division.

	undertaken through the Clerk's office, such administration fee to be credited to the County's General Funds.		
General Provisions	5. This by-law shall not apply to licensed Automobile Wrecking Yard fences, constructed in accordance with the provisions of the Business Licensing By-Law.	3.3. This by-law shall not apply to licensed Automobile Wrecking Yard fences, constructed in accordance with the provisions of the County's Business Licensing By-Law.	Paragraph has been amended to clarify the Business Licensing By-Law is the County of Brant's municipal by-law.
General Provisions	<p>6. Where the provisions of this by-law and the provisions of a site plan agreement or subdivision agreement conflict, the site plan agreement or subdivision agreement shall prevail, except:</p> <p>(a) where the fence contemplated is a swimming pool enclosure, the higher standard shall apply; and</p> <p>(b) where the fence contemplated contains either barbed wire or an electrical current, the height requirements provided in this by-law for the said</p>	<p>3.4. Where the provisions of this by-law and the provisions of a Site Plan Control Agreement or Subdivision Agreement conflict, the Site Plan Control Agreement or Subdivision Agreement shall prevail, except:</p> <p>3.4.1. Where the fence contemplated contains either barbed wire or an electrical current, the height requirements provided in this by-law for the said fences shall apply as minimum standards.</p> <p>3.4.2. Where fences or structures that act as sound barriers.</p> <p>3.4.3. On lands that are associated with an airport.</p>	Paragraph and Clauses amended to include wording of "Control" in relation to Site Plan Control Agreements, remove reference to swimming pool regulations, and add exceptions for both sound barriers and fencing relating to airports.

	<i>fences</i> shall apply as minimum standards.		
General Provisions	No equivalent within By-Law 54-03. Fence By-Law 54-03 does not regulate construction fencing.	3.5. This by law shall not apply to construction <i>fences</i> that act as a barrier to active construction sites. Any construction <i>fences</i> that are on any road allowance shall obtain approval from County.	Paragraph has been added to provide exception for construction fences under the proposed by-law.
General Provisions	7. Sections 9 and 10 of this by-law do not apply to a person who erects, or causes to be erected, a fence enclosing a privately owned outdoor tennis court, basketball court, baseball diamond, or other privately owned outdoor recreational facility of a similar nature IF: (a) the facility is lawfully erected and maintained in accordance with the Zoning By- Law and any other applicable County By-Law or provincial or federal legislation; and (b) the fence is of such open construction that it does not obstruct the visibility motorists and pedestrians necessary for the safe use of the highway.	3.6. <i>Front yard, rear yard, interior side yard, and corner lot provisions</i> under table 5.1.1 of this by-law do not apply to a <i>person</i> who <i>erects</i> , or causes to be <i>erected</i> , a <i>fence</i> enclosing a privately <i>owned</i> outdoor tennis court, basketball court, baseball diamond, or other privately <i>owned</i> outdoor recreational facility of a similar nature if: 3.6.1. the facility is lawfully <i>erected</i> and maintained in accordance with the County of Brant Comprehensive Zoning By-Law and any other applicable municipal by-laws or provincial or federal legislation; and 3.6.2. the <i>fence</i> is of such open construction that it does not obstruct the visibility of motorists and pedestrians.	Paragraph is amended to clarify which Zoning By-Law is being referenced, include reference to all municipal by-laws, and remove reference to highways to allow for simplified implementation of the proposed by-law.
General Provisions	7.1 The provisions of this by-law do not apply to fences erected by or on behalf of the County.	3.7 The provisions of this by-law do not apply to <i>fences erected</i> by or on behalf of	Paragraph amended to include reference to municipal,

		municipal, provincial, or federal government.	provincial, and federal government bodies.
General Provisions	17. Every person wishing to alter a fence constructed by or on behalf of the County, shall apply for a Municipal Fence Permit from the County as illustrated in Schedule B.	3.8. Applicants proposing to alter a fence constructed by or on behalf of the County, shall require a Municipal Fence Permit.	Paragraph amended to include definitive wording of intent of an applicant and require a municipal Fence Permit for all alterations, in accordance with the proposed by-law. The municipal Fence Permit is not proposed to form attachment to the proposed by-law as a Schedule as this may create implementation barriers. Application forms should be kept separate from Council approved by-laws.
General Provisions	18. Every person who has been issued a Municipal Fence Permit shall fulfill all requirements of the permit.	3.9. Applicants issued a Municipal Fence Permit shall fulfill all requirements of the permit.	Paragraph amended to refer to the applicant of Fence Permit and eliminate generalized wording.

General Provisions	No equivalent within By-Law 54-03. By-Law 54-03 does not provide regulations specific to rod iron and picket fencing.	3.10. Rod iron and picket <i>fences</i> shall be constructed to not impede visibility for traffic.	Paragraph included to provide regulations for rod iron and picket fencing.
General Provisions	No equivalent within By-Law 54-03.	3.11. If there is a conflict between a provision of this By-law and a provision of any other municipal by-law or other regulation or legislation, then the more restrictive provision shall apply.	Paragraph included to provide direction on conflicts between the proposed by-law and other municipal regulations or legislation.
General Provisions	6.1 In this by-law, where adjacent yards are classified differently as defined in the by-law, the fence requirements applicable to the yard that are the most restrictive shall be deemed to any portion of the fence erected between the adjacent yards, that is subject to the conflicting requirements.	3.12. In this by-law, where adjacent <i>yards</i> are classified differently as defined in the by-law, the <i>fence</i> requirements applicable to the <i>yard</i> that are the most restrictive shall apply to any portion of the <i>fence erected</i> between the adjacent <i>yards</i> .	Paragraph has been amended to remove additional wording of confliction with the proposed by-law regulations. Confliction with this by-law is discussed at the beginning of the paragraph.
Prohibitions	Currently prohibitions are scattered throughout the by-law under different sections.	4. <u>PROHIBITIONS</u>	The “PROHIBITIONS” Section of the By-Law has been formatted to create consistency throughout the document and only include prohibitions which apply to fences throughout the County of Brant.

Prohibitions	<p><u>Visibility</u></p> <p>8. Notwithstanding any of the provisions set out in this by-law, no person shall erect, or permit to be erected, a fence at a height that is higher than .06 metres (1.97 feet) above the elevation of the centre line of the said street, within a sight triangle as defined in the County Zoning By-law, if such fence obstructs the visibility of motorists and pedestrians necessary for the safe use of the highway.</p>	<p>4.1. No person shall <i>erect</i> or permit to be <i>erected a fence that does not comply with the provisions of this by-law.</i></p>	Paragraph amended to create a general application to all fences which do not conform or comply with the proposed by-law.
Prohibitions	<p>No equivalent within By-Law 54-03.</p> <p>By-Law 54-03 does not provide prohibitions based on specific materials such as sheet metal or corrugated metal panels on a lot in a residential zone.</p>	<p>4.2. No person shall <i>erect</i> or permit to be <i>erected a fence comprised of sheet metal or corrugated metal panels on a lot in a residential zone.</i></p>	Paragraph included to prohibited use of certain materials for fencing within residential zones.
Prohibitions	<p><u>Barbed Wire Fences</u></p> <p>12. No person shall erect, or permit to be erected, any barbed wire fence within the County, except that barbed wire is permitted:</p> <p>(a) on a fence erected on land in an agricultural zone as designated by the zoning by-law and used for the purpose of keeping</p>	<p>4.3. No person shall <i>erect</i> or permit to be <i>erected a fence comprised of barbed wire, except:</i></p> <p>4.3.1. <i>A fence on a farm for the keeping of livestock in compliance with the County of Brant Comprehensive Zoning By-law or the protection of livestock or crops from animals, provided the barbed wire portion of the fence begins at</i></p>	Paragraphs and clauses amended as needed to clarify provisions and regulations relating to barbed wire fencing throughout the County.

	<p>livestock and the barbed wire portion of the fence begins at least 1.21 metres (4 feet) from the ground level, unless an alternate fence construction is found to be a normal farm practice;</p> <p>(b) on the top of a fence erected for security reasons around any County owned, operated or maintained facility provided that it projects inwards to the area enclosed by the fence and that the barbed wire portion of the fence begins at least 1.8 metres (6 feet) from the ground level ; or</p> <p>(c) on the top of a fence erected in a commercial or industrial zone as designated by the zoning by-law provided that it projects inwards to the area enclosed by the fence and that the barbed wire portion of the fence begins at least 1.8 metres (6 feet) from the ground level.</p>	<p>least 1.20 m (3.93 feet) from the <i>ground level</i>, unless an alternate <i>fence</i> construction is found to be a normal farm practice;</p> <p>4.3.2. on the top of a <i>fence</i> on a <i>lot</i> used for commercial or industrial purposes, provided that the barbed wire is a minimum of 1.80 m above the <i>effective ground level</i> and projects inwards towards the area enclosed by the <i>fence</i>; or</p> <p>4.3.3. on the top of a <i>fence</i> erected for security reasons around any <i>County owned</i>, operated or maintained facility provided that it projects inwards to the area enclosed by the <i>fence</i> and that the barbed wire portion of the <i>fence</i> begins at least 1.80 m from the ground level; or</p> <p>4.3.4. on the top of a <i>fence</i> erected for security reasons enclosing a facility owned or operated by any level of government or a utility provider, provided that the barbed wire is a minimum of 1.80 m above the <i>effective ground level</i> and projects inwards towards the area enclosed by the <i>fence</i>.</p>	
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Prohibitions	<p><u>Electrical Fences</u></p> <p>13. No person shall erect, or permit to be erected, any fence equipped with a device for transmitting an electric current thereon or there through, except on land designated as agricultural by the zoning by-law and used for the purpose of keeping livestock provided that the maximum electrical current does not exceed 120 volts at 0.04 amps, and the electrical portion of the fence begins at least 1.21 metres (4 feet) from the ground level, unless alternate construction is found to be a normal farm practice.</p>	<p>4.4. No person shall <i>erect</i> or permit to be <i>erected</i> a fence equipped to transmit an electric current, except for a fence on a farm for the keeping of livestock or the protection of livestock or crops from animals as permitted in the County of Brant Comprehensive Zoning By-law provided that the fence meets the following:</p> <p>4.4.1. Applicable Canadian Standards Association Standards;</p> <p>4.4.2. The maximum electrical current does not exceed 120 volts at 0.04 amps;</p> <p>4.4.3. The electrical portion of the fence begins at least 1.21 m from the ground level, unless alternate construction is found to be a normal farm practice; and,</p> <p>4.4.4. The electrical portion of the fence is located 1.01 m from a lot line abutting any residential or institutional uses or zones.</p>	<p>Paragraph amended to clarify provisions and regulations relating to electric fencing throughout the County.</p>
Prohibitions	<p>No equivalent within By-Law 54-03.</p> <p>By-Law 54-03 does not prohibit the rection of fencing on County Owned lands by anyone other than the County or municipal officials.</p>	<p>4.5. No person shall <i>erect</i> or permit to be <i>erected</i> a fence on County property without the prior permission of the County.</p>	<p>Paragraph included to established prohibitions relating to erection of fencing without County approval.</p>

Attachment 3 - Comparison Chart – New Draft Fence By-Law Regulations (November 2022)

Prohibitions	No equivalent within By-Law 54-03. By-Law 54-03 does not prohibit erection of fencing which is hazardous to persons or property.	4.6. No person shall <i>erect</i> or permit to be <i>erected a fence</i> that is hazardous to persons or property.	Paragraph included to established prohibitions relating to unsafe fencing.
Prohibitions	<u>Municipal Fences</u> 16. No person shall injure or alter, or permit the injury or alteration, of any fence constructed by or on behalf of the County unless that person has been issued a Municipal Fence Permit by the County.	4.7. No <i>person</i> shall <i>damage</i> or alter, or permit the <i>damage</i> or alteration, of any <i>fence</i> constructed by or on behalf of the <i>County</i> unless that <i>person</i> has been issued a Municipal Fence Permit by the <i>County</i> .	Paragraph amended to remove the wording of “injure/injury” with “damage.”
Prohibitions	No equivalent within By-Law 54-03. While By-Law 54-03 provides some prohibitions and regulations on the location and heights of fencing it does not prohibit fencing within sight triangles.	4.8. Notwithstanding any of the provisions set out in this by-law, no person shall <i>erect, or permit to be erected, a fence within a sight triangle.</i>	Paragraph included to established prohibitions relating to fencing within a sight triangle.
Prohibitions	No equivalent within By-Law 54-03. While By-Law 54-03 does have some prohibitions and regulations relating to enforcement and penalties it does not speak to obstruction of duty exercised under the By-Law or failure to comply with orders issued under the By-Law.	4.9. No person shall hinder or obstruct or attempt to hinder or obstruct any Person who is exercising a power or performing a duty under this by-law, including by refusing to identify themselves when requested to do so by a <i>Municipal Law Enforcement Officer.</i>	Paragraph included to established prohibitions relating to the obstruction of duties assigned to a Municipal Law Enforcement Officer.
Prohibitions	No equivalent within By-Law 54-03. While By-Law 54-03 does have some prohibitions and regulations relating to	4.10. No person shall fail to comply with an <i>Order issued pursuant to this bylaw.</i>	Paragraph included to established prohibitions relating to the obstruction of

	enforcement and penalties it does not speak to obstruction of duty exercised under the By-Law or failure to comply with orders issued under the By-Law.		duties assigned to a Municipal Law Enforcement Officer.				
Prohibitions	<u>Municipal Fences</u> 14. The Line Fences Act shall not apply to sections 14 through 20 of this by-law.	Removed.	Paragraph removed based on the formatting and structure of the proposed By-Law.				
Prohibitions	<u>Municipal Fences</u> 15. Sections 14 through 20 shall apply to all fences constructed by or on behalf of the County.	Removed.	Paragraph removed based on the formatting and structure of the proposed By-Law.				
Fence Heights	Currently regulations relating to fence heights are scattered throughout the by-law under different sections.	5. <u>FENCE HEIGHTS</u>	The “FENCE HEIGHTS” Section of the By-Law has been formatted within a table ensuring provisions and regulations relating to fencing are easy to reference.				
Fence Heights	<u>Fences on Interior Lots</u> 9. No person shall erect, or permit to be erected, a fence on an interior lot, zoned for residential or agricultural use, except in accordance with the following regulations:	<u>5.1. The following height restrictions shall apply to fences erected within the County:</u> <u>Table 5.1.1. Maximum Fence Heights</u> <table><tr><td>Front Yard</td><td>0.90 m and shall not obstruct the visibility of motorists or pedestrians.</td></tr><tr><td>Interior Side Yard</td><td>2.20 m</td></tr></table>	Front Yard	0.90 m and shall not obstruct the visibility of motorists or pedestrians.	Interior Side Yard	2.20 m	Fence Height regulations have been included within the proposed by-law in a chart format to eliminate confusion and create an easy reference tool.
Front Yard	0.90 m and shall not obstruct the visibility of motorists or pedestrians.						
Interior Side Yard	2.20 m						

	<p>(a) a fence within the front yard shall not exceed a height of 0.91 metres (3 feet) and shall not obstruct the visibility of motorists or pedestrians; and</p> <p>(b) a fence within any rear yard or interior side yard shall not exceed a height of 1.81 metres (6 feet).</p>	Rear Yard	2.20 m	<p>Fence heights within the front yard of a lot within residential zones remain unchanged at 0.90m, while the height within an interior side yard is proposed to increase from 1.81m to 2.20m.</p> <p>Fences erected on a lot within an agricultural zone are proposed to have a maximum height of 1.81m for any yard versus 0.90m within a front yard and 1.81m within an interior or rear yard.</p>
		Exterior Side Yard	2.20 m	
		Corner Lot	<p>(a) 0.90 m within a front yard and an exterior side yard and shall not obstruct the visibility of motorists or pedestrians.</p> <p>(b) 2.20m within in an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum of 4.50 m from the exterior side lot line.</p>	
		Industrial Zones (Any yard)	3.01 m and shall not be within the visibility triangle	
		Commercial Zones (Any yard)	2.41 m and shall not be within the visibility triangle	
		Institutional Zones (Any yard)	2.41 m and shall not be within the visibility triangle	

		<table><tr><td>Agricultural Zones (Any yard)</td><td>1.81m and shall not be within the visibility triangle</td></tr></table>	Agricultural Zones (Any yard)	1.81m and shall not be within the visibility triangle									
Agricultural Zones (Any yard)	1.81m and shall not be within the visibility triangle												
Fence Heights	<p>Fences on Corner Lots</p> <p>10. No person shall erect, or permit to be erected, a fence on a corner lot, zoned for residential or agricultural use, except in accordance with the following regulations:</p> <p>a. a fence not exceeding 0.91 metres (3 feet) in height may be erected within a front yard and an exterior side yard and shall not obstruct the visibility of motorists or pedestrians; and</p> <p>b. a fence not exceeding 1.81 metres (6 feet) in height may be erected within in an interior side yard, an exterior side yard and rear yard, provided the side fence is set back a minimum of 4.57</p>	<p>5.1. The following height restrictions shall apply to fences erected within the County:</p> <p>Table 5.1.1. Maximum Fence Heights</p> <table><tr><td>Front Yard</td><td>0.91 m and shall not obstruct the visibility of motorists or pedestrians.</td></tr><tr><td>Interior Side Yard</td><td>2.21 m</td></tr><tr><td>Rear Yard</td><td>2.21 m</td></tr><tr><td>Exterior Side Yard</td><td>2.21 m</td></tr><tr><td>Corner Lot</td><td>(c) 0.91 m within a front yard and an exterior side yard and shall not obstruct the visibility of motorists or pedestrians. (d) 2.21 m within in an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum of 4.57 m from the</td></tr></table>	Front Yard	0.91 m and shall not obstruct the visibility of motorists or pedestrians.	Interior Side Yard	2.21 m	Rear Yard	2.21 m	Exterior Side Yard	2.21 m	Corner Lot	(c) 0.91 m within a front yard and an exterior side yard and shall not obstruct the visibility of motorists or pedestrians. (d) 2.21 m within in an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum of 4.57 m from the	<p>Fence Height regulations have been included within the proposed by-law in a chart format to eliminate confusion and create an easy reference.</p> <p>Fence heights on a residential corner lot within an exterior side yard are proposed to be amended from 0.91m to 2.21m.</p> <p>The proposed by-law provides for fencing to be a maximum height of 2.21m within an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum</p>
Front Yard	0.91 m and shall not obstruct the visibility of motorists or pedestrians.												
Interior Side Yard	2.21 m												
Rear Yard	2.21 m												
Exterior Side Yard	2.21 m												
Corner Lot	(c) 0.91 m within a front yard and an exterior side yard and shall not obstruct the visibility of motorists or pedestrians. (d) 2.21 m within in an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum of 4.57 m from the												

	<p>metres (15 feet) from the exterior side lot line.</p>	<table><tr><td></td><td>exterior side lot line.</td></tr><tr><td>Industrial Zones (Any yard)</td><td>3.01 m and shall not be within the visibility triangle.</td></tr><tr><td>Commercial Zones (Any yard)</td><td>2.41 m and shall not be within the visibility triangle</td></tr><tr><td>Institutional Zones (Any yard)</td><td>2.41 m and shall not be within the visibility triangle</td></tr><tr><td>Agricultural Zones (Any yard)</td><td>1.81 m and shall not be within the visibility triangle</td></tr></table>		exterior side lot line.	Industrial Zones (Any yard)	3.01 m and shall not be within the visibility triangle.	Commercial Zones (Any yard)	2.41 m and shall not be within the visibility triangle	Institutional Zones (Any yard)	2.41 m and shall not be within the visibility triangle	Agricultural Zones (Any yard)	1.81 m and shall not be within the visibility triangle	<p>of 4.57 m from the exterior side lot line.</p> <p>Fences erected on a lot within an agricultural zone are proposed to have a maximum height of 1.81m for any yard versus 0.91m within a front yard and 1.81m within an interior or rear yard, and exterior side yard if a 4.57m setback from the exterior lot line is maintained.</p>
	exterior side lot line.												
Industrial Zones (Any yard)	3.01 m and shall not be within the visibility triangle.												
Commercial Zones (Any yard)	2.41 m and shall not be within the visibility triangle												
Institutional Zones (Any yard)	2.41 m and shall not be within the visibility triangle												
Agricultural Zones (Any yard)	1.81 m and shall not be within the visibility triangle												
Fence Heights	<p><u>Industrial and Commercial Lots</u></p> <p>11. No person shall erect, or permit to be erected, a fence enclosing a front yard of a lot zoned for industrial or commercial use unless that fence,</p> <p>a. is not within the daylight corner; and if on a corner lot, the fence</p> <p>i. is set back from the front lot line</p>	<p><u>5.1. The following height restrictions shall apply to fences erected within the County:</u></p> <p><u>Table 5.1.1. Maximum Fence Heights</u></p> <table><tr><td>Front Yard</td><td>0.91 m and shall not obstruct the visibility of motorists or pedestrians.</td></tr><tr><td>Interior Side Yard</td><td>2.21 m</td></tr><tr><td>Rear Yard</td><td>2.21 m</td></tr><tr><td>Exterior Side Yard</td><td>2.21 m</td></tr><tr><td>Corner Lot</td><td>(e) 0.91 m within a front yard and an exterior side yard and shall</td></tr></table>	Front Yard	0.91 m and shall not obstruct the visibility of motorists or pedestrians.	Interior Side Yard	2.21 m	Rear Yard	2.21 m	Exterior Side Yard	2.21 m	Corner Lot	(e) 0.91 m within a front yard and an exterior side yard and shall	<p>Fence Height regulations have been included within the proposed by-law in a chart format to eliminate confusion and create an easy reference.</p> <p>Fence heights for lots within an industrial zone are proposed to be amended from no height regulations,</p>
Front Yard	0.91 m and shall not obstruct the visibility of motorists or pedestrians.												
Interior Side Yard	2.21 m												
Rear Yard	2.21 m												
Exterior Side Yard	2.21 m												
Corner Lot	(e) 0.91 m within a front yard and an exterior side yard and shall												

	<p>a minimum of 7.62 metres (25 feet); or</p> <p>ii. if ornamental, the height does not exceed 0.6 metres (1.97 feet) and does not affect the visibility of motorists or pedestrians.</p>		<p>not obstruct the visibility of motorists or pedestrians.</p> <p>(f) 2.21 m within in an interior side yard, an exterior side yard and rear yard, provided the fence is set back a minimum of 4.57 m from the exterior side lot line.</p>	<p>save and except ornamental fencing at 0.60m, to all fencing not exceeding 3.01m.</p> <p>Fence heights for lots within a commercial zone are proposed to be amended from no height regulations, save and except ornamental fencing at 0.60m, to all fencing not exceeding 2.40m.</p>
		Industrial Zones (Any yard)	3.01 m and shall not be within the visibility triangle	
		Commercial Zones (Any yard)	2.41 m and shall not be within the visibility triangle	
		Institutional Zones (Any yard)	2.41 m and shall not be within the visibility triangle	
		Agricultural Zones (Any yard)	1.81m and shall not be within the visibility triangle	
Fence Heights	<p>19. The Chief Building Official shall issue permits for fence alterations in the form provided as</p>	<p>5.2. Despite the provisions of Table 5.1.1. Maximum Fence Heights:</p>		<p>Regulations and provisions have been amended to provide</p>

	<p><u>Schedule 'B' and in accordance with the conditions set forth as follows:</u></p> <p><u>(a) _____ the alteration must be of the same materials and quality as the fence;</u></p> <p><u>(b) _____ gates must be:</u></p> <p><u>(i) _____ of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of the municipal fence;</u></p> <p><u>(ii) _____ supported on substantial hinges;</u></p> <p><u>(iii) _____ self closing and self latching with the latch device at the top and on the inside of the gate; and</u></p> <p><u>(iv) _____ locked at all times unless under competent supervision.</u></p> <p><u>(c) _____ any other conditions which the Chief Building Official deems necessary.</u></p>	<p>5.2.1. a gate may exceed such a limit by a maximum of 0.31 m;</p> <p>5.2.2. an archway forming an entrance or exit may exceed such a limit by 0.41 m;</p> <p>5.2.3. a decorative cap or structural post may exceed such a limit by a maximum of 0.15 m.</p>	<p>clear exceptions to fence height restrictions for gates, archways, and decorative or structural adornments.</p>
Privacy Screens	Currently regulations relating to privacy screens are scattered throughout the by-law under different	<u>PRIVACY SCREENS</u>	The "PRIVACY SCREENS" Section of the By-Law has been formatted to create a

	sections and referenced through different and varying terminology.		<p>section of provisions and regulations specific to privacy screens as forms of fencing which have been identified as trending throughout communities over the past few years.</p> <p>Addition of this section will assist in clarifying provisions, regulations, and implementation of the proposed by-law.</p>
Privacy Screens	By-Law 54-03 defines privacy screens but does not provide any regulations for these types of structures.	<p>6.1 A <i>privacy screen</i> may be erected within an interior side yard or rear yard of a residential property, only if:</p> <p>(a) the total <i>height</i> of the <i>privacy screen</i> from the <i>effective ground level</i> or on an elevated deck is no more than 2.21m.</p> <p>(b) the <i>privacy screen</i> is no larger than 12.01 m in total length and no single individual length for a screen is more than 5.01 m; and</p> <p>(c) The <i>privacy screen</i> is in accordance with the provisions of Table 5.1.1. Maximum Fence Heights.</p>	Based on consultation with the By-Law Enforcement and Legal Divisions throughout this project it is suggested that regulations specific to privacy screens, as a form of fencing throughout the County, be included.
Maintenance of Fences	A “Maintenance of Fences” Section exists within the current by-law.	7. MAINTENANCE OF FENCES	The “MAINTENANCE OF FENCES” Section

			of the By-Law has been included within the proposed by-law, similar to that of the existing section within the current by-law.
Maintenance of Fences	<p>Maintenance of Fences</p> <p>44. An owner or occupant of land, or an employee or agent of the owner or occupant of land, may enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structure on the land of the owner or occupant provided that:</p> <p>(a) the owner or occupant enters the adjoining land only to the extent necessary to carry out repairs or alterations;</p> <p>(b) the person exercising the power of entry displays or, on request, produces proper identification;</p> <p>(c) the owner or occupant provides reasonable notice of the proposed entry to the occupier of the adjoining land; and</p>	<p>7.1. Any owner may enter adjoining land, at any reasonable time, for the purpose of maintenance (i.e., repairs or alterations) to any fence on the land of the owner or occupant provided that:</p> <p>7.1.1. The owner enters the adjoining land only to the extent necessary to carry out maintenance;</p> <p>7.1.2. The person exercising the power of entry displays or, on request, produces proper identification;</p> <p>7.1.3. The owner provides reasonable notice of the proposed entry to the adjoining owner; and</p> <p>7.1.4. The owner restores the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or maintenance.</p>	<p>Paragraph and clauses have been amended to remove and replace redundant wording where appropriate with the wording of “maintenance.”</p> <p>Intent of all existing clauses remain unchanged through proposed amendments to this section.</p>

	(d) the owner or occupant of land, in so far as is practicable, restores the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or by anything done on the adjoining land.		
Fence Variances	Minor Variances	8. FENCE VARIANCES	<p>While the current by-law includes a section dedicated to a variance process the title of the current section being “Minor Variances” may lead to confusion, as this by-law is not enacted under the Planning Act and therefore does not enjoy the same processes of other such municipal by-laws like the County of Brant Comprehensive Zoning By-Law.</p> <p>As the fence by-law is enacted under the Municipal Act planning act processes do not apply.</p>

			That said, the County of Brant has created a process for variances to the current fence by-law and this process has been included within the proposed by-law, with a revised title to build separation from the planning act process of a “minor variance.”
Fence Variances	<p>Minor Variances</p> <p>48. (1) The owner of any land, affected by this by-law or any person authorized in writing by the owner, may apply for a minor variance from the provisions of this by-law, in respect of any fence or proposed fence on the said land.</p> <p>48. (1)(a) _____ The provisions of subsection 48. (1) do not apply with respect to the requirements for swimming pool enclosures as set out in sections 21- 43 of this by-law.</p> <p>48. (1)(b) Despite subsection 48. (1) (a), any exemptions granted by by-</p>	<p>8.1. Any owner or authorized designate affected by this by-law may apply for a Fence Variance from the provisions of this by-law except where:</p> <p>8.1.1. The fence is required by the County's Municipal Swimming Pool Enclosure By-Law.</p> <p>8.2. All Fence Variances shall be assessed in a similar process as that of a Minor Variance application with an appeal available to the Planning and Development Committee.</p> <p>8.3. A complete application must be submitted, accompanied by the fee for Fence Variance within the County's Fees and Charges By-law.</p> <p>8.4. Upon receipt of the application, the County will conduct a site visit to determine if the fence will obstruct traffic safety sight lines.</p>	<p>Paragraphs and clauses have been amended and updated to reflect changes to Committee names, process, and procedures based on differences between a Minor Variance process and Fence Variance process.</p>

	<p>law for swimming pool enclosures prior to January 20, 2004 will remain in effect, subject to the provisions stated in the by-law and provided the property remains in the same ownership.</p> <p>(2) The application shall be in the form as provided by the County and shall be accompanied by the applicable fee as indicated in the County of Brant Fees and Charges By-law.</p> <p>(3) Upon receipt of the application, the County will conduct a site inspection to determine if the fence will obstruct traffic safety sight lines. Where it is determined that the fence will obstruct traffic safety sight lines the application will be denied and the denial will be final and binding, unless appropriate design modifications are submitted.</p> <p>(4) Where it is determined that the fence will not obstruct traffic safety sight lines, the County shall provide a copy of the application to every property owner that shares a common property boundary with the applicant along which the fence is located or is to be constructed. The</p>	<p>Where it is determined that the fence will obstruct traffic safety sight lines the application will be denied, and the denial will be final and binding unless appropriate design modifications are submitted.</p> <p>8.5. Where it is determined that the fence will not obstruct traffic safety sight lines, the County shall provide a copy of the application to every property owner that shares a common property boundary with the applicant along which the fence is located or is to be constructed. Copy of the application shall be provided by personal service, registered mail, or by prepaid first-class mail, along with a notice advising that any objection to the proposed fence must be delivered to the County within fourteen (14) days of receipt of the notice. For the purpose of this section, notice sent by prepaid first-class mail shall be deemed to be delivered five (5) days after the date of mailing.</p> <p>8.6. Where an objection is not received within the time indicated in subsection 8.5. no further opportunity to file an objection will be granted, and a by-law to amend the Fence By-Law and permit the Fence Variance will be prepared for Planning and Development Committee for recommendation to Council.</p> <p>8.7. Where an objection is received within the time indicated in subsection 8.5., notification will be provided to the Secretary Treasurer of Committee of Adjustment who shall schedule a hearing before the Committee</p>	
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	<p>copy of the application shall be provided by personal service or sent by registered mail, or by prepaid first class mail, along with a notice advising that any objection to the proposed fence must be delivered to the County within 14 days of receipt of the notice. For the purpose of this section, notice sent by prepaid first class mail shall be deemed to be delivered 5 days after the date of mailing.</p> <p>(5) Where an objection is not received within the time indicated in subsection 48.(4), no further opportunity to file an objection will be granted, and a by-law to amend the fence by-law to permit the minor variance will be prepared for Council approval.</p> <p>(6) Where an objection is received within the time indicated in subsection 48.(4), notification will be provided to the Secretary-Treasurer of the Committee of Adjustment who shall schedule a hearing before the Committee of Adjustment and shall provide notice in the manner and containing the information described in section 48.(7), at least 10 days before the date of the hearing, to the</p>	<p>of Adjustment and shall provide notice in the manner and containing the information described in section 8.5., at least ten (10) days before the date of the hearing, to the applicant and to the party that filed the objection to the application, or their representative.</p> <p>8.8. Notice shall be provided by personal service or prepaid first-class mail and shall include the following:</p> <p>8.8.1. The date, time and location of the hearing;</p> <p>8.8.2. A statement that the hearing is being held pursuant to the authority granted in section 8.5. of the Fence By-Law;</p> <p>8.8.3. An explanation of the purpose and effect of the proposed Fence Variance;</p> <p>8.8.4. A description of the subject land or a key map showing the location of the subject land;</p> <p>8.8.5. A statement that if the party notified, or their representative, does not attend at the hearing, the Committee of Adjustment may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;</p> <p>8.8.6. Where the good character, propriety of conduct or competence of a party is an issue in a hearing, the party is entitled to be furnished with reasonable information of any allegations with respect thereto.</p> <p>8.8.7. An explanation of the purpose and effect of the proposed Fence Variance.</p>	
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	<p>applicant and to the party that filed the objection to the application, or their representative.</p> <p>(7) Notice shall be provided by personal service or prepaid first class mail and shall include the following:</p> <p>(a) The date, time and location of the hearing;</p> <p>(b) A statement that the hearing is being held pursuant to the authority granted in section 48 of County of Brant By law Number 54-03, as amended;</p> <p>(c) An explanation of the purpose and effect of the proposed minor variance;</p> <p>(d) A description of the subject land or a key map showing the location of the subject land;</p> <p>(e) A statement that if the party notified, or their representative, does not attend at the hearing, the Committee of Adjustment may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;</p>	<p>8.8.8. A description of the subject land or a key map showing the location of the subject land;</p> <p>8.9. The Committee of Adjustment will conduct a hearing in accordance with the Statutory Powers Procedure Act, R.S.O.1990, c. S. 22 as amended, and may authorize such Fence Variance from the provisions of this by-law, in respect of any fence on the said land, as in its opinion is desirable, if in the opinion of the Committee of Adjustment the general intent and purpose of the by-law is maintained. Where a notice of hearing has been given to a party, or their representative and the party, or their representative, does not attend the hearing, the Committee of Adjustment may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.</p> <p>8.10. In addition to complying with the requirements of this by-law, the Committee of Adjustment shall comply with such rules of procedure as are set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended.</p> <p>8.11. The hearing of every application shall be held in public, except as otherwise provided in the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22, as amended, and the Committee of Adjustment shall hear the applicant and the person(s) who filed the objection to the application, or their representative and the</p>	
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	<p>(f) Where the good character, propriety of conduct or competence of a party is an issue in a hearing, the party is entitled to be furnished with reasonable information of any allegations with respect thereto.</p> <p>(c) An explanation of the purpose and effect of the proposed minor variance;</p> <p>(d) A description of the subject land or a key map showing the location of the subject land;</p> <p>(e) A statement that if the party notified, or their representative, does not attend at the hearing, the Committee of Adjustment may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;</p> <p>(f) Where the good character, propriety of conduct or competence of a party is an issue in a hearing, the party is entitled to be furnished with reasonable information of any allegations with respect thereto.</p>	<p>Committee of Adjustment may adjourn the hearing or reserve its decision.</p> <p>8.12. Any member of the Committee of Adjustment may administer oaths and affirmations and may require evidence to be given under oath or affirmation.</p> <p>8.13. No decision of the Committee of Adjustment on an application is valid unless it is concurred in by the majority of the members of the Committee of Adjustment that heard the application, and the decision of the Committee of Adjustment, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision.</p> <p>8.14. Any Fence Variance granted by the Committee of Adjustment may be for such time and subject to such terms and conditions as the Committee of Adjustment considers advisable and as are set out in the decision.</p> <p>8.15. The Secretary-Treasurer of the Committee of Adjustment shall compile a record of the hearing as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c. S22.</p> <p>8.16. The Secretary-Treasurer of the Committee of Adjustment shall, not later than ten (10) days from the making of the decision, send one copy of the decision including the reasons that have been given if any, by regular letter mail, by electronic transmission, or by telephone transmission of a facsimile, to each party who participated in the proceeding or the party's representative, together with a notice of</p>	
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	<p>(8) The Committee of Adjustment, will conduct a hearing in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended, and may authorize such minor variance from the provisions of this by-law, in respect of any fence on the said land, as in its opinion is desirable, if in the opinion of the Committee of Adjustment the general intent and purpose of the by-law is maintained. Where a notice of hearing has been given to a party, or their representative and the party, or their representative, does not attend the hearing, the Committee of Adjustment may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.</p> <p>(9) In addition to complying with the requirements of this by-law, the Committee of Adjustment shall comply with such rules of procedure as are set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended.</p> <p>(10) The hearing of every application shall be held in public, except as otherwise provided in the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22, as amended, and</p>	<p>the last day for appealing to the Planning and Development Committee and such notice shall be deemed to be received by the party as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c.S22.</p> <p>8.17. If all objections under subsection 8.7. are withdrawn within fifteen (15) days after the last day for filing an objection, the Secretary-Treasurer of the Committee of Adjustment is not required to send notice as described under subsection 8.8. and the Committee of Adjustment is not required to hold a hearing as set out in subsection 8.9.</p> <p>8.18. If all objections received under subsection 8.7. are withdrawn, the Secretary-Treasurer of the Committee of Adjustment shall notify the applicant and the party that filed the objection, or their representative, that the objection has been withdrawn, that a hearing will not be held and that no further opportunity to appeal will be granted.</p> <p>8.19. Where subsection 8.16. applies, a by-law to amend the Fence By-Law to permit the Fence Variance will be prepared to the Planning and Development Committee for recommendation to Council.</p>	
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	<p>the Committee of Adjustment shall hear the applicant and the person(s) who filed the objection to the application, or their representative</p> <p>and the Committee of Adjustment may adjourn the hearing or reserve its decision.</p> <p>(11) Any member of the Committee of Adjustment may administer oaths and affirmations and may require evidence to be given under oath or affirmation.</p> <p>(12) No decision of the Committee of Adjustment on an application is valid unless it is concurred in by the majority of the members of the Committee of Adjustment that heard the application, and the decision of the Committee of Adjustment, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision.</p> <p>(13) Any minor variance granted by the Committee of Adjustment may be for such time and subject to such terms and conditions as the Committee of Adjustment considers</p>		
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	<p>advisable and as are set out in the decision.</p> <p>(14) The Secretary-Treasurer of the Committee of Adjustment shall compile a record of the hearing as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c. S22.</p> <p>(15) The Secretary-Treasurer of the Committee of Adjustment shall, not later than ten days from the making of the decision, send one copy of the decision including the reasons that have been given if any, by regular letter mail, by electronic transmission, or by telephone transmission of a facsimile, to each party who participated in the proceeding or the party's representative, together with a notice of the last day for appealing to the Planning Advisory Committee and such notice shall be deemed to be received by the party as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c.S22.</p> <p>(16) Despite subsection 48.(8), if all objections under subsection 48.(6) are withdrawn within 15 days after the last day for filing an objection, the</p>		
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	<p>Secretary-Treasurer of the Committee of Adjustment is not required to send notice as described under subsection 48.(7) and the Committee of Adjustment is not required to hold a hearing as set out in subsection 48.(8).</p> <p>(17) If all objections received under subsection 48.(6) are withdrawn, the Secretary-Treasurer of the Committee of Adjustment shall notify the applicant and the party that filed the objection, or their representative, that the objection has been withdrawn, that a hearing will not be held and that no further opportunity to appeal will be granted.</p> <p>(18) Where subsection 48.(17) applies, a by-law to amend the fence by-law to permit the minor variance will be prepared for Council approval.</p>		
Appeal to Planning and Development Committee	Appeal to Planning Advisory Committee	9. APPEAL TO PLANNING AND DEVELOPMENT COMMITTEE	Section maintained within the proposed by-law and title of Committee updated to reflect changes since the passing of the current by-law in 2003.
Appeal to Planning and Development Committee	Appeal to Planning Advisory Committee	9.1. The applicant or any other person who appeared before the Committee of Adjustment,	Paragraphs and clauses have been

	<p>49. (1) The applicant or any other person who appeared before the Committee of Adjustment, may within 20 days of the making of the decision appeal to the Planning Advisory Committee against the decision of the Committee of Adjustment by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by payment to the Secretary-Treasurer of the fee as set out in the County Fees and Charges By-law on an appeal for a Fence By-law Minor Variance</p> <p>(2) Where a notice of appeal is not received within the time indicated in subsection 49.(1), no further opportunity to file a notice of appeal will be granted, and a by-law to amend the fence by-law to permit the minor variance will be prepared for Council approval.</p> <p>(3) The Secretary-Treasurer of the Committee of Adjustment, upon receipt of a notice of appeal filed under subsection 49.(1), shall forthwith forward the notice of appeal</p>	<p>may within twenty (20) days of the making of the decision appeal to the Planning and Development Committee against the decision of the Committee of Adjustment by filing with the Secretary-Treasurer of the Committee of Adjustment a notice of appeal setting out the objection to the decision and the reasons in support of the objection, accompanied by payment to the Secretary-Treasurer of the fee as set out in the County's Fees and Charges By-law on an appeal of a Fence Variance.</p> <p>9.2. Where a notice of appeal is not received within the time indicated in subsection 9.1., no further opportunity to file a notice of appeal will be granted, and a by-law to amend the Fence By-Law to permit the Fence Variance will be prepared for Planning and Development Committee recommendation to Council.</p> <p>9.3. The Secretary-Treasurer of the Committee of Adjustment, upon receipt of a notice of appeal filed under subsection 9.1., shall forthwith forward the notice of appeal to the Planning Administrative Assistant together with the record of the hearing as set out in subsection 8.15.</p> <p>9.4. Where a notice of appeal is received, the Planning Administrative Assistant shall schedule a hearing before the Planning and Development Committee and shall provide notice in the manner and containing the information described in section 8.5., at least ten (10) days before the date of the hearing, to</p>	<p>amended and updated to reflect changes to Committee names, process, and procedures based on differences between a Minor Variance process and Fence Variance process.</p>
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	<p>to the Planning Clerk together with the record of the hearing as set out in subsection 48.(14).</p> <p>(4) Where a notice of appeal is received, the Planning Clerk shall schedule a hearing before the Planning Advisory Committee and shall provide notice in the manner and containing the information described in section 49.(5), at least 10 days before the date of the hearing, to each party who participated in the hearing or the party's representative.</p> <p>(5) Notice shall be provided by personal service or prepaid first class mail and shall include the following:</p> <p>(a) The date, time and location of the appeal hearing;</p> <p>(b) A statement that the hearing is being held pursuant to the authority granted in section 49. of County of Brant By-law Number 54-03, as amended;</p> <p>(c) The objection to the decision and the reasons in support of the objection;</p>	<p>each party who participated in the hearing or the party's representative.</p> <p>9.5. Notice shall be provided by personal service or prepaid first-class mail and shall include the following:</p> <p>9.5.1. The date, time and location of the appeal hearing;</p> <p>9.5.2. A statement that the hearing is being held pursuant to the authority granted in section 8.1. of the Fence By-Law;</p> <p>9.5.3. The objection to the decision and the reasons in support of the objection;</p> <p>9.5.4. A statement that if the party notified, or their representative, does not attend at the appeal hearing, the Planning and Development Committee may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;</p> <p>9.5.5. Where the good character, propriety of conduct or competence of a party is an issue in the appeal hearing, the party is entitled to be furnished with reasonable information of any allegations with respect thereto.</p> <p>9.6. The Planning and Development Committee will conduct a hearing in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended, and may recommend upholding, reversing or amending the decision of the Committee of Adjustment as in its opinion is desirable, if in the opinion of the Planning and Development Committee the general intent and purpose of the by-law is</p>	
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	<p>(d) A statement that if the party notified, or their representative, does not attend at the appeal hearing, the Planning Advisory Committee may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;</p> <p>(e) Where the good character, propriety of conduct or competence of a party is an issue in the appeal hearing, the party is entitled to be furnished with reasonable information of any allegations with respect thereto.</p> <p>(6) The Planning Advisory Committee will conduct a hearing in accordance with the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended, and may uphold, reverse or amend the decision of the Committee of Adjustment as in its opinion is desirable, if in the opinion of the Planning Advisory Committee the general intent and purpose of the by-law is maintained. Where a notice of hearing has been given to a party, or their representative, and the party, or their representative does not attend the hearing, the Planning Advisory Committee may proceed in the absence of the party and the party is</p>	<p>maintained. Where a notice of hearing has been given to a party, or their representative, and the party, or their representative does not attend the hearing, the Planning and Development Committee may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.</p> <p>9.7. In addition to complying with the requirements of this by-law the Planning and Development Committee shall comply with such rules of procedure as are set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended.</p> <p>9.8. The hearing shall be held in public, except as otherwise provided in the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22, as amended, and the Planning and Development Committee shall hear the appellant and any party who participated in the hearing, or their representatives, and the Planning and Development Committee may adjourn the hearing or reserve its decision.</p> <p>9.9. Any member of the Planning and Development Committee may administer oaths and affirmations and may require evidence to be given under oath or affirmation.</p> <p>9.10. No recommendation of the Planning and Development Committee on an appeal is valid unless it is concurred in by the majority of the members of the Planning and Development Committee that heard the appeal, and the recommendation of the Planning and</p>	
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	<p>not entitled to any further notice in the proceeding.</p> <p>(7) In addition to complying with the requirements of this by-law the Planning Advisory Committee shall comply with such rules of procedure as are set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22 as amended.</p> <p>(8) The hearing shall be held in public, except as otherwise provided in the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22, as amended, and the Planning Advisory Committee shall hear the appellant and any party who participated in the hearing, or their representatives, and the Planning Advisory Committee may adjourn the hearing or reserve its decision.</p> <p>(9) Any member of the Planning Advisory Committee may administer oaths and affirmations and may require evidence to be given under oath or affirmation.</p> <p>(10) No decision of the Planning Advisory Committee on an appeal is valid unless it is concurred in by the majority of the members of the</p>	<p>Development Committee, whether upholding, amending or reversing the decision of the Committee of Adjustment, shall be in writing and shall set out the reasons for the recommendation. When the Planning and Development Committee makes a recommendation on an appeal, the recommendation will be sent to Council for decision. Council may ratify, reject, or amend the recommendation of Committee.</p> <p>9.11. Any decision by the Planning and Development Committee may be for such time and subject to such terms and conditions as the Planning and Development Committee considers advisable and as are set out in the decision.</p> <p>9.12. The Recording Secretary of the Planning and Development Committee shall compile a record of the hearing as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c. S22. and shall provide said record to the Secretary Treasurer of Committee of Adjustment.</p> <p>9.13. The Secretary Treasurer of Committee of Adjustment shall, not later than ten (10) days from the making of the decision, send one copy of the decision including the reasons that have been given if any, by regular letter mail, email, telephone, or fax, to each party who participated in the appeal hearing or their representatives, including a statement that no further opportunity to appeal will be granted by the County and such notice deemed to be</p>	
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	<p>Planning Advisory Committee that heard the appeal, and the decision of the Planning Advisory Committee, whether upholding, amending or reversing the decision of the Committee of Adjustment, shall be in writing and shall set out the reasons for the decision. When the Planning Advisory Committee makes a decision on an appeal, no further opportunity to appeal will be granted by the County.</p> <p>(11) Any decision by the Planning Advisory Committee may be for such time and subject to such terms and conditions as the Planning Advisory Committee considers advisable and as are set out in the decision.</p> <p>(12) The Recording Secretary of the Planning Advisory Committee shall compile a record of the hearing as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c. S22. and shall provide said record to the Planning Clerk.</p> <p>(13) The Planning Clerk shall, not later than ten days from the making of the decision, send one copy of the decision including the reasons that</p>	<p>received by the party as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c.S22.</p> <p>9.14. Where the Planning and Development Committee recommendation is to permit the Fence Variance, the recommendation will be sent to Council for decision. Council may ratify, reject, or amend the recommendation of Committee.</p> <p>9.15. If all appeals under subsection 9.1. are withdrawn within fifteen (15) days after the last day for filing a notice of appeal, the Secretary Treasurer of Committee of Adjustment shall notify the parties that the appeal has been withdrawn, that a hearing will not be held and that the recommendation of Committee will be sent to Council for decision.</p> <p>9.16. Where the appeal is withdrawn pursuant to subsection 9.15. and where a Fence Variance was approved by the Committee of Adjustment, a recommendation to amend the Fence By-Law will be prepared by Planning and Development Committee for Council decision.</p>	
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	<p>have been given if any, by regular letter mail, by electronic transmission, or by telephone transmission of a facsimile, to each party who participated in the appeal hearing or their representatives, including a statement that no further opportunity to appeal will be granted by the County and such notice deemed to be received by the party as set out in the Statutory Powers Procedures Act, R.S.O. 1990, c.S22.</p> <p>(14) Where the Planning Advisory Committee decision is to permit the minor variance, no further opportunity to appeal will be granted by the County, and a by law to amend the fence by law to permit the minor variance will be prepared for Council approval.</p> <p>(15) If all appeals under subsection 49. (3) are withdrawn within 15 days after the last day for filing a notice of appeal, the Planning Clerk shall notify the parties that the appeal has been withdrawn, that a hearing will not be held and that no further opportunity to appeal will be granted</p>		
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	(17) Where the appeal is withdrawn pursuant to subsection 49.(16) and where an application for an exemption was granted by the Committee of Adjustment, a by-law to amend the fence by-law to permit the minor variance will be prepared for Council approval.		
Administration	Transition	10. ADMINISTRATION	
Administration	<p>45. Subject to Section 46, and section 47, any fence proven to have been lawfully erected before the day this by-law comes into force is deemed to comply with this by-law and may be maintained as erected, but when the fence is replaced, the replacement fence shall comply with this by-law.</p> <p>46. All properties that have proven to have legally non-conforming fences shall be set out in Schedule 'F' for reference purposes.</p> <p>47. Nothing in Section 45 serves to exempt an owner from the requirements of Sections 21 through 43.</p>	<p>10.1. Pursuant to the provisions of Sections 23.1 through 23.5 of the Municipal Act, 2001, S.O. 2001, c.25 the Clerk of the Corporation of the County of Brant is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the By-law and schedules as may be necessary after the passage of this By-law.</p> <p>10.2. Any fence that was in lawful existence prior to the effective date of this Bylaw shall be deemed to comply with this By-law and may be maintained to the same location, height and dimensions as previously existed; and</p> <p>10.3. Where an existing fence is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this By-law.</p> <p>10.4. If there is a conflict between a provision of this By-law and a provision of any other municipal by-law, the provision that establishes the highest standard to protect the health or safety of the public shall apply.</p>	<p>This section has been renamed to "Administration" and includes further direction on legal non-conforming fencing and how existing fences are to be reviewed under the proposed by-law.</p>

Powers of Re-Inspection	Does not form part of By-Law 54-03	11. POWERS OF ENTRY RE INSPECTION	
Powers of Entry and Re-Inspection	By-Law 54-03 does not include paragraphs and clauses relating to powers of entry and re inspection of the by-law.	<p>1.1. Pursuant to Sections 435 and 436 of the Municipal Act, 2001, S.O. 2001, c.25 any employee, officer or agent of the County may without notice, and upon producing the proper identification upon request, enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:</p> <p>1.1.1. the provisions of this by-law;</p> <p>1.1.2. a direction or order of the municipality made under this by-law;</p> <p>1.1.3. an order made under Section 431 of the Municipal Act, 2001, S.O. 2001, c.25.</p>	Proposed by-law has been amended to include a section relating to the right to enter a property and inspect any fence in accordance with the provisions of the proposed by-law.
Enforcement Provisions	Enforcement	12. ENFORCEMENT PROVISIONS	
Enforcement Provisions	<p>Enforcement</p> <p>58. — Municipal Law Enforcement Officers, appointed by County by law, are authorized to enforce the provisions of this by-law.</p>	<p>12.1. The provisions of this by-law shall be enforced by Municipal Law Enforcement Officer.</p> <p>12.2. Every Person who contravenes any of the provisions of this by-law, including any schedule attached hereto or an order issued pursuant to this by-law, and every director or officer of a corporation who knowingly concurs in the contravention, pursuant to Section 425 of the Municipal Act, 2001, S.O. 2001, c.25 is guilty of an offence.</p> <p>12.3. Pursuant to the provisions of Section 431 of the Municipal Act, , 2001, S.O. 2001, c.25 when a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter, in addition to any other penalty or</p>	Proposed by-law has been amended to include further paragraphs and clauses relating to enforcement of said by-law and the Municipal Act, 2001, S.O. 2001, c.25.

		<p>order imposed, may make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offence.</p> <p>12.4. Pursuant to the provisions of Section 433 of the Municipal Act, 2001, S.O. 2001, c.25 where a person has been convicted of any offence under this by-law, every fine imposed for contravention of this by-law belongs to the County.</p> <p>12.5. Pursuant to the provisions of Section 440 of the Municipal Act, 2001, S.O. 2001, c.25 in addition to any other remedy and to any penalty imposed by the by-law, any such further contraventions may be restrained by action by the County.</p> <p>12.6. Pursuant to Sections 444 and 445 of the Municipal Act, 2001, S.O. 2001, c.25 where a contravention of this by-law has occurred, the County may make an order requiring the person who contravened or permitted the contravention of the by-law to discontinue the contravening activity, to do work to correct the contravention.</p> <p>12.7. An order may be personally delivered, posted in a conspicuous location on the property or served by Registered Mail. An order posted on the property is considered served. Where an order is mailed, the order shall be deemed delivered on the earlier of receipt of the order by the addressee or the fifth (5th) day</p>	
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		<p>following the date of mailing, whether actually received or not.</p> <p>12.8. Pursuant to Section 446 of the Municipal Act, 2001, S.O. 2001, c.25 where pursuant to this by-law or any other Act, a person is required to do a matter or thing, in default of it being done by the person so directed, the matter or thing may be done at the person's expense, and for that purpose enter upon land at any reasonable time, and the costs including interest calculated at a rate of fifteen percent (15%) from the date the costs were incurred, until the date the costs including interest are paid in full, may be recovered in the same manner as property taxes and may be registered as a lien upon the land.</p>	
Penalties	<u>Penalty</u>	<u>13. PENALTIES</u>	
Penalties	<p><u>Penalty</u></p> <p>60. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a penalty as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, and any amendments thereof.</p>	<p>13.1. Any person who contravenes any provision of this by-law, is guilty of an offence and, upon conviction is liable to the penalties as prescribed by the Provincial Offences Act, R.S.O. 1990 c. P.33.</p> <p>13.2. A person convicted under this by-law is liable to a maximum fine of \$10,000.00 upon a first conviction and a maximum fine of \$25,000.00 for any subsequent conviction.</p> <p>13.3. Despite Section 13.3 of this by-law where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.</p>	<p>Penalties relating to offenses under the proposed by-law have been updated to reflect current processes, standards, and fines under the Provincial Offences Act, R.S.O. 1990 c. P.33.</p>

		13.4. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum of no more than \$10,000. The total daily fines imposed for each offence may exceed \$100,000.	
Severability		<u>14. SEVERABILITY</u>	
Severability	By-Law 54-03 does not include paragraphs and clauses relating to severability of the by-law.	14.1. If any provision or part of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.	Paragraphs and clauses relating to severability included within the proposed by-law to clarify matters relating to court and tribunal proceedings which may affect implementation of this by-law.
Enactment and Repeal	<u>Repeal / Effective</u>	<u>15. ENACTMENT AND REPEAL</u>	
Enactment and Repeal	<p><u>Repeal</u></p> <p>61. The following by-laws, as amended, are hereby repealed. By-law No. 190-99 of the County of Brant By-law No. 184-00 of the County of Brant By-law No. 97-15 of the former Township of Burford By-law No. 35-97 of the former Township of South Dumfries</p> <p><u>Effective</u></p> <p>62. The requirements of this By-law shall come into force and take effect</p>	<p>15.1. That this by-Law come into force and effect on January 1, 2023, to allow for implementation of revised fees and charges through the County of Brant's Fees and Charges By-Law.</p> <p>15.2. By-Law #54-03 as amended, is hereby repealed upon this By-law coming into force and effect.</p>	<p>Recital of when the proposed by-law would come into force and effect has been updated.</p> <p>Recital of repeal of existing by-law has also been updated within this section.</p>

	on the resolution of council, following receipt of Provincial set fines.		
Swimming Pool Enclosure Regulations	Swimming Pool Enclosure Regulations Swimming Pools	Removed from proposed by-law.	All provisions and regulations relating to swimming pool enclosures have been removed from the proposed by-law. A new swimming pool enclosure by-law has been created as part of this project.
Swimming Pool Enclosure Regulations	Swimming Pools 21. Every owner of a swimming pool shall erect and maintain a swimming pool enclosure in accordance with the provisions of sections 21 through 43. 22. No person shall erect, or permit to be erected any swimming pool, without obtaining a swimming pool enclosure permit from the Chief Building Official, , and except in compliance with the set back distances from a septic system as set out in Schedule C, both schedules attached hereto and forming part of this by law. 23. No person shall place water or permit the placement of water in a swimming pool, until a	All swimming pool enclosure regulations have been addressed through the proposed new Swimming Pool Enclosure By-Law. Creation of the new Swimming Pool Enclosure By-Law will shift administration of the By-Law to the By-Law Enforcement Division. Currently Swimming Pool Enclosure Permits are administered by the Building Division despite the regulations forming part of the County's Fence By-Law 54-03 enforced by the By-Law Enforcement Division. Swimming Pool Enclosure Permits are not regulated by the Ontario Building Act. A comparison chart has been prepared as Attachment 4 to identify changes proposed	All provisions and regulations relating to swimming pool enclosures have been removed from the proposed by-law. A new swimming pool enclosure by-law has been created as part of this project.

	<p>swimming pool enclosure has been erected in compliance with the provisions of sections 28 through 43.</p> <p>24. Where a person fails to erect or maintain a swimming pool enclosure in accordance with the provisions of this by-law the County may erect or maintain the swimming pool enclosure at the owner or occupant's expense pursuant to section 427 of the Municipal Act, 2001, and may enter onto the property for the purpose of carrying out the powers granted therein.</p> <p>25. Swimming Pool – Permits</p> <p>(a) Every owner who wishes to construct or erect a swimming pool shall submit to the Chief Building Official plans showing details of the proposed swimming pool enclosure;</p> <p>(b) The plans shall be reviewed by the Chief Building Official who can refuse to issue a permit where the erection of the swimming pool enclosure would be contrary to the provisions of any County by-law;</p> <p>(c) Upon being satisfied that the plan meets the requirements of this by-law</p>	<p>through the creation of a new Swimming Pool Enclosure By-Law.</p>	
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	<p>and other applicable legislation and upon receipt of the permit fee as set out in Schedule 'D', the Chief Building Official shall prepare and issue a permit certifying approval of the swimming pool enclosure plan.</p> <p>26. Upon completion of the swimming pool enclosure the owner shall contact the County to request a final inspection. If, upon inspection, the swimming pool enclosure is found to be in compliance with the provisions of this by-law, the owner shall be issued a Certificate of Approval, as set out in Schedule 'E', forming part of this by-law. If, subsequent to the original issuance of a Certificate of Approval, the owner seeks a subsequent Certificate of Approval, the fee set out in Schedule 'D' shall apply.</p> <p>27. A permit is not required in the case of a swimming pool which has been dismantled and is being reconstructed in the exact same manner and in the exact same position, provided a permit was obtained for the original swimming pool enclosure and provided that the enclosure is not being altered in any way.</p> <p><u>Swimming Pools – Construction, Height & Location</u></p>		
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	<p>28. The swimming pool enclosure shall extend from the effective ground level to a minimum vertical height of 1.22 metres (4 feet).</p> <p>29. The wall of a building may form a part of the required swimming pool enclosure provided that any entrances on the wall are kept locked when the pool is not supervised.</p> <p>30. The required swimming pool enclosure, except for any building walls which may form part thereof, shall have no attachment on the exterior face such as horizontal or diagonal bracing, horizontal rails or other members, which would facilitate climbing.</p> <p>31. The swimming pool enclosure shall be located at a distance of at least 1.22 metres (4 feet) from any outside structure, fence, tree, air conditioning unit, meter, steps, ledge, windowsill, or other object, that might afford a means whereby, in the opinion of the Municipal Law Enforcement Officer, the safety of the swimming pool enclosure is compromised.</p> <p>32. The swimming pool enclosure shall be located at a distance of not less than 1.22 metres (4 feet) from the</p>		
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	<p>nearest inside wetted surface of the swimming pool wall.</p> <p>33. For the purposes of this By-law a fence or its equivalent, which is to form a swimming pool enclosure or part thereof, shall be of:</p> <p>(a) chain link construction; or</p> <p>(b) vertical board construction; or</p> <p>(c) an approved equivalent.</p> <p>34. A fence of chain link construction shall:</p> <p>(a) have a mesh not greater than 5 cm (2 inches) consisting of 11 gauge galvanized steel wire; and</p> <p>(b) be supported by a minimum of 3.81 cm (1.5 inches) galvanized steel posts, spaced not more than 3.05 metres (10 feet) apart that extend at least .91 metres (3 feet) below grade and are encased in concrete at least 5 cm (2 inches) thick all around; and</p> <p>(c) have top and bottom rails firmly fastened to the upright posts made of minimum 3.18 cm (1.25 inches) galvanized steel pipe. Galvanized steel tension wire of sufficient strength to keep the bottom of the fence taut may be substituted for the bottom rail; and</p> <p>(d) have the bottom rail located a maximum of 5 cm (2 inches) from the finished grade.</p> <p>35. A fence of wood construction shall:</p>		
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	<p>(a) have vertical boarding attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must measure not less than 2.5 x 10 cm (1 x 4 inches) and must be spaced not more than 3.81 cm (1.5 inches) apart; and By LAW NUMBER 54-03 (As amended by By Laws, 158-04, 74-11, and 84-11) Page 9</p> <p>(b) be supported by cedar posts or pressure treated lumber that measure a minimum of 10 x 10 cm (4 x 4 inches), spaced not more than 2.44 metres (8 feet) apart. Such posts shall extend at least .91 cm (3 feet) into the ground; and (c) have that portion of the post below the ground level treated with an approved wood preservative; and</p> <p>(d) have top and bottom rails which measure a minimum of 5 x 10 cm (2 x 4 inches) spaced not less than 1.07 metres (3 feet, 6 inches) apart.</p> <p>36. A swimming pool enclosure of any other construction that might yield an equivalent or greater degree of safety to that specified in Sections 34 and 35 may be approved by the Chief Building Official upon the receipt of complete plans and specifications for such fence.</p>		
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	<p>37. Fences, or their equivalent, when forming part of the required swimming pool enclosure shall contain no barbed wire, electrical wiring, sharp projections or any other dangerous characteristics either on the outside or the inside.</p> <p>Swimming Pools—Gates & Entrances</p> <p>38. Gates, which form a part of the swimming pool enclosure, shall:</p> <p>(a) be of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence;</p> <p>(b) be supported on substantial hinges; and</p> <p>(c) be self closing and self latching with the latch device at the top and on the inside of the gate.</p> <p>39. Doors, which form a part of the swimming pool enclosure, shall be of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence.</p> <p>40. Where any garage forms part of the swimming pool enclosure, any man door that leads to the swimming pool enclosure shall:</p>		
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	<p>(a) be supported on substantial hinges; and</p> <p>(b) be self-closing and self latching by means of a device located at least 1.53 metres (5 feet) above the bottom of the door.</p> <p>41. No person shall permit any gate or door forming part of a swimming pool enclosure to be unlocked when the swimming pool is not under competent supervision.</p> <p>Swimming Pools — Temporary Fences</p> <p>42. Where it is necessary during construction to permit the entry of construction equipment into the swimming pool enclosure, a portion of the approved swimming pool enclosure may be replaced by temporary fencing provided it meets the following requirements:</p> <p>(a) the fencing material must be snow fencing or an approved alternate;</p> <p>(b) the fencing must be a minimum of 1.0 metres (3.28 ft) in height and adequately supported;</p> <p>(c) the fencing must enclose the swimming pool area whenever the area is not under competent supervision; and</p>		
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	<p>(d) the temporary fencing must be replaced by the approved permanent swimming pool enclosure within 15 days of filling the pool with water.</p> <p>Swimming Pools — Above Ground</p> <p>43. Except with respect to vinyl free-form pools as described in subsection 43(c), for the purposes of this by-law, above ground swimming pools will be deemed to comply with the swimming pool enclosure requirements of this by-law if:</p> <p>(a) (i) the swimming pool walls are at least 1.22 metres (4 feet) in height;</p> <p>(ii) the swimming pool has a ladder which can be removed or locked in an upright position prohibiting access to the swimming pool;</p> <p>(iii) the ladder is always removed or locked in an upright position when not under competent supervision; and</p> <p>(iv) the swimming pool walls are at least 1.22 metres (4 feet) from other objects, including but not limited to, trees and swimming pool equipment, such as heater and filter, and free from angled side supports, which could provide access to the swimming pool;</p> <p>or</p>		
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	<p>(b) (i) the above ground swimming pool has a fence around the swimming pool area as an integral part of its construction;</p> <p>(ii) the fence extends from the surface level of the water, a minimum vertical distance of 1.22 metres (4 feet) and is at least 0.91 metres (3 feet) removed from the inside wetted wall of the swimming pool; and</p> <p>(iii) a ground constructed enclosure, meeting the requirements of this by-law, as applicable, encloses the entrance ladder and any other objects, including trees or swimming pool equipment, such as heater and filter, which could provide access to the pool, or</p> <p>(c) the swimming pool is a vinyl, free form pool, tightly secured with a lockable cover, manufactured for that purpose, or an equally secure alternative, and is locked and covered when not supervised.</p>		
Schedules	Schedule A – Fence Permit Template	Removed Section	
Schedule A – Fence Permit Template	<p>No equivalent within By-Law 54-03.</p> <p>While By-Law 54-03 makes reference to Schedules A and B there do not appear to be any schedules which form part of the By-Law.</p>	Removed.	

