

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW No. 99- 82

A By-law to Determine How the Cost of a Division Fence Shall be Apportioned and to Establish an Administrative Fee under the Line Fences Act

WHEREAS paragraph 27 of Section 210 of the Municipal Act provides that by-laws may be passed by the councils of local municipalities for determining how the cost of division fences shall be apportioned, and for providing that any amount so apportioned shall be recoverable under the Provincial Offences Act;

AND WHEREAS it is desirable to provide for the apportionment and recovery of these costs in lieu of the application of the Line Fences Act;

AND WHEREAS by-laws may be passed by the councils of local municipalities for fixing an administrative fee under the Line Fences Act.

THE COUNCIL OF THE TOWN OF EAST GWILLIMBURY ENACTS AS FOLLOWS:

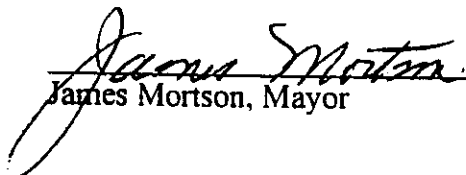
1. For the purposes of this By-law:
 - a) "Abutting Owner" includes all those persons referred to in Section 1(d) of this By-law who own, manage, rent or occupy a parcel of land abutting the parcel of the Owner;
 - b) "Basic Cost" means the cost of installing or constructing or reconstructing a division fence of any kind that is an amount of money not exceeding the cost of installing a 4-foot high steel chain-link fence, referred to in Section 4, as a division fence;
 - c) "Division Fence" means a fence marking the boundary between abutting parcels of land;
 - d) "Owner" means the registered owner of the land and premises and includes the person for the time being managing or receiving the rent of the land or premises, and includes a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
2. Where Owners of abutting lands are agreed on the details of construction, repair or replacement of a division fence, each of them shall construct, repair, replace or maintain that proportion of the division fence, or shall bear that proportion of the cost of any work required to do so as they have agreed upon.
3. Where Owners of abutting lands are not agreed on the details of construction, repair or replacement of a division fence,
 - (1) the Owner wishing to construct, repair or replace a division fence shall serve or cause to be served upon the abutting Owner by registered mail a notice of his or her intention to do so at least fourteen (14) days

prior to commencement of any work or execution of any contract in relation to the work to be undertaken:

- (2) no contribution to the cost thereof shall be payable by the abutting Owner unless the Owner constructing, repairing or replacing the fence does so for a price equal to or less than Basic Cost; and
 - (3) the provisions of Section 5 of this By-law apply with respect to the apportionment of costs only upon such construction, repair or replacement.
4. The standard 4-foot high steel chain link fence to be used for the purposes of calculating the "basic cost" shall be:
- (1) not greater than 38 mm (1 ½ inch) diamond mesh;
 - (2) constructed of galvanized steel wire not less than no. 12 gauge, or of minimum 14 gauge steel wire covered with vinyl or other approved coating forming a total thickness equivalent to no. 12 gauge galvanized wire;
 - (3) supported by at least 38 mm (1 ½ inch) diameter galvanized steel posts each covered by a minimum of 50 mm (2 inches) of concrete from grade to a minimum of 1.2 metres (4 feet) below grade, such posts to be spaced not more than 3 metres (9 feet, 10 inches) apart. Top and bottom horizontal rails shall be provided of 32 mm (1 ¼ inch) minimum diameter galvanized steel, except that a 6 mm (¼ inch) minimum diameter galvanized steel tension rod may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating.
5. Costs in respect of division fences shall be paid as follows:
- (1) fifty percent of the actual cost shall be paid by the Owner constructing, repairing or replacing the fence;
 - (2) fifty percent of the actual cost shall be paid by the abutting Owner.
6. An Owner wishing to enforce the provisions of Section 4 of this By-law shall serve or cause to be served on the abutting Owner a notice by registered mail requiring compliance with this By-law. If such compliance does not take place within thirty (30) days after service of the notice, the Owner serving the notice may take appropriate proceedings under the Provincial Offences Act to recover the proportionate share of the cost of the work as set forth in Section 5 from the abutting Owner.
7. This By-law does not apply to any Owner of lands that are in public ownership.
8. The provisions of this By-law shall not be interpreted as superseding or supplanting the provisions of any other by-law, including the Town's Fence By-law and Property Standards By-law, that has been or will be enacted by the Town of East Gwillimbury establishing a maximum height for fences in any defined area.
9. The provisions of this By-law shall be restricted in their application to the area defined and more particularly shown on Schedule "A" to this By-law. The provisions of the Line Fences Act shall not apply where the subject land is in the areas defined and more particularly shown on Schedule "A".

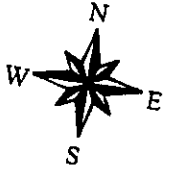
10. Where any proceedings are instituted under the Line Fences Act in respect of a line fence situated within any area that is not defined in Section 8 hereof, the costs of the proceedings of the Line Fences Act shall include one hundred dollars (\$100) for the administrative fees of the Corporation of the Town of East Gwillimbury.

ENACTED AND PASSED this 7th day of September, 1999.

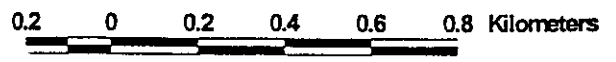
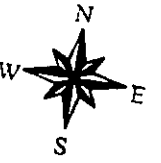

James Mortson, Mayor


Denis Kelly Clerk-Administrator

HOLLAND LANDING/ RIVER DRIVE PARK



SHARON



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