

FENCE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 6th day of **July, 2016** and to come into effect as of the 7th day of **July, 2016**.

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 29th day of **July, 2016**

Claude Cluett

MAYOR

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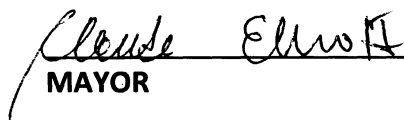
TOWN CLERK

Town of Gander Fence Regulations

PUBLISHED BY AUTHORITY

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Fence Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 29th day of July, 2016


MAYOR


TOWN CLERK

FENCE REGULATIONS

1. **Title**
These regulations may be cited as the Town of Gander Fence Regulations.
2. **Definitions**
As per Schedule "A" of the Town of Gander's Development Regulations.
3. **Application**
 - a) A building permit is required for construction of a fence;
 - b) Application for a building permit shall be made at the Town Office;
 - c) Building Permit fee:
 - i. Minor construction (under \$20,000 value) \$1.00 for each \$1,000 construction value with a minimum charge of \$10.00;
 - ii. Major construction (over \$20,000 value) \$2.00 for each \$1,000.00 construction value. Fee to be paid upon receipt of application.
4. **General Information**
 - a) No fence shall be erected, replaced or repaired within the boundaries of the Town, unless a permit for the construction has been issued by the Town under the signature of the Building Inspector.

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- b) No fence in excess of 75 cm (29.5 inches) in height shall be permitted from the established front building line forward to the front boundary of any residential property. (See Drawing #1F)
- c) No fence in excess of 2.0 metres (79 inches) in height shall be permitted from the established front building line back to the rear boundary of any residential property. (See Drawing #1F)

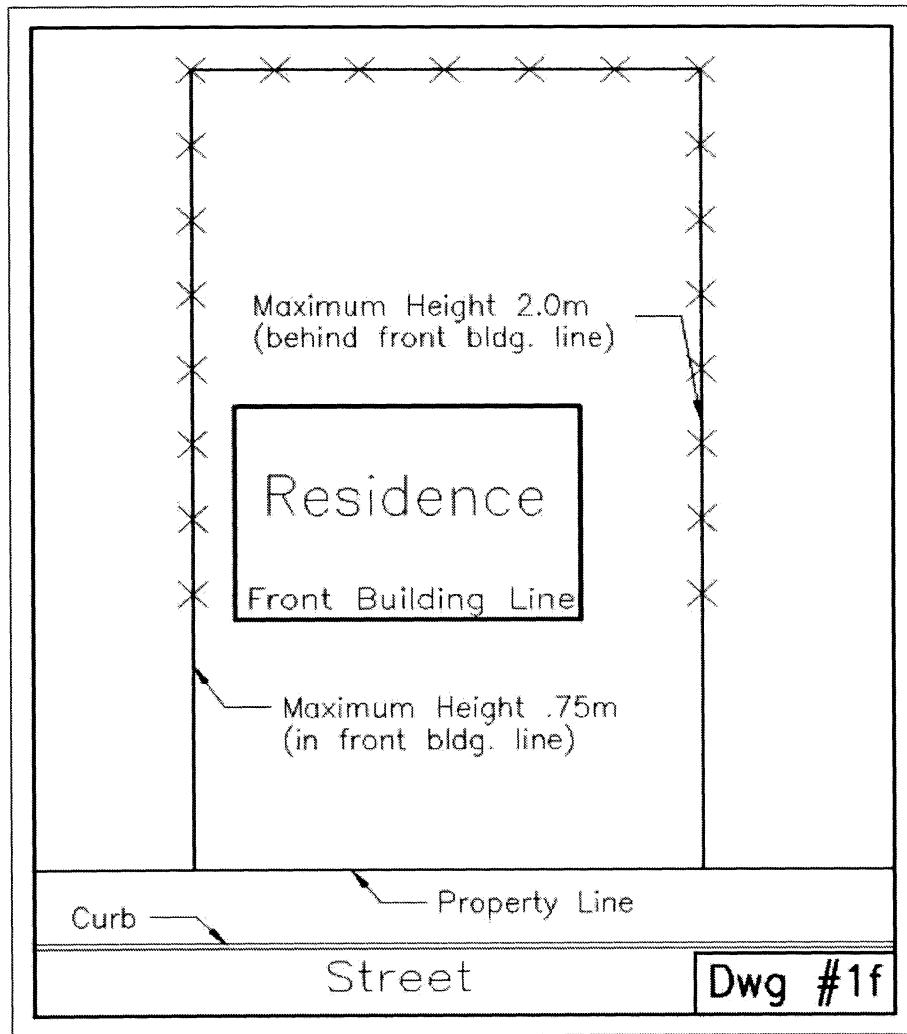
In non-residential areas (Commercial General, Commercial Light Industrial, Industrial General & Open Space Recreation zones only) non-screened chain link fences may be permitted up to 3.05 metres in height at the discretion of Council.

- d) Properties located on corner lots adjacent to a traffic controlled intersection must meet the requirements of the TAC (Transportation Association of Canada) standard for sight lines and will be investigated and dealt with on a case by case basis.

On dead end streets proposed for future development, fences may be located in front of the front building line on a temporary basis until development proceeds, providing there are no objections from the immediate neighbours.

- e) All fences within the boundary of the Town shall be maintained to the satisfaction of the Council and where a fence is, in the opinion of the Council, in need of maintenance, the Council shall so inform the owners or occupiers by registered letter. The requested maintenance shall be done by a specified period as outlined in the letter, normally ten (10) days.

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5. Enforcement

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 5 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;

- iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

6. Failure to Comply

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 5 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

7. Offence and Penalties

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404 (1) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
 - iv. May be issued to a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

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8. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

9. Repeal

All previous Fence Regulations for the Town of Gander are hereby repealed.