



## **Town of Grand Falls-Windsor**

### **Fence Regulations**

1. No fence shall be permitted to be erected that obscures a clear view of street intersections, pedestrian pathways, driveways or other points of access or egress of vehicles or pedestrian traffic.
2. Appropriate zoning will determine location of fencing.
3. A fence may only be constructed of wood, masonry materials (excluding poured concrete), metal, pre-cast manufactured perforated or decorated concrete blocks or panels, and any combination thereof.
4. The installation of electrical, barbed, or razor fencing is prohibited in all residential and multi- unit residential zones.
5. Unless otherwise provided within the Development Regulations, no fence shall be constructed on a lot in a residential zone to a height exceeding 1.8m (5.9ft), and where a fence is to be constructed within 3.66m (12ft) of the intersection of an exterior side lot line and a front lot line of a residential lot, the height of a fence shall not exceed 1.0m (3.28ft).
6. Where a fence is erected in a required front yard or a side yard of a flanking street of a residential lot, the fence shall be a visually permeable picket, rail, metal or other material fence. To be considered visually permeable, a fence must have a minimum of 33% open.
7. Unless otherwise approved by the Director of Engineering & Works, the maximum height of a fence erected or constructed for residential purposes shall not exceed 1.8m. (5.9'). Any variance approved by the Director of Engineering & Works must not exceed 2.44m. (8').
8. The maximum height of a fence erected or constructed on properties bordering on playgrounds shall not exceed a height of 2.44m. (8').

9. Maintenance – Every person who owns a fence shall maintain such fence in a good state of repair. A good state of repair shall mean:
  - a) The fence is complete and in a structurally sound condition, plumb and securely anchored.
  - b) Protected by weather resistant materials.
  - c) Fence components are not broken, rusted, rotten or in a hazardous condition.
  - d) The fence does not present an unsightly appearance to abutting properties or the neighborhood.
10. In all zones other than residential zones, the maximum height of a fence shall be 2.0m (6.56ft), except where provided for elsewhere within the Development Regulations.
11. Regulation 10.1 (11) shall not apply to open mesh or chain link type fences erected on a cemetery, public playground, park, playfield, elementary or high school area, industrial storage yards and utility yards. In these instances, fences may be erected to a maximum height of 3.0m (9.8ft).
12. Where, in the opinion of Council, a fence creates a safety hazard or obstruction due to its location, height or construction materials, the Town may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within specified time, in order to correct the safety hazard or obstruction and the cost to remove, reconstruct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not comply within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.
13. Failure to Comply
  - a) Pursuant to section 404(5) of the Municipalities Act, where a person to whom an order is directed does not comply with the order or part of an order made under section 12, 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 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 the work under these Regulations, except in the case of gross negligence.

14. Violation Notice

- a) Where a person contravenes a provision of these regulations, the Council may issue a Violation Notice in accordance with section 3 of the Town of Grand Falls-Windsor Violation Notice Regulations, NLR 12/15.
- b) Where the Council issues Violation Notice to a person in respect of a contravention of these Regulations, that person may make a voluntary out of court payment to the Council in respect of the contravention.
- c) Where the person makes a voluntary payment to the Council under section 14(b) the amount of the voluntary payment shall be:
  - i. \$50.00 if the person makes the voluntary payment to the Council no later than seven (7) days from the date of issuance of the Violation Notice; or
  - ii. \$75.00 if the person makes the voluntary payment after the expiration of the time period in subsection (i), but not later than fourteen (14) days from the date of issuance of the Violation Notice
- d) Where the person makes a voluntary payment to the Council under section 14(b), no further action will be taken by the Council in respect of the contravention.
- e) Where the Council issues a Violation Notice to a person, and that person fails to make a voluntary payment pursuant to subsection 14(b), the Council shall issue a Summons with respect to the contravention noted in the Violation Notice.
- f) The Council may charge the person referred to in s. 14(e) by way of a summons, including a summons that is issued by means of a ticket under the Provincial Offences Act, pursuant to section 421.2(1) of the Municipalities Act, 1999, SNL 1999, c. M-24;
- g) Where a person has received a Violation Notice and is convicted of an offence with respect to the same subject matter for which the Violation Notice was issued, the penalty for that offence shall be \$100.

15. Offence and Penalties

- a) Pursuant to section 419(2) of the Municipalities Act, each day upon which the same offence is committed or continued is a separate offence.
- b) Every person who commits an offence under these Regulations or who acts in the 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 Municipalities Act; or
  - ii. May be subject to an order under section 404(1) of the Municipalities Act; or

- iii. May, where the Council has not issued a Violation Notice, charge that person by way of summons, including a summons that is issued by means of a ticket under the Provincial Offences Act, pursuant to section 421.2(2) of the Municipalities Act, 1999, SNL 1999, c. M-24 and section 2(b.6) of the Provincial Offences Regulations.



---

Darren Finn, CAO

Approved by Council at Meeting 533 on October 13, 2020.