



## **The Corporation of the Town of LaSalle**

**To:** Mayor and Members of Council

**Prepared by:** Erin O'Donnell, Paralegal

**Department:** Administration

**Date of Report:** November 22, 2024

**Report Number:** AD-2024-16

**Subject:** Fence By-law Repeal and Replace

### **Recommendation**

That the report of the Paralegal dated November 22, 2024 (AD-2024-16) regarding updates made to the By-law to regular Fences, Swimming Pool Enclosures, Hydro-Massage Pool and Outdoor Swimming Pool on Private Property within the Town of LaSalle ("Fence By-law") be received;

And that, the Fence By-law be repealed and replaced during the By-law stage of the Agenda.

### **Report**

On August 10, 2021 By-law 8594 was adopted by Council, being the Fence By-law presently in force. Based on feedback from those administering the Fence By-law, it is beneficial to include a number of additional provisions and updates. Accordingly, Administration is looking to repeal and replace the existing Fence By-law with the one included within the by-law section of this council agenda.

The Fence By-law was altered for administrative adjustments to enhance clarity, organization, and overall streamlining. This included structural revision, format adjustments, and removing inconsistencies.

In addition to the above changes, the updated Fence By-law also includes procedural amendments through the addition of new provisions, which will be summarized below.

The intent of this report is to outline the high-level changes that alter the fundamental objectives of the proposed By-law. A red-line version of the current Fence By-law is attached as Schedule "A", which accounts for the housekeeping and procedural changes.

Outline of the proposed changes:

- Recitals updated to add:
  - Legislation from the *Ontario Building Code*, which requires the issuance of permits for Decks to be built;
  - legislation from the *Municipal Act* (“*Act*”): language added to authorize the use of the Administrative Monetary Penalty System;
  - legislation from the *Act* added to authorize that in default of a person completing a directive by the Town, the Town may complete the directive and collect funds to account for the associated costs to finish the works;
  - added legislation from the *Act* that authorizes entry onto land for inspection and enforcement;
  - sections from the *Act* to allow for the recovery of costs through collection in the same manner as property tax; and
  - *Act* sections to permit the Town to place a lien on the Land for the Owner’s failure to pay costs.
- Paragraph 1.1:
  - Definition of “Deck” added, as there is a new permit process;
  - Definition of “Fence, Solid Type Construction” added;
  - Definition of “Oversight Committee” added, as the By-law Committee was dissolved;
  - Definition of “Privacy Screen” added, as there is a new provision in section 15 to address Privacy Screens in yards;
  - Definition of “Salvage Yard” removed as it is no longer necessary;
  - Definition of “Swimming Pool Enclosure” modified to include that a Fence is not required as part of the Swimming Pool Enclosure if the sides are at least 1.2 metres high.
- Paragraph 3.2: language added to recognize decks built without a permit, prior to the By-law coming into effect;
- Paragraph 5.2 and 5.3: modified to account for the allowability of electric fences, barbed wire fences, or both, based on the area zoning;

- Paragraph 7.2 (d): provision added to account for a retaining wall within the property line and the accompanying Fence height restrictions;
- Paragraph 7.3: added a provision for prescribed height restrictions associated with structural posts;
- Paragraph 7.5: language added to change recreational facility to sport courts to avoid confusion and clarify intent;
- Paragraph 8.6: removed provision for time limits associated with erecting a fence once the Swimming Pool is operational;
- Paragraph 9.3: language added to specify the intent to eliminate climbing from the exterior side of a Swimming Pool Enclosure;
- Paragraph 10.3: added to ensure a gate remains fixed and locked if it is too large for a Self-Closing Device or Self-Latching Device;
- Paragraph 12.1 (d) – change in setback requirements for Hydro-Massage Pools;
- Paragraph 14: provisions added for the regulation of Privacy Screens in rear yards and side yards;
- Paragraph 15: provisions added for issuing permits for Decks and the associated requirements;
- Paragraph 17: Enforcement and Penalties section has been amended to provide more resources and tools for enforcing provisions of the By-law to enhance compliance and safety.

## **Consultations**

Legal Counsel

Manager of Building Services/CBO

Supervisor of Planning & Development

Compliance Officer

## **Financial Implications**

Not applicable.

**Prepared By:**



Paralegal

Erin O'Donnell

**Link to Strategic Goals**

- 1. Enhancing organizational excellence - Not Applicable
- 2. Strengthen the community's engagement with the Town - Not Applicable
- 3. Grow and diversify the local economy - Not Applicable
- 4. Build on our high-quality of life - Not Applicable
- 5. Sustaining strong public services and infrastructure - Yes

**Communications**

Not applicable.

**Report Approval Details**

Document Title:	Fence By-law Repeal and Replace.docx
Attachments:	- Schedule A - Fence By-law Report.pdf
Final Approval Date:	Nov 25, 2024

This report and all of its attachments were approved and signed as outlined below:

**No Signature found**

Domenic Dadalt



Chief Administrative Officer

Joe Milicia