

Bill No.
2012

By-law No. PS-6

A By-law to amend By-law No. PS-6, as amended, entitled "A by-law provide for regulating and governing fences in the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by bylaw;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS paragraph 10 of subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting Structures, including fences and signs;

AND WHEREAS section 98 of the *Municipal Act, 2001* provides that a municipality may provide that the *Line Fences Act* does not apply to all or any part of the municipality, but despite such by-law being passed, section 20 of the *Line Fences Act* continues to apply throughout the municipality;

AND WHEREAS it is deemed expedient to exclude the City from the provisions of the *Line Fences Act*, R.S.O. 1990, c.L.17, as amended;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. The Fence By-law, PS-6 is hereby amended in Part 1 of Section 1.1 by deleting the definitions of "height" and "yard" and replacing them with the following:

"height" means the distance measured from the effective ground level where the fence posts are embedded to the top of the said fence or posts; provided that where a fence is located on top of a retaining wall, "height" means the vertical distance measured between the top of the retaining wall and the highest point of the fence or posts;

"yard" means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures;

2. The Fence By-law, PS-6 is hereby further amended in Section 1.1 of Part 1 by adding the definition for "privacy screen" as follows:

"privacy screen" means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway;

3. The Fence By-law, PS-6 is hereby amended in Section 4.1 of Part 4 by adding subsection (d) as follows:

4.1 Height - location

(d) the provisions of subsection (a) do not apply to a fence erected to enclose a privately owned outdoor tennis court on residential property, provided the fence is of chain link construction and located no closer to a property line than 2.0 metres.

4. The Fence By-law, PS-6 is hereby amended by adding Part 5 as follows:

**Part 5
PRIVACY SCREENS**

5.1 Height - location

A privacy screen may be erected in a side yard or rear yard, if:

- (a) it is more than 4.5 metres (14 ft. 9 inches) from the street line; and
- (b) it is more than 1.2 metres (48 inches) from any side lot line, provided, however, that where the privacy screen is located so as to provide a visual barrier between dwelling units divided by a common wall, such screen may be placed closer along the common property boundary, and;
- (c) it is more than 1.2 metres (48 inches) from the rear lotline; and

- (d) the privacy screen is not more than 12 metres (39 ft. 4 inches) in total length, and no single individual length is longer than 5 metres (16 feet 5 inches); and
- (e) the privacy screen is not more than 3 metres (9 feet 10 inches) above effective ground level.

5. The Fence By-law, PS-6 is hereby amended by renumbering the existing Parts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 to become Parts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 respectively, and to renumber these sections within each Part accordingly.

6. This by-law shall come into force and effect on March 20, 2012.

PASSED in Open Council on March 20, 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk