

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of the Section 414(2)(hh) of the Municipalities Act, 1999 as amended.

Amended and adopted by the Town Council of the Town of Carbonear on the 2nd day of December, 2002.

MAYOR

TOWN CLERK

FENCE REGULATIONS

1. These regulations may be cited as the Town of Carbonear Fence Regulations.
2. In these regulations, unless the context otherwise requires:
 - (a) “Act” means *Municipalities Act, 1999*, as amended;
 - (b) “Corner Lot” means a lot situate at the intersection of two streets.
 - (c) “Council” means the Town Council of the Town of Carbonear;
 - (d) “Erect” includes alter, construct, reconstruct, plant, place, relocate and any work preparatory to erection and “erection” has a corresponding meaning.
 - (e) “Fence” includes railing, wall, line of posts, wire, gate, boards, concrete, rock, stone or other similar substances used to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary.
 - (f) “Town” means the Town of Carbonear as defined in the *Town of Carbonear Order O.C.96-170*.
 - (g) “Town Clerk” means the Town Clerk of the Town of Carbonear;
3. A person shall not erect or start to erect a fence; extend or repair an existing fence; unless the location and building plans of fence is approved by the Council and a permit for the erection or repair of the fence has been issued by Council.
4. An application to construct a fence shall be made only by the owner or by a person

authorized by the owner to the Council on such forms as may be prescribed by the Council, and every application shall include such plans, specifications and drawings as the Council may require, and be accompanied by the permit fee required by the Council.

5. No fence shall be permitted to be erected that obscures a clear view of street intersection, pedestrian pathways, driveways or other points of access or egress of vehicles or pedestrian traffic.
6. Where a fence has been erected or started to be erected; or an existing fence is repaired or an extension added, without a permit from the Council, the Council may order the owner or builder to stop construction or pull down the fence within the time specified in the order.
7. No fence in excess of 105 cm (42 inches) in height shall be permitted from the front building line forward to the front boundary of any residential property, except under special permit from council. (See drawing 1)
8. No fence in excess of 185 cm (73 inches) in height shall be permitted from the front building line back to the rear boundary of any residential property, except under special permit from council. (See drawing 1)
9. Properties located on corner lots shall have no fence in excess of 105 cm (42 inches) from the front building line forward on the principle street and from the back building line forward on the secondary street. (See drawing 2)
10. 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.
11. The material or materials used in the erection and repair of a fence shall only be of a type which meets the approval of the Council.
12. Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this section, "good state of repair" shall mean:
 - (a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
 - (b) protected by weather-resistant materials;
 - (c) fence components are not broken, rusted, rotten or in a hazardous condition;
 - (d) all stained or painted fence are maintained free of peeling; and
 - (e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighbourhood.
13. Where in the opinion of Council, a fence is in need of maintenance, or creates a safety hazard or obstruction due to its location, height or construction material, the Council may issue an order to the property owner stating that the fence or portions thereof be removed,

reconstructed or repaired within a specified time in order to correct the condition, 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 remove the fence within the specified period of time as ordered, the Council may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

14. Council will not be liable for any damages for the repair of any fence whatsoever, where the Town, its employees or agents otherwise have acted without negligence. In particular, the Council shall not be liable for any damages for the repair of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the street reservation.
15. No fence shall be constructed within the street reservation.
16. A fence in existence at the date of coming into effect of these Regulations which is not in accordance with the provisions of these Regulations may continue to exist provided the fence is maintained in a good state of repair and the fence is not deemed to be a safety hazard or obstruction by the Council. A fence which is in existence at the date of coming into effect of these Regulations shall not be modified or replaced with a fence which differs in height, type, style or material used in the erection or construction of the existing fence unless the fence is constructed in accordance with these Regulations.
17. Every person who fails to comply with or otherwise contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to the penalty as set out in the Section 420 of the Act.
18. All previous Fence Regulations for the Town of Carbonear are hereby repealed.
19. These regulations were adopted by resolution of Council at a meeting on the 2nd day of December, 2002 and shall come into effect on the 3rd day of December, 2002.