

PUBLISHED BY AUTHORITY

The following regulations have been made by the Town Council of the Town of Carbonear under the provisions of 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.

Paul J. Saland
MAYOR

O. Somers
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 on 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 and/or commence erection of a fence and/or extend and/or repair an existing fence unless the location and building plans of said fence is approved by the Council and a permit for the erection and/or repair

and/or extension of the fence has been issued by Council.

4. An application for a permit referred to in regulation 3 hereof shall be made by the owner or by a person authorized by the owner to the Council on such forms as may be prescribed from time to time 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 erection of a fence has been commenced 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 and remove the fence and/or extension within the time specified in the order.

7.(a) Subject to regulation 7(b) 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 a residential property. (as per Appendix 1)

(b) Notwithstanding regulation 7(a) Council may, in its absolute discretion, issue a permit for the erection and/or repair and/or extension of a fence which shall exceed the restrictions set forth in 7(a) hereof where Council considers it in the circumstances of a particular application, appropriate to do so.

8.(a) Subject to regulation 8(b) 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 a residential property. (as per Appendix 1)

(b) Notwithstanding regulation 8(a) Council may, in its absolute discretion, issue a permit for the erection and/or repair and/or extension of a fence which shall exceed the restrictions set forth in 8(a) hereof where Council considers it in the circumstances of a particular application, appropriate to do so.

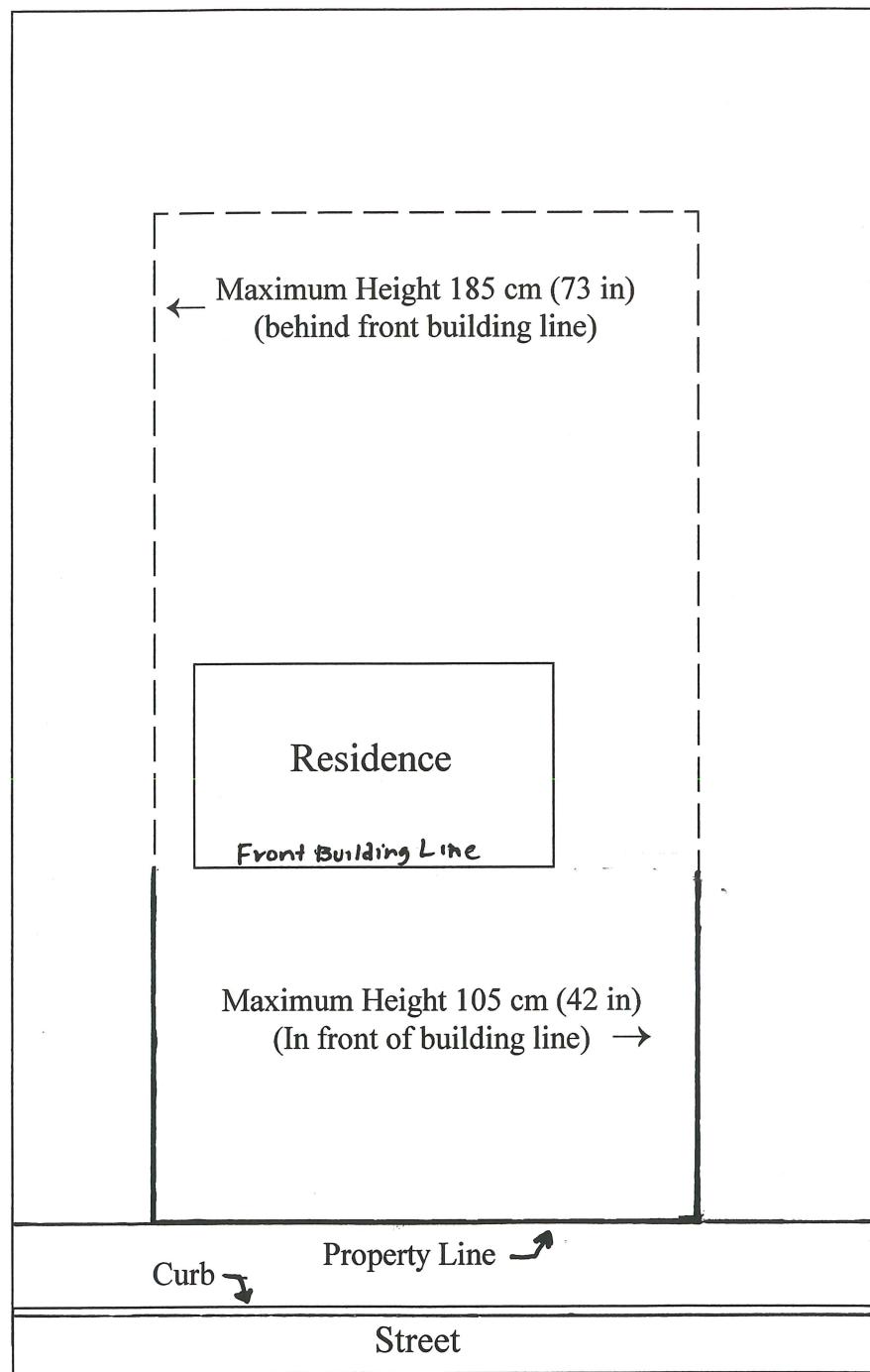
9. Properties located on corner lots shall have no fence in excess of 105 cm (42 inches) from the front building line forward on the principle street and from the back building line forward on the secondary street. (as per Appendix 2)

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. All material or materials used in the erection, extension and/or repair of a fence shall be specified in the application for permit and shall be of such qualifications and/or type as may be approved by 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 fences are maintained free of peeling; and
 - (e) the fence shall 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 and/or creates a safety hazard due to its condition or creates an obstruction due to its location, height or construction material, the Council may order the said fence reconstructed or repaired within a specified time in such manner as the Council deems necessary 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 or reconstruct and/or repair the fence within the specified period of time as ordered, the Council may do so and the cost to remove, reconstruct or repair said fence shall constitute a debt due and owing by the owner to Council.
14. Council will not be liable for any damages for the repair of any fence whatsoever, where the Town, its employees or agents have acted without negligence.
15. Notwithstanding regulation 14 hereof Council shall not be

responsible for the repairs of any fence located within the limit of a street reservation, which may be damaged as a result of the operation of snow clearing equipment or other town equipment on streets or sidewalks within the limits of such street reservation.

16. No fence shall be constructed within a street reservation.
17. 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 modified and/or replaced in accordance with these Regulations.
18. 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.
19. All previous Fence Regulations for the Town of Carbonear are hereby repealed.
20. 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.

Appendix 1



Appendix 2

