

# TOWN OF SPRINGSIDE

## BYLAW NO. 2022-10

### A BYLAW TO CONTROL THE USE OF TOWN-OWNED PROPERTY, AND TO REGULATE THE CONSTRUCTION OF FENCES

The Council of the Town of Springside in the Province of Saskatchewan enacts as follows:

1. This bylaw may be cited as the Fence Bylaw.

#### Definitions:

2. In this bylaw:

- a) "Administrator" means the Administrator of the Town of Springside;
- b) "Bylaw Enforcement Officer" means the person(s) authorized by the Council of the Town of Springside to enforce the Bylaws of the Town of Springside;
- c) "Council" means the Council of the Town of Springside;
- d) "Fence" means a hedge, wall, railing, tree or shrub surrounding an area and used to divide, enclose, screen, shield, protect or fortify an area;
- e) "Front yard" means the area from the front-facing wall of the principal building on the property to the front property line;
- f) "Hedge" means a fence or row of live bushes or low trees;
- g) "Intersection" means the point where a street intersects with another street or alley;
- h) "Lot" means an area of land with fixed boundaries on record with the Information Services Corporation (ISC) by Certificate of Title;
- i) "Person" means the owner and/or tenant of a lot within the Town;
- j) "Rear yard" means that part of a lot extending across the full width of the lot between the rear lot line and the nearest wall of the principal building;
- k) "Shrub" means a woody plant of less size than a tree and usually divided into separate stems from near the ground;
- l) "Side Yard" means that part of the lot extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting structure of the principal building;
- m) "Sight Triangle" means the triangular area formed, on a corner lot, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines;
- n) "Site Line" means any boundary of a lot;
- o) "Swimming Pool" means any body of water permanently located outdoors or indoors, contained by artificial means and used or maintained for swimming, wading, or diving and having a depth of 0.61 metres (2 feet) or more at any point;
- p) "Town" means the Town of Springside;
- q) "Tree" means a perennial plant with a single wood self-supporting trunk.

### Use of Town-Owned Property

3. Subject to the provisions of any Bylaw of the Town, no person other than an agent or employee of the Town in the normal course of his/her/their duties, shall without consent of the Council, place, keep, maintain, or leave any building, structure, sign, or object on any street, lane, sidewalk, public space, or on any land deemed to belong to the Town, or in any way obstruct any street, lane, sidewalk, park, public place or land owned by the Town in any manner whatsoever.

### Fences

4. A Building Permit is not required to build a fence in the Town provided it is constructed of acceptable materials including wrought iron, faux wrought iron, brick, stone, wood, chain link or vinyl and is constructed in compliance with all Town bylaws and regulations. Any plans for the construction of a fence outside the Town's bylaws and regulations shall be presented to Council and shall be approved at the discretion of the Council.
5. Residential Fences: R1-Residential Single Dwelling Zoning District & RMH-Residential Mobile Home Zoning District
  - a) Fences within a residential area in front yards shall not exceed 1.0 metre (3.3 feet) above the grade level in height and shall not exceed 2.0 metres (6.5 feet) above the grade level in the side or rear yards. In the case of a corner lot, to eliminate the visual obstruction in an established sight triangle, fences measured along the property line shall not exceed a height of .75 metres (2 feet) for a distance of 7.5 metres (25 feet) back both ways from the corner of said lot;
  - b) If the lot has no sidewalk, the fence shall be back from the curb at least 2 metres (6.5 feet). If the lot has a sidewalk, the fence shall be at least .75 metres (2 feet) from that sidewalk.
6. Commercial Fences: C1-Town Centre Commercial Zoning District & C2-Highway Commercial Zoning District
  - a) Fences within a commercial area in front yards shall not exceed 1.0 metre (3.3 feet) above the grade level in height and shall not exceed 2.4 metres (8 feet) above the grade level in the side or rear yards. In the case of a corner lot, to eliminate the visual obstruction in an established sight triangle, fences measured along the property line shall not exceed a height of .75 metres (2 feet) for a distance of 7.5 metres (25 feet) back both ways from the corner of said lot;
  - b) If the lot has no sidewalk, the fence shall be back from the curb at least 2 metres (6.5 feet). If the lot has a sidewalk, the fence shall be at least .75 metres (2 feet) from that sidewalk.
  - c) All outside storage shall be fenced and shall be completely enclosed by a sturdy fence built to a minimum height of 2.0 metres (6.5 feet) but shall not exceed 2.4 metres (8 feet) in height; and constructed of material suitable to conceal from view any automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials stored on the lot. No materials shall be stacked above the height of the fence.
  - d) Chain link or like material shall be lathed to provide a limited view of contents within the fenced area.
  - e) Screen fences shall be consistent and complement the quality of building design and materials of the primary building.
  - f) Barbed wire or razor fences shall be allowed in commercial areas on top of other fencing material. Barbed wire or razor fences shall not be greater than 0.6 metres (2 feet).

7. Industrial Fences: IND-Industrial Zoning District
  - a) Screen fences shall be consistent and complement the quality of building design and materials of the primary building. Screen fences shall be erected where a lot used for industrial purposes abuts a residential district without an intervening street or land. Such screening shall consist of a solid fence, hedge, or wall over 1.5 meters (5 feet) in height in a side yard and over 0.75 metres (2.5 feet) in a front yard.
  - b) Fences within an industrial area shall not exceed 2.4 meters (8 feet) above the grade level in height.
  - c) Barbed wire or razor fences shall be allowed in commercial areas on top of other fencing material. Barbed wire or razor fences shall not be greater than 0.6 metres (2 feet).
8. No hedge, fence or other structure shall be erected past any property line.
9. Fences must be maintained in a safe and reasonable state of repair.
10. All outdoor under-ground swimming pools and above-ground swimming pools with a depth of 0.61 metres (2 feet) or more shall be completely enclosed by a non-climbable fence that is at least 1.8 metres (6 feet) in height and no more than 10 centimeters (4 inches) from the ground, and located at a distance not less than 1.5 metres (5 feet) from the pool. Any deck attached to or abutting a swimming pool shall be considered as part of the swimming pool. The fence shall be designed and constructed to discourage entry, with a locked gate.
11. When a fence is being constructed by the owner of a single property, the fence shall be placed 2.54 centimetres (1 inch) inside the property line.
12. When a fence is being constructed by the owners of two adjacent properties, and both owners agree to construct the fence, the fence may be placed on the property line separating the adjacent properties. Agreements for such fences are the sole responsibility of the property owners and shall not be negotiated by the Town.
13. The use of electrified barbed wire as a fence material is not allowed.
14. The Town is not responsible for the location of property lines. The location of property lines in relation to the house located on the lot are records on the Real Property Report (Survey Certificate) or may be determined by hiring a Saskatchewan Land Surveyor.

#### Hedges, Shrubs and Trees

15. To eliminate the visual obstruction in an established sight triangle, for a distance of 7.5 metres (25 feet) back both ways from the corner of a lot abutting on two streets measured along the property line, no person shall plant, maintain or keep any hedge, shrub or tree which exceeds a height of .75 metres (2 feet).
16. No person shall plant, maintain, or keep any hedge, shrub, or tree on any street or any land owned by the Town, except with the prior written approval of, and under the direction of, the Council.

### Fire Hydrants

17. No person shall, by means of a hedge, shrub, tree, fence or wall, or other structure, hinder, prevent, or obstruct access by the Fire Department to any fire hydrant located on a street or public place.

### Cords

18. No person shall place any cord, cable, hose or like material on or across any sidewalk, land, street, or highway in the Town, whether at or above ground level. However, in the winter season, to maintain a vehicle's engine block heater, an electrical cord may be installed, but it shall not, in any way, impede or be dangerous to pedestrians, pets, or the Town's snow removal equipment.

### Dangerous to Traffic

19. Council may, upon the report of a Police Officer, Bylaw Enforcement Officer, or Administrator, that a hedge, shrub, tree or fence situated at a street intersection is dangerous to traffic, by resolution, order that such hedge, shrub, tree, or fence be removed or shortened to overcome such danger.

### Inspection

20. The inspection of any property by the Town, to ensure compliance with this Bylaw, is hereby authorized. No person shall obstruct a Bylaw Enforcement Officer or Administrator, who is authorized to conduct the said inspection.

### Administration and Enforcement

21. The administration and enforcement of this Bylaw are hereby designated to the Administrator. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any other employee or agent of the Town.

22. If a Bylaw Enforcement Officer finds that a person is contravening this Bylaw, he/she/they may issue a written order, requiring the owner or occupant of the property to which the contravention relates, to remedy the contravention.

23. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.

24. Orders given under this Bylaw shall be served in accordance with Section 390(1) of *The Municipalities Act*.

25. A person may appeal an order made pursuant to this Bylaw in accordance with Section 365 of *The Municipalities Act*.

26. The Town may, in accordance with Section 366 and/or Section 167 of *The Municipalities Act*, take whatever actions or measures necessary to remedy a contravention of this Bylaw.

27. Any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw may be recovered by the Town, in accordance with Section 368 and/or Section 369 of *The Municipalities Act*.

28. No person shall:

- a) Fail to comply with an order made pursuant to this Bylaw;
- b) Obstruct or interfere with a Bylaw Enforcement Officer or Administrator or their agent acting under the authority of this Bylaw; or
- c) Fail to comply with any other provision of this Bylaw.

Penalty

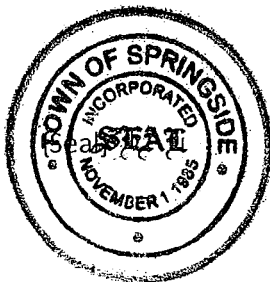
- 29. a) A Bylaw Enforcement Officer who has reason to believe that a person has contravened any provision of this Bylaw, on a second offence, may serve on that person a Notice of Violation which shall indicate that the Town will accept voluntary payment in the sum of One Hundred Dollars (\$100.00) to be paid to the Town within fourteen (14) days. Where the Town receives said voluntary payment, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- b) Payment of any Notice of Violation does not exempt the person from enforcement of an order issued pursuant to this Bylaw.
- c) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
  - i) In the case of an individual, to a fine not exceeding \$10,000;
  - ii) In the case of a corporation, to a fine not exceeding \$25,000; and
  - iii) In the case of a continued offence, to a maximum daily fine not exceeding \$2,500.00.
- d) In default of payment of any penalty imposed herein, the person convicted may be liable to any penalty determined by the Judge of the Court at which the contravention is presented for trial.

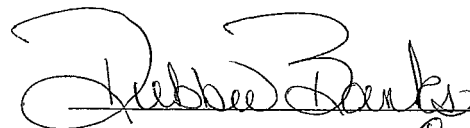
Effective Date


30. This bylaw shall come into effect on the day of its final passing.

Other

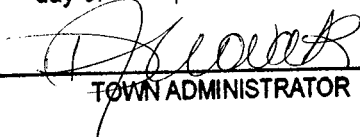
31. Bylaw number 117A is hereby repealed.



  
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Mayor

  
\_\_\_\_\_  
Acting Administrator

Certified a true copy of Bylaw No. 2022-10  
of the Town of Springside passed by resolution of Council this  
12<sup>th</sup> day of September, 2022

  
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TOWN ADMINISTRATOR