
**A BY-LAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF
LAWFUL FENCES IN THE HAMLET OF MALLORYTOWN**

WHEREAS Section 210 (25) & (28) of the Municipal Act, RSO 1990, Chapter M45, as amended provides that by-laws may be passed by municipalities for prescribing the height and description of lawful fences;

AND WHEREAS Council would like to ensure that certain types of fences are prohibited in the hamlet of Mallorytown;

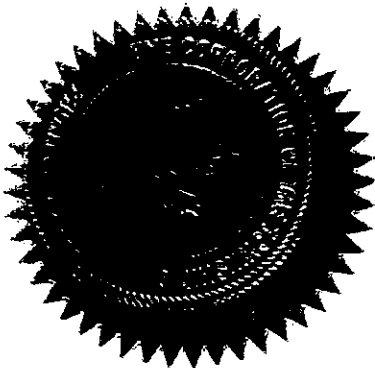
NOW THEREFORE the Council for the Corporation of the Township of Front of Yonge enacts as follows:

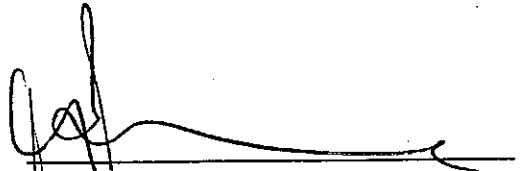
1. In this By-law:
 - a) "Front Yard", "Rear Yard", and "Side Yard" shall mean the front, rear and side yards as defined in the Township's Zoning By-law;
 - b) "Ground Level" shall mean the ground level of the location of the fence. Where the ground levels are not the same on both sides of the fence line, the average of such levels shall be considered as ground level for the purposes of the fence;
 - c) "Height" shall mean the distance measured from the ground level to the top of the fence posts;
 - d) "Lawful Fence" shall mean a fence which separates or divides any parcel of land or part thereof from any other parcel of Land or part thereof, immediately adjacent thereto;
 - e) "Electric Fence" shall mean any fence that has any electrical charge or current running through it
 - f) "Barbed Wire Fence" shall mean a steel wire to which pointed steel barbs are attached at close intervals, for fences.
2. Provisions of this By-law shall apply to all Residential Zones, as defined and described in the Township's Zoning By-law, within the limits of the hamlet of Mallorytown, as defined in the Township's Official Plan..
3. No person shall erect a fence or cause or permit the erection of a fence unless it is a lawful fence.
4. An electric fence shall not be a lawful fence under the provisions of this By-law.
5. A barbed wire fence shall not be a lawful fence under the provisions of this By-law.
6. No fence of a greater height than 6 feet from the adjoining ground level shall be erected in any front yard, side yard, or rear yard.
7. On a corner lot, no fence located within the triangular space formed by joining the points on each street line measured 25 feet from the point of the street intersection shall exceed a height of 2.5 feet or a significant curve, the fence on the triangle space referred to above shall not exceed a height of 2.5 feet.
8. The provisions of this By-law shall not apply to:
 - a) any fence in existence at the date of final passing of this By-law, which had been legally constructed and maintained and is fully operational; and
 - b) any fence or other barrier wholly or partially enclosing lands owned and in use by the Corporation of the Township of Front of Yonge, Boards of Education, or any Boards, Commissions or companies providing telephone, or electric services to the inhabitants of Front of Yonge Township.

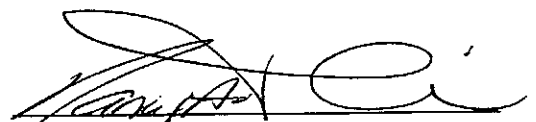
9. Where a provision of the By-law conflicts with the provisions of any other by-law in force in the Township of Front of Yonge, the provisions that establish the higher standards to protect the health, safety, and welfare of the general public shall prevail.
10. Notwithstanding any of the provisions of this By-law, a fence which is required and approved as a condition of development or redevelopment of land in a residential zone shall be deemed to be in conformance with the provisions of this By-law.
11. This By-law shall be enforced by the By-law Enforcement Officer of the Township of Front of Yonge.
12. Any person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his territorial jurisdiction, a penalty up to a maximum of \$5,000.00 as provided for under the Provincial Offences Act. Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
13. This By-law shall come into force and take effect on the date of it's passing.

14. The By-law repeals and replaces By-law #22-98.

READ a first and second time this 21st day of September, 1998.
 READ a third and final time this 21st day of September, 1998.




 Reeve, Mark Pergunas


 Clerk, Nancy A. Petri