

BY-LAW NO. 130 -14

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a By-law of the Corporation of the City of Cambridge to provide for the apportionment of costs of Division Fences and to repeal By-Law 195-12

WHEREAS section 11(1)7 of the Municipal Act, 2001, S.O., c. 25, as amended, provides that a municipality may pass by-laws within the sphere of jurisdiction entitled Structures, including fences and signs;

AND WHEREAS subsection 98(1) and (2) of the Municipal Act provides that a by-law may be passed by a municipality stating that the Line Fences Act, R.S.O. c. 17, does not apply to all or any part of the municipality, subject to the continuing applicability of section 20 of the Line Fences Act;

AND WHEREAS Council passed by-law 195-12 to exempt the municipality from the Line Fences Act, subject to section 20;

AND WHEREAS Council considers it desirable to repeal said by-law to continue to exempt the City from the Line Fences Act and to also provide for the apportioning of the costs of division fences passed under the Municipal Act;

NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

DEFINITIONS

1. THAT in this by-law:

'Actual Costs' means the total cost of the construction of a Division Fence and includes the cost of the material used and the value of the labour performed to complete the work.

'Adjoining Owner' means the person who owns land adjacent to land of an Owner.

'City of Cambridge' means land located within the urban boundary of the City as defined by the City of Cambridge Official Plan.

'Division Fence' means a fence marking boundary between adjoining parcels of land.

'Municipality' means The Corporation of the City of Cambridge.

'Owner' means the owner of land who initiates procedures pursuant to the by-law to install and apportion the costs of a Division Fence and includes the person managing or receiving the rent for the land or premises whether on their account or as agent or trustee for the owner.

'Public Highway' means lands owned by the municipality and designated as a common and public highway, including any street, bridge, trestle, viaduct or other structure forming part of this highway and except as otherwise provided, includes a portion of the highway.

## APPLICABILITY

2. From the date of this by-law comes into force:
  - a) The Line Fences Act, except for section 20 of the Act, shall not apply to land located within the City; and
  - b) This by-law shall govern the apportionment of costs for a Division Fence; and,
  - c) The Line Fences Act, with the exception of section 20 of the Act, shall not apply within the City of Cambridge.

## EXEMPTIONS

3. This by-law does not apply to:
  - a) Any lands that constitute a public highway, including lands abutting a public highway that are held in reserve by the City or any other public authority to separate lands abutting the reserve from the public highway; or
  - b) Former railway lands governed by section 20 of the Line Fences Act.

## PROVISIONS

4. An owner of land may construct, replace, repair and maintain a division fence, subject to compliance with the provisions related to fences in the applicable City of Cambridge zoning by-law, fence by-law or any other City of Cambridge By-Law applicable to fences.
5. Where the owners of adjoining lands are in agreement or are able to reach agreement on the details of construction or replacement of a division fence, each of them shall construct or replace a reasonable proportion of the division fence, or shall bear a reasonable and just proportion of the cost of any work required to do so, in accordance with the agreement reached between the owners, regardless of any provision to the contrary in this by-law.
6. Where the owners of adjoining lands cannot agree or reach an agreement as referred to in section 5 above, that the cost of construction or replacement of a division fence is in dispute, no contribution to the cost thereof is to be payable unless the party erecting the fence constructs a chain link fence 1.22 metres (4 feet) in height. Only upon such fence being constructed will the provisions of section 5 of this by-law apply respecting the apportionment of costs of the said fence.