

BY-LAW NUMBER 2012-120

OF THE

CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO APPOINT FENCE-VIEWERS
AND TO SET A REASONABLE ADMINISTRATIVE
FEE AND FENCE-VIEWER FEE FOR FENCE
VIEWINGS UNDER THE LINE FENCES ACT**

WHEREAS Section 2 of the *Line Fences Act, R.S.O. 1990, c. L.17*, provides that the Council of every local municipality shall by By-law appoint such number of fence-viewers as are required to carry out the provisions of the *Act* and the By-law shall fix the remuneration to be paid for the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or re-attendance by the fence-viewers;

AND WHEREAS subsection 17(1) of the *Line Fences Act, R.S.O. 1990, c. L.17*, provides that the Council of every local municipality may by By-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under the *Act*;

AND WHEREAS subsection 5(2) of the *Line Fences Act R.S.O. 1990, c. L.17*, states that the Council of every local municipality may provide by By-law that no arbitration or other proceeding requiring the attendance or re-attendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:

SHORT TITLE

This by-law may be cited as the "Line Fences Act By-law".

Section 1-Definitions

1.1 For the purposes of this by-law,

- (cc) "Adjoining Owner" means the registered owner of land that adjoins the Applicant's land and that is subject to proceedings under Section 4 of the *Line Fences Act*.
- (dd) "Applicant" means the registered owner of land who notifies the Clerk that they desire Fence-Viewers to view and arbitrate as to what portion of the fence they and the Adjoining Owner shall construct, reconstruct or repair and maintain and keep up under Section 4 of the *Line Fences Act*.
- (ee) "Clerk" means the Clerk of the Corporation of the Township of Uxbridge.
- (ff) "Council" means the Council of the Corporation of the Township of Uxbridge.
- (gg) "Township" means the Corporation of the Township of Uxbridge.

Section 2 – Fence-Viewers

- 2.1 The following three persons are appointed as fence-viewers for the Township for the balance of the 2010-2014 term of Council:
- (i) Edward Beach;
 - (ii) George Johnson; and,
 - (iii) Todd Dubreuil.

Section 3 – General Provisions

- 3.1 The remuneration to be paid by the Township to the fence-viewers shall be a rate of seventy-five dollars (\$75.00) for each fence-viewer for each fence viewing plus mileage, at the Township's mileage allowance rate of the day, from the fence-viewer's place of residence to the location of the fence viewing and any other required location and return.
- 3.2 The non-refundable administrative fee for initiating proceedings under the *Line Fences Act* shall be two hundred and fifty dollars (\$250.00) for each fence-viewing.
- 3.3 The cost of remuneration paid to the fence-viewers and any other associated costs under the *Line Fences Act* shall be recovered from either the Applicant or the Adjoining Owner as the fence-viewers deem appropriate, or by both in such proportions as the fence-viewers deem appropriate.
- 3.4 There shall be no arbitration or other proceeding requiring the attendance or re-attendance of fence-viewers scheduled between the 1st day of November in any year and the 31st day of March in the following year.
- 3.5 The provisions of this by-law shall apply only to lands in the Township zoned Shoreline Residential (SR), Residential Cluster (RC), Estate Residential (ER), Hamlet Residential (HR), Environmental Protection (EP), and Rural (RU) in the applicable zoning by-law of the Township of Uxbridge.
- 3.6 This By-law comes into force on the day it is enacted.

Section 4 - Administration and Enforcement

- 4.1 The Clerk shall be responsible for the administration and enforcement of the By-law.
- 4.2 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 4.3 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

Section 5 – Severability

5.1 In the event any part or provision of this by-law is held invalid, the remainder of the by-law shall continue in force.

READ a FIRST, SECOND and THIRD time and finally passed this 16th day of July, 2012.


GERRI LYNN O'CONNOR
MAYOR


DEBBIE LÉROUX
CLERK