

TOWN OF WADENA
PROVINCE OF SASKATCHEWAN

M-11 (a)

BYLAW NO. 5-14

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

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

Definitions

1. In this bylaw:

- a) "Administrator" means the Administrator of the Town of Wadena;
- b) "Bylaw Enforcement Officer" means the person(s) authorized by the Council of the Town of Wadena to enforce the Bylaws of the Town of Wadena;
- c) "Council" means the Council of the Town of Wadena;
- d) "Fence" means a fence or row of live bushes or low trees;
- e) "Flower-bed fence" means a decorative fence of metal, wood, or plastic material that is no more than ninety (90) centimetres tall and allows plants located behind it to be visible through it;
- f) "Front-yard" means that part of a lot extending across the full width of the lot between the front lot line and the nearest wall of the principal building on the lot;
- g) "Hedge" means a hedge, wall, railing, tree, or shrub surrounding an area and used to divide, enclose, screen, shield, protect, or fortify an area;
- h) "Manager" means the Town of Wadena's Director of Public Works and Utilities;
- i) "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;
- j) "Shrub" means a woody plant of less size than a tree and usually divided into separate stems from near the ground;
- k) "Side-yard" means that part of a 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;
- l) "Town" shall mean the Town of Wadena; and
- m) "Tree" means a perennial plant with a single woody self-supporting trunk.

Use of Town-Owned Property

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

Fences

3. Within a residential area, a fence in a side-yard or in a rear-yard shall not exceed two (2) metres in height. No fence shall be placed in the front-yard, except for a flower-bed fence which may be placed within one and two-tenths (1.2) metres of the foundation of a building.
4. Within a commercial area, a fence in a front-yard shall not exceed one (1) metre in height. A fence in a side-yard or in a rear-yard shall not exceed two (2) metres in height.

Fences (continued)

M-11 (a)

5. Within an industrial area:
 - a) Outdoor storage or raw materials, finished or partially finished products, fuel, salvage materials, junk, or waste shall be concealed from sight from adjacent sites, streets, or lanes by a fence or wall of appropriate design and sufficient dimension and position so that said stored materials are not visible from any point one and one-half (1.5) metres or less above-grade on any adjacent site, street, or lane.
 - b) A fence in a front-yard shall not exceed two (2) metres in height. A fence in a side-yard or in a rear-yard shall not exceed two and one-half (2.5) metres in height.
 - c) A fence of chain-link or like material shall be lathed to provide a limited view of the contents of the fenced area.
6. Within any commercial district or industrial district, Council may require that certain areas be fenced, and Council shall establish the type, style, and nature of the fence to be erected.
7. On a lot abutting two streets, a fence measured along the property line shall not exceed the height of one (1) metre for a distance of five (5) metres from the corner of the property nearest the street intersection. No structure shall be erected and no vegetation shall be allowed to grow to a height greater than .6 metre above the grade of the streets that abut the lot.
8. When the side-yard or the rear-yard of a property abuts a highway, a railway right-of-way, or an associated buffer strip, a fence with a height of no more than two and one-half (2.5) metres is allowed.
9. All outdoor under-ground swimming pools and above-ground swimming pools of more than one hundred (100) centimetres in height shall be completely surrounded by a fence or wall that is at least one and eight-tenths (1.8) metres in height, designed and constructed to discourage unauthorized entry, with a locked gate.
10. When a fence is being constructed by the owners of two adjacent properties, and both owners are in agreement to construct the fence, the fence may be placed on the property line separating the adjacent properties.
11. When a fence is being constructed by the owner of a single property, the fence shall be placed one and one-half (1.5) centimetres inside the property line.
12. A fence must be maintained in a safe and reasonable state of repair.
13.
 - a) Any person wishing to use barbed wire in any part of the Town shall first obtain the written approval of the Council.
 - b) The use of barbed wire as a fence material is not allowed in the following areas of Town as designated in the Town's Zoning Bylaw:
 - i) R1 -- Residential
 - ii) R2 -- Residential
 - iii) RMH -- Residential Mobile Home
 - c) The use of barbed wire as a fence material in the following areas of Town as designated in the Town's Zoning Bylaw is limited to the top thirty (30) centimetres of the fence, but is not allowed within one and one-half (1.5) metres of the ground:
 - i) C1 -- Commercial
 - ii) C2 -- Commercial
 - iii) M1 -- Industrial
 - iv) M2 -- Industrial
 - d) The use of barbed wire as a fence material is allowed in the following area of Town as designated in the Town's Zoning Bylaw:
 - i) UR -- Urban Reserve
 - e) The use of electrified barbed wire as a fence material is not allowed.

M-11 (a)

Hedges, Shrubs, and Trees

14. On a lot abutting two streets, a hedge, shrub, or tree measured along the property line shall not exceed the height of one (1) metre for a distance of five (5) metres from the corner of the property nearest the street intersection.
15. No person shall plant, maintain, or keep any hedge, shrub, or tree on a street or on any land owned by the Town, except with the prior written approval of, and under the direction of, the Manager.

Fire Hydrants

16. No person shall, by means of a hedge, shrub, tree, fence, 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

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

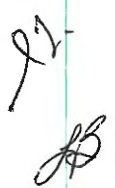
Dangerous to Traffic

18. Council may, upon the report of a police officer, Bylaw Enforcement Officer, or Manager, that a hedge, shrub, tree, or fence situated at a street / road intersection is dangerous to traffic, by resolution, order that such hedge, shrub, tree, or fence be removed or shortened to overcome such danger.

Inspection

19. 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, Manager, or Administrator who is authorized to conduct said inspection.

Administration and Enforcement

20. The administration and enforcement of this Bylaw is hereby designated to the Administrator. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any other employee of the Town.
21. If a Bylaw Enforcement Officer finds that a person is contravening this Bylaw, he/she may issue a written order, requiring the owner or occupant of the property to which the contravention relates, to remedy the contravention.
22. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
23. Orders given under this Bylaw shall be served in accordance with Section 390(1) of *The Municipalities Act*.
24. A person may appeal an order made pursuant to this Bylaw in accordance with Section 365 of *The Municipalities Act*.
25. The Town may, in accordance with Section 366 and/or Section 367 of *The Municipalities Act*, take whatever actions or measures necessary to remedy a contravention of this Bylaw.
26. 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*.
27. No person shall:
- a) Fail to comply with an order made pursuant to this Bylaw;
 - b) Obstruct or interfere with a Bylaw Enforcement Officer, Manager, or Administrator acting under the authority of this Bylaw; or
 - c) Fail to comply with any other provision of this Bylaw.
- 

M-11 (a)

Penalty

28. 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.
- 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

29. This bylaw shall come into force on the day of final passing thereof.

Other

30. Bylaw No. 5-11 is hereby repealed.

Seal



Mayor

Administrator