

**TOWN OF FOAM LAKE
PROVINCE OF SASKATCHEWAN**

BYLAW NO. 7-2018

**A BYLAW OF THE TOWN OF FOAM LAKE, SASKATCHEWAN, TO CONTROL THE USE OF STREETS,
LANES, SIDEWALKS AND OTHER TOWN OWNED LAND AND TO CONTROL THE CONSTRUCTION
OF FENCES ON PRIVATE LAND AND NEAR AN INTERSECTION**

The Council of the Town of Foam Lake enacts as follows:

Definitions

1. In this bylaw:
 - (1) "ADMINISTRATOR" means the Administrator (Chief Administrative Officer) of the Town of Foam Lake;
 - (2) "BYLAW ENFORCEMENT OFFICER" means the agent of the Town of Foam Lake authorized by the Council of the Town of Foam Lake to enforce the Bylaws of the Town of Foam Lake;
 - (3) "FENCE" means a hedge, wall, railing, tree or shrub surrounding an area and used to divide, enclose, screen, shield, protect or fortify an area;
 - (4) "FLOWER BED FENCES" means a decorative fence of metal, wood or plastic material that is a maximum of 12 inches (30cm) tall and allows plantings located behind it to be visible through it;
 - (5) "HEDGE" means a fence or row of live bushes or low trees;
 - (6) "INTERSECTION" means the point where a street intersects with another street or alley;
 - (7) "MANAGER" means the Foreman or Director of Public Works and Utilities;
 - (8) "PERSON" means the owner and/or tenant of said lot;
 - (9) "SHRUB" means a woody plant of less size than a tree and usually divided into separate stems from near the ground;
 - (10) "TREE" means a perennial plant with single woody self-supporting trunk.
 - (11) "TOWN" means the Town of Foam Lake; and
 - (12) "TOWN COUNCIL" means the Council of the Town of Foam Lake.
 - (13) "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.
 - (14) "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.
 - (15) "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.

Use of Town Property

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

Fences

3. (a)

Fences – General:

- (i) A permit is required whenever construction of a fence is to be undertaken.
- (ii) No owner or owner's agent shall work or authorize work or allow work to proceed on the construction of a fence for which a permit is required unless a valid permit exists for the work to be done.
- (iii) The granting of any permit that is authorized by this bylaw shall not:
 - (a) entitle the grantee, his successor or assigns, or anyone on his behalf to erect any fence that fails to comply with the requirements of any restriction agreement, bylaw, act and/or regulating affecting the site described in the permit; or
 - (b) make the local authority or its authorized representative liable for damages or otherwise by reason of the fact that the fence, the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal or use of which has been authorized by permit, does not comply with the requirements of any restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.

(b) Fences – Permits/Fee:

- (i) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a fence shall be in Form F1 and shall be accompanied by plans and drawings, except that when authorized by the local authority or its authorized representative plans and/or specifications need not be submitted.
- (ii) If the work described in an application for a permit to construct a fence, to the best of the knowledge of the local authority, or its authorized representative, complies with the requirements of this bylaw, the local authority, upon receipt of the \$25.00 prescribed fee, shall issue a permit in Form F2 and return one set of submitted plans to the applicant.
- (iii) The local authority may, at its discretion, have plan review, inspection and other services for enforcement purposes provided by building officials designated by the minister to assist the local authority.
- (iv) Approval in writing from the local authority or its authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- (v) All permits issued under this section expire:
 - (a) six months from date of issue, or
 - (b) if work is suspended for a period of longer than six months, by prior written agreement of the local authority or its authorized representative.

- (c) Fences -- Residential:
Fences within a residential area in side or rear yards shall not exceed 1.8288 m (6 feet) in height. Fences shall not be placed in the front yard, excepting for flower bed fences which do not exceed thirty (30) centimeters (12 inches), which may be placed within 1.2 meters (48 inches) identified as 4 feet, of the foundation of the principle building and any accessory building.
- (d) Fences -- Commercial:
Fences within a commercial area in side or rear yards shall not exceed two (1.8288) Meters (6 feet) in height. Fences shall not be placed in the front yard.
- (e) Fences -- Industrial:
(i) Outdoor storage of raw materials, finished or partially finished products, fuel, salvage materials, junk or waste on a site shall be concealed from sight from adjacent sites, streets or lanes by a fence or wall of appropriate design and sufficient dimension and position such that stored materials are not visible from any point one point five (1.5) meters or less above grade on any adjacent site, street or lane.
(ii) Fences in front yards shall not exceed two (1.8288) metres in height and shall not exceed two point five (2.44) meters (8 feet) in side or rear yards.
- (f) Fences - Swimming Pools
All outdoor under-ground swimming pools and above-ground swimming pools at least 100 cm in height shall be completely surrounded by a fence or wall that is at least one point eight (1.8) metres in height, designed and constructed to discourage unauthorized entry by a locked gate, for use in the event of an emergency, which can be opened with a key in the possession of the operator.
- (g) Fences – Adjacent Properties
When a fence is being constructed by property 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.
- (h) Fences – Single Property Owner
When a fence is being constructed by a property owner, the fence shall be placed 150mm (6 inches) inside the property line. The property owner is responsible for the upkeep of the grass to the property line.
- (i) Fences – Buffer Strip
When a side or rear property abuts a highway or rail right-of-way or an associated buffer strip, a two-point five (2.44) meter (8 foot) high wall or fence is permitted.
- (j) Fences – Certain Areas
In any Commercial or Industrial District, the municipality may require that certain areas be fenced and may specify the type of fence material that shall be used

- (k) Fences – Barbed Wire
 - (i) Any person contemplating the use of barbed wire in any part of the municipality shall first obtain the written approval of the Council.
 - (ii) The use of barbed wire as a fence material is not allowed in the following areas of Town:
 - (a) R1 - Residential District
 - (b) RMH - Residential Mobile Home District
 - (iii) The use of barbed wire as a fence material in the following areas of Town is limited to the top 304.8 mm (12 inches) of the fence but shall not be permitted within 1.524 meters 60 inches of the ground:
 - (a) C1- Downtown Commercial District
 - (b) C2 - Highway Commercial District
 - (c) M - Industrial District
 - (iv) The use of barbed wire as a fence material is allowed in the following areas of Town, by written approval of council only:
 - (a) A2 – Acreage District
 - (b) UR - Urban Reserve
 - (v) The use of electrified or electrified barbed wire as a fencing material is not allowed in the Town limits.

(l) **Snow Fencing**

- (a) The use of Snow Fencing is permitted in any district of Town for the purposes of **snow control only**. Snow Fencing may only be erected between October 1st and April 1st. Any person (s) who fails to comply with this bylaw shall be subject to a fine of one hundred dollars (\$100.00) for each thirty-day period the fence remains in place between April 1st and October 1st

(2) Hedges, Shrubs and Trees

- (a) For a distance of five (5) meters back both ways from the corner of a lot abutting on two streets measured along the property line, no person may by themselves or other, plant, maintain or keep any hedge, shrub or tree which exceeds one (1) meter in height.
- (b) No person shall by themselves or other, plant, maintain or keep any hedge, shrub or tree on a street or on any land owned by the Town of Foam Lake except with the prior approval of the Council of the Town of Foam Lake.

Fire Hydrants

- 4. No person shall by means of a hedge, shrub or 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 Crossing Town Property

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

Dangerous to Traffic

6. The Council may, upon the report of a police officer, the administrator, bylaw enforcement officer or Manager that a hedge, shrub, tree or fence situated at an intersection is dangerous to traffic, by resolution order that such hedge, shrub, tree or fence be removed or shortened to such a height as may be deemed necessary to overcome such danger.

Inspection

7. (1) The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
- (2) No person shall obstruct a Bylaw Enforcement Officer or Administrator who is authorized to conduct an inspection under this section, or a person who is assisting a Bylaw Enforcement Officer.

Administration and Enforcement

8. (1) The administration and enforcement of this bylaw is hereby delegated to the Administrator of the Town.
- (2) The Administrator of the Town is hereby authorized to further delegate the administration and enforcement of this bylaw to any other employee.
- (3) (a) If a Bylaw Enforcement Officer finds that a person is contravening this Bylaw, the Bylaw Enforcement Officer may, upon authorization of the Council, issue a written order, requiring the owner or occupant of the property to which the contravention relates, to remedy the contravention.
 - (b) Orders given under this Bylaw shall comply with section 364 of *The Municipalities Act*.
 - (c) Orders given under this Bylaw shall be served in accordance with Section 390(1)(a),(b) or (c) of *The Municipalities Act*.
- (4) A person may appeal an order made pursuant to section 14 in accordance with section 365 of *The Municipalities Act*.
- (5) (a) The Municipality may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.
 - (b) In an emergency, the Municipality may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.
- (6) Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of the Bylaw may be recovered either:
 - (a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*; and.
 - (b) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.
- (7) No person shall:

- (a) fail to comply with an order made pursuant to this bylaw;
- (b) obstruct or interfere with any Bylaw Enforcement Officer or any other person acting under the authority of the Bylaw; or
- (c) fail to comply with any other provision of the Bylaw.

PENALTY

9. (1) A Bylaw Enforcement Officer who has reason to believe that a person has contravened any provision of the Bylaw, on a second offence, may serve on that person a Notice of Violation, which Notice of Violation shall indicate that the Municipality will accept voluntary payment in the sum of **One hundred (\$100.00)** to be paid to the Municipality within **fourteen (14) days**.
- (2) Where the Municipality receives voluntary payment of the amount prescribed under Section 9(1) within the time specified, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.
- (3) Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 4 of this bylaw.
- (4) (a) 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 fine of not more than \$25,000.00; and
 - (iii) in the case of a continued offence, to a maximum daily fine of not more than \$2,500.00 per day.
- (c) In default of payment of any penalty imposed the person convicted may be liable to any penalty determined by the Judge of the Court at which the contravention is presented for trial.

10. Bylaw 4-2017 and Bylaw 8-2017 are hereby repealed

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

12. Council Approval:

Read three times by unanimous consent of Council and adopted at a regular meeting of council this 9th day of October, 2018

Seal

Mayor

Administrator

**CERTIFIED A TRUE COPY
OF BYLAW 7-2018
PASSED BY UNANIMOUS CONSENT
OF COUNCIL THIS 9TH DAY OF October, 2018**

Administrator

Form F1 to Bylaw No. 7-2018

TOWN OF FOAM LAKE

APPLICATION FOR A FENCE PERMIT

I hereby make application for a permit to _____ construct
_____ alter a fence
_____ reconstruct

according to the information below and to the plans and document attached to this application.

Civic address or location of work: _____

Legal description --- Lot _____ Block _____ Plan _____

Owner _____ Address _____

Telephone _____ Cell: _____

E-mail: _____

Designer _____ Address _____

Telephone _____ Cell: _____

Contractor _____ Address _____

Telephone _____ Cell: _____

Nature of Work _____

Fences Materials _____

Height _____

Estimated value of construction _____

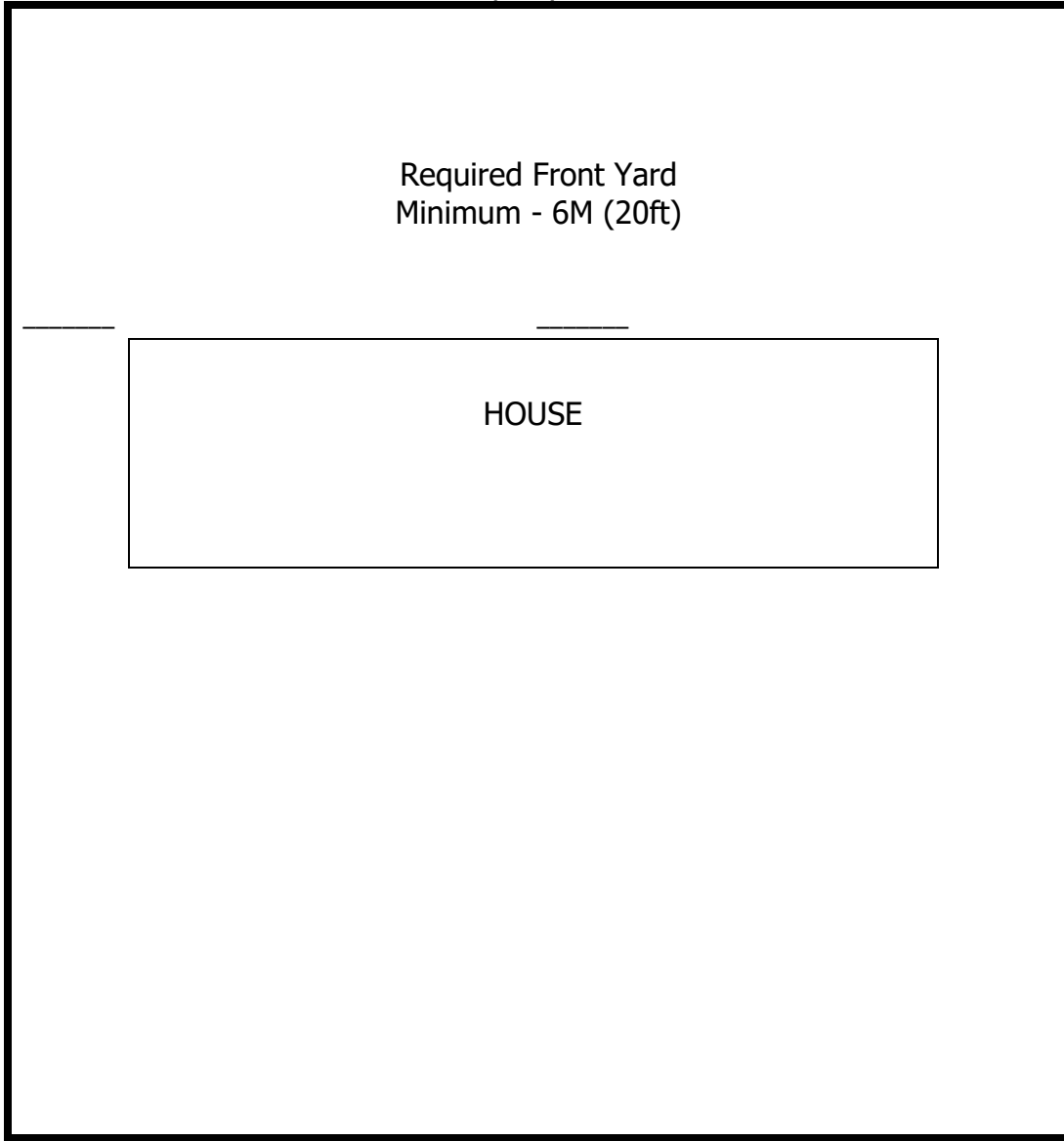
I hereby agree to comply with the Bylaws of the local authority and acknowledge that it is my responsibility to ensure compliance with the bylaws of the local authority and with any other applicable bylaws, acts, regulations, regardless of any plan review or inspections that may or may not be carried out by the local authority or its authorized representative.

Date

Signature of Owner or Owner's Agent

Street Name

Property Line



Back Lane

Your diagram must include measurements for all proposed projects, lot dimensions, as well as the distance from property lines for all existing or proposed improvements.

Existing buildings or fence

----- **Proposed fence**
Form F2 to Bylaw No. 6-2014

TOWN OF FOAM LAKE

FENCE PERMIT # _____

Permission is hereby granted to _____

To _____ a fence on civic address _____

Lot _____ Block _____ Plan _____

In accordance with the application dated _____.

This permit expires six months from the date of issue or, if work is suspended for a period of longer than six months, by prior written agreement of the local authority or its authorized representative.

This permit is issued subject to the following conditions:

Any deviation, omission or revision to the approved application required approval of the local authority or its authorized representative.

Date

Signature of Authorized Representative