

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number /20

Being a by-law to regulate the Construction of  
Fences in Haldimand County

**WHEREAS** Subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** Subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Paragraph 10 of Subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting structures, including fences and signs;

**AND WHEREAS** Section 98 of the *Municipal Act, 2001* provides that a municipality may provide that the *Line Fences Act* does not apply to all or any part of the municipality, but despite such by-law being passed, Section 20 of the *Line Fences Act* continues to apply throughout the municipality;

**AND WHEREAS** it is deemed expedient to exclude Haldimand County from the provisions of the *Line Fences Act*, R.S.O. 1990, c.L.17, as amended;

**AND WHEREAS** the Sections 436, 444, 445 and 446 of the Act further authorizes Haldimand County to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

**AND WHEREAS** Section 425 of the Act authorizes Haldimand County to pass by-laws providing that a person who contravenes a by-law of Haldimand County passed under that Act is guilty of an offence;

**NOW THEREFORE**, the Council of The Corporation of Haldimand County enacts as follows:

### **PART I- SHORT TITLE**

This by-law may be cited as the "The Fence By-law".

### **PART II- DEFINITIONS**

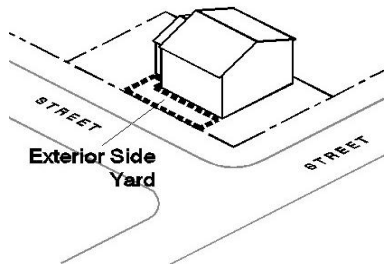
- a. "Basic Cost" means the cost of constructing a new Division Fence or replacing an existing Division Fence with a new division fence that is a chain-link fence:
  - (i) 1.2 metres (4 feet) high;

- (ii) made of not less than No. 12 gauge galvanized steel mesh which is not greater than 5.7 centimetres in size;
- (iii) supported by not less than 6 centimetre diameter galvanized steel terminal posts and 3.8 centimetre diameter galvanized steel line posts set in concrete footings that are below the frost line and spaced not more than 304 centimetres apart; and
- (iv) provided with not less than 3.4 centimetre diameter top galvanized steel top rails and NO.9 gauge galvanized steel bottom wires.

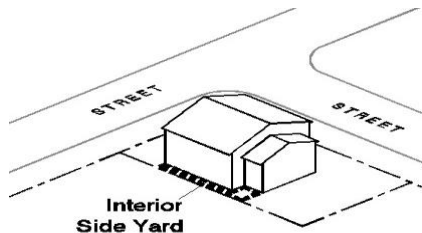
and includes the value of the material used plus applicable taxes but does not include the value of the labour performed to complete the work plus applicable taxes;

- b. **“Building”** means any permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons, animals or goods, but shall not include a lawful boundary wall or fence;
- c. **“County”** means The Corporation of Haldimand County;
- d. **“Corner lot”** means a *lot* situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets, (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than 135 degrees. In the case of a curved corner, the corner of the building lot shall be that point on the lot line abutting a street nearest to the point of intersection of the said tangents.
- e. **“Corner Sight Triangle”** shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point on one of the said street lines to a point on the other said street lines, each said point being measured a specific distance from the point of intersection of the said street lines.
- f. **“Council”** means the Council of the County;
- g. **“Division Fence”** means a fence marking the boundary between adjoining parcels of land.
- h. **“Driveway visibility triangle”** means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and the street line or sidewalk (if existing) or the projections thereof, and a straight line connecting them 2.7 metres (8.9 feet) from their point of intersection.
- i. **“Effective ground level”** means the highest level of the ground within 1.0 m (3 feet 3 inches) horizontally in any direction from the point being considered.
- j. **“Exterior Side Yard”**, shall mean a side yard abutting a street, and extending from the front yard to the rear yard and from the exterior side lot line to the nearest part

of the main building on the lot. A required exterior side yard shall extend from the required front yard to the rear lot line.

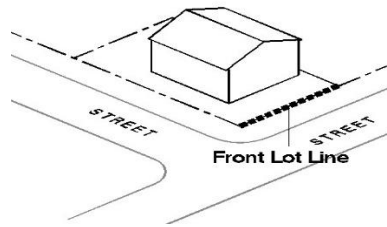


- k. **“Fence”** includes a railing, wall, line of posts, wire, gate, boards, pickets or other similar substances, used to enclose or divide in whole or in part a yard or other land, to establish a property boundary, or to provide privacy; and includes any hedge or grouping of shrubs or other thing or object used for the same purpose located in corner visibility triangle or driveway visibility triangle and a Division Fence as provided for in this By-law.
- l. **“Height”** means the distance measured from the effective ground level where the fence posts are embedded to the top of the said fence or posts; provided that where a fence is located on top of a retaining wall, "height" means the vertical distance measured between the top of the retaining wall and the highest point of the fence or posts.
- m. **“Interior Side Yard”** shall mean a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the main building on the lot. A required interior side yard shall extend from the required front yard to the required rear yard.



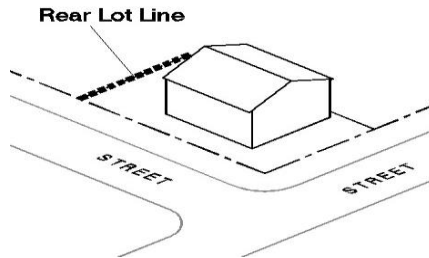
- n. **“Lot”** shall mean a parcel of land which can be legally conveyed.
- o. **“Lot line”** shall mean any boundary of a lot and the vertical projection thereof.
- p. **“Lot line, front ”** shall mean:
- i. in the case of an interior lot, the line dividing the lot from the street;
  - ii. in the case of a corner lot, the shorter lot line abutting a street;

- iii. in the case of a corner lot whose exterior lot lines are the same length, the lot line opposite the main entrance of the main building;
- iv. in the case of a through lot, the nearer street line to the main building;
- v. in the case of a lot located on a private lane or right of way, the lot line abutting the private lane or right of way, and where two lot lines abut a private lane or right of way, the lot line opposite the main entrance of the main building.

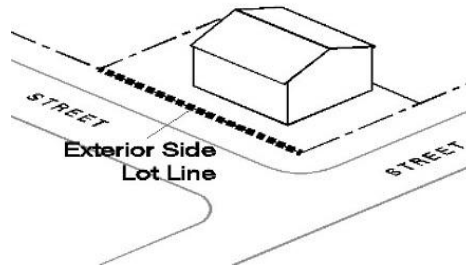


n. **“Lot Line, Rear”** shall mean:

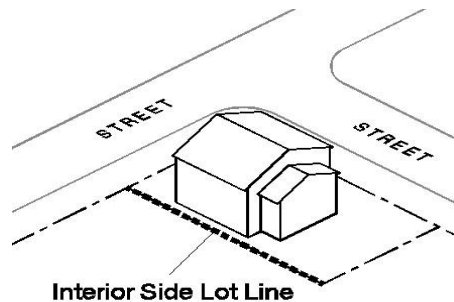
- i. in the case of a lot having four lot lines, the lot line farthest from and opposite to the front lot line;
- ii. in the case of a lot having only three lot lines, there shall be no rear lot line;
- iii. in the case of a lot having more than four lot lines, all lot lines opposite to but not intersecting with the front lot line.



- q. **“Lot Line, Exterior”** shall mean the lot line abutting a street other than the front lot line of a corner lot or the rear lot line of a through lot.



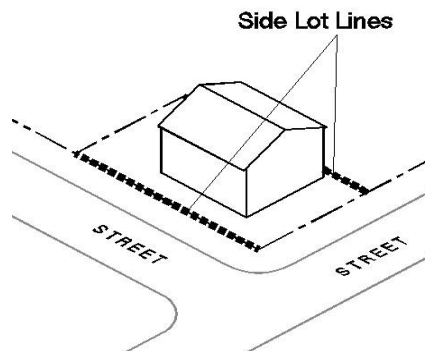
- r. **“Lot Line, Interior”** shall mean a side lot line other than an exterior side lot line.



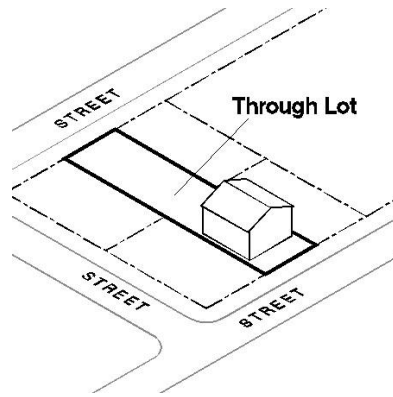
- s. **“Non-residential zone”** shall mean [any zone](#) that does not include residential dwelling units except for where residential units are permitted secondary to a mixed use where the primary function of the lot is for a non-residential purposes
- t. **“Normal Farm Practice”** means a practice that is recognized by the Normal Farm Practices Board which:
- i. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
  - ii. makes use of innovative technology in a manner consistent with proper advanced farm management practices;
- u. **“Officer”** means a Municipal Law Enforcement Officer Person appointed by Council, whose duties include the enforcement of this by-law, and a Police Officer.
- v. **“Open Type Construction”** means any Fence which is visually unobstructed throughout its length and height except for necessary line posts, corner posts, top rails, and other normal accessories which includes a fence constructed of chain

link, wood, vinyl, aluminum or iron where the pickets when constructed are visually unobstructed throughout its length and height.

- w. **“Owner ”** means the registered Owner of a Lot or any Person having control or management of such Lot;
- x. **“Person ”** means any Owner, individual, association, group, organization, firm, partnership, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law or an event organizer or permit holder and shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;
- y. **“Privacy screen”** means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway;
- z. **“Residential zone“** means any Lot within a Residential zone or any land that permits a residential use under the County’s zoning by-law;
- aa. **“Side Lot Line”** shall mean a lot line other than a front or rear lot line and shall include an Exterior Lot Line or an Interior Lot Line.

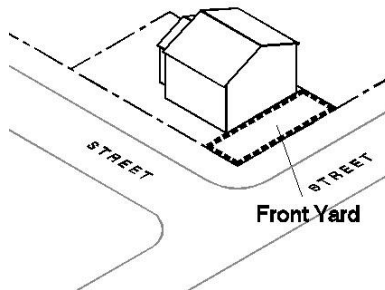


- bb. **“Street” or “Road ”** shall mean a public highway or public road or an open road allowance owned and maintained by the County or the Province of Ontario. A public or private road or private right-of-way shall be considered a street, for the purposes of this By-law.
- cc. **“Street Line”** shall mean the limit of the street allowance and is the dividing line between the lot and a street.
- dd. **“Structure”** shall include a deck, balcony or anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.
- ee. **“Through Lot”** shall mean a lot with two or more opposite lot lines being contiguous with the street line, other than a corner lot, unless three or more lot lines of a corner lot are contiguous with a street line.



ff. **“Yard”** shall mean the space between a building or structure on a lot and the lot lines of the lot.

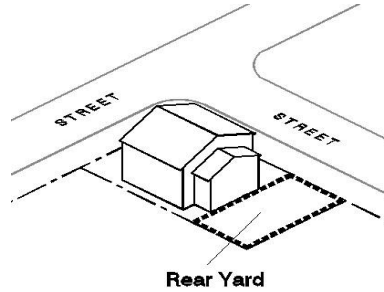
**“Yard, Front”** shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot.



gg. **“Yard, Required Front”** shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building or 6 meters which ever is shorter, on the lot.

hh. **“Yard, Rear”** shall mean a yard extending across the width of the lot, exclusive of any exterior side yard, between the rear lot line and the nearest part of the main building on the lot. If a lot has only three lot lines and there is no rear lot line, the rear yard shall be the area extending across the full width of the lot, between the

pep formed by the side lot lines and the nearest part of any excavation or main building on the lot.



- ii. **“Yard, Required Rear”** shall mean a yard extending across the width of the lot, exclusive of any exterior side yard, between the rear lot line and the nearest part of the main building on the lot. If a lot has only three lot lines and there is no rear lot line, the rear yard shall be the area extending across the full width of the lot, between the apex formed by the side lot lines and the nearest part of any excavation or main building on the lot or 9 meters which ever is shorter, on the lot.
- jj. **“Yard, Side”** shall include a yard that is an Exterior Side Yard or an Interior Side Yard.
- kk. **“Zoning By-law”** means any by-law administered by the County passed pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.

### **PART III- INTERPRETATION**

In this By-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

Parts, Sections and Paragraph headings are inserted solely for ease of reference.

### **Fences - Deemed to Comply**

1. Notwithstanding the provisions of this by-law:
  - a. any fence that is in existence prior to the date of the enactment of this by-law and in compliance with other applicable regulations including The Town of Haldimand Zoning By-law 1-H 86, The Town of Dunnville Zoning By-law 1-DU 80 or the City of Nanticoke Zoning By-law NE 1-2000 by-laws, shall be deemed to comply with this by-law and may be maintained with the same material, height and dimensions as previously existed including any repair work that may be done to such fence.
  - b. any fence that is completely or partially replaced for any reason shall comply with the provisions of this by-law.
  - c. a fence erect, construct, maintain as a Normal Farm Practice.



## **Development - Redevelopment**

2. Notwithstanding any other provision herein, a fence which is constructed as required in a registered agreement or agreements entered into with the County pursuant to Sections 41 and 51 of the Planning Act, R.S.O. 1990, c. P.13, as amended, or any plans approved by the County in accordance with those sections shall be deemed not to contravene the provisions of this by-law.

## **PART IV- GENERAL FENCE STANDARDS**

### **Fence Materials**

3. No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any hazardous fence. Without limitation, no Person shall permit a Fence that is electrified or that is constructed with razor wire, barbed wire, sharp projections or tires.
4. Notwithstanding Section 3 an electrified Fence used for livestock in a legally established agricultural operation is permitted.
5. No Person shall have, erect, construct, maintain, or permit to be erected, constructed or maintained any fence comprised of sheet metal or corrugated metal panel members on a lot used for residential purposes.
6. No Person in a Residential Zone or Non-residential Zone shall have, erect, construct, maintain or permit to be erected, a Fence on a Lot, at heights:
  - a. exceeding a height of .75 meters (2 feet, 6 inches) within any *Corner Sight Triangle*; or
  - b. exceeding a height of .75 meters (2 feet, 6 inches) within any *Driveway Visibility Triangle*.

## **PART V- RESIDENTIAL FENCES**

### **Height- location**

7. No Person in a Residential Zone shall have, erect, construct, maintain or permit to be erected, a Fence on a Lot, at heights exceeding the most restrictive, as applicable, of the following:
  - c. exceeding a height of 2 metres (6 feet, 6 inches) within any *Yard*; or
  - d. exceeding a height of .9 meters (3 feet) in the Required Front Yard; or

### **Fences Abutting Lake Erie**

7. No Person in a *Residential zone*, where the lot is abutting Lake Erie, shall have erect, construct, maintain or permit to be erected, a Fence on a Lot, exceeding a height of 1.2 meters (4 feet) in the *Required Rear Yard*;
8. Any Person who constructs a Fence in a Residential Zone, where the lot is abutting Lake Erie, shall only construct a Fence of Open Type Construction.

### **Privacy Screens- Height & location**

9. No Person shall have, erect, construct, maintain or permit to be erected, a Privacy Screen, except in accordance with this by-law.
10. No Person in a Residential Zone shall have, erect, construct, maintain or permit to be erected, Privacy Screen(s) on a Lot;
  - a. in the Front Yard; and
  - b. where the Privacy Screen is less than 4.5 metres (14 feet 9 inches) from the Exterior Lot Line; and
  - c. where the Privacy Screen is less than 1.2 metres (48 inches) from any Side Lot Line,
  - d. and
  - e. where the Privacy Screen is less than 1.2 metres (4 feet) from the Rear Lot Line; and
  - f. where the number of individual Privacy Screens are more than 12 metres (39 feet 4 inches) in total length; and
  - g. where any one (1) Privacy Screen is longer than 5 metres (16 feet 5 inches); and
  - h. where any Privacy Screen is less than 2 meters (6 feet 6 inches) away from another Privacy Screen; and
  - i. exceeding a height of more than 3 metres (9 feet 10 inches) above Effective Ground Level; and
  - j. exceeding a height of more than 1.5 meters (5 feet) on a Structure.

### **PART VI- Division Fence - Application**

11. From and after the date this By-law comes into force:
  - a. The Line Fences Act, except for Section 20 of that Act, shall not apply to land located within the jurisdictional boundary of the County as defined in its Official Plan; and

- b. This By-law shall apply to land located with the jurisdictional boundary of the County as defined in the Official Plan; and
- c. The provisions for a Divisional Fence does not apply to any lands that constitute a public highway, including lands abutting a public highway that are held in reserve by the County or any other public authority to separate lands abutting the reserve from the public highway.

**Division Fence - Construction or Replacement**

- 12. Where an Owner seeking to construct or replace a division fence and an adjoining Owner agrees on the construction or replacement, then the construction or replacement of the division fence, including the apportionment of the cost, may take place as agreed on, provided that the Division Fence construction complies with the most restrictive fence heights as provided for in this By-law.
- 13. Where an Owner seeking to construct or replace a division fence and an adjoining Owner cannot agree on the construction or replacement, then the Owner may construct or replace the division fence provided that they deliver a notice to the adjoining Owner by registered mail advising them of the Owner's intent to construct or replace the division fence. The notice shall include:
  - a. a copy of at least three written quotes from reputable fencing businesses for the actual cost and the Basic Cost of the division fence; and
  - b. a statement of a date, not earlier than twenty-one days after the date of mailing the notice, that the construction or replacement of the division fence will commence; and
  - c. a statement that the Owner may seek a percentage of the costs for the construction or replacement of the division fence from the adjoining Owner in accordance with the County's Division Fences By-law; and
  - d. a statement that the adjoining Owner may obtain additional quotes from reputable fencing businesses for the actual cost or the Basic Cost of the division fence for delivery to the Owner no later than fourteen days after the date of mailing of the notice; and
  - e. a copy of this By-law.
- 14. Where an Owner seeking to construct or replace a division fence has delivered a notice to the adjoining Owner under Section 13, the cost of the construction or replacement, having regard to all of the quotes exchanged under Section 13, shall be apportioned as follows:
  - a. where the Owner and adjoining Owner agree to the apportionment of the cost, each Owner shall pay in accordance with that agreement; or

- b. where the Owner and the adjoining Owner do not agree to the apportionment of costs:
  - i. the adjoining Owner shall pay fifty (50%) percent of the Basic Cost or fifty percent of the actual cost, whichever is less; and
  - ii. the Owner shall pay the actual cost less the amount paid by the adjoining Owner under paragraph 14(b)(i).

**Division Fence - Maintenance or Repair**

- 15. Where an Owner seeking to maintain or repair a division fence and an adjoining Owner agree on the maintenance or repair, then the maintenance or repair of the division fence, including the apportionment of the cost, may take place as agreed notwithstanding any provision to the contrary in this By-law.
- 16. Where an Owner seeking to maintain or repair a division fence and an adjoining Owner cannot agree on the maintenance or repair, then the Owner may maintain or repair the division fence provided that they deliver a notice to the adjoining Owner by registered mail advising them of the Owner 's intent to maintain or repair the division fence. The notice shall include:
  - a. a copy of at least three written quotes from reputable fencing businesses for the cost of maintaining or repairing the division fence;
  - b. a statement of a date, not earlier than twenty-one days after the date of mailing the notice, that the maintenance or repair of the division fence will commence; a statement that the Owner may seek all or a percentage of the costs for the maintenance or repair of the division fence from the adjoining Owner in accordance with the County's Fences By-law;
  - c. a statement that the adjoining Owner may obtain additional quotes from reputable fencing businesses for the cost of maintaining or repairing the division fence for delivery to the Owner no later than fourteen days after the date of mailing of the notice; and
  - d. a copy of the this By-law.
- 17. Where an Owner seeking to maintain or repair a division fence has delivered a notice to the adjoining Owner under Section 16, the cost of the maintenance or repair, having considered all of the quotes exchanged under Section 16, shall be apportioned as follows:
  - a. where the Owner and adjoining Owner agree to the apportionment of the cost, each Owner shall pay in accordance with that agreement; or
  - b. where the Owner and the adjoining Owner do not agree to the apportionment of costs and:

- i. where the Owner, their invitees or a tree or structure on the Owner's land caused the damage necessitating the repair, the Owner shall pay the entire cost of the repair;
- ii. where the adjoining Owner, their invitees or a tree or structure on the adjoining Owner 's land caused the damage necessitating the repair, the adjoining Owner shall pay the entire cost of the repair; or
- iii. where neither paragraphs (i) nor (ii) apply, the Owner and the adjoining Owner shall each pay fifty (50%) percent of the cost of the maintenance or repair.

### **Division Fence - General Provisions**

- 18. Where an Owner seeking to construct, replace, maintain or repair a division fence or an adjoining Owner fails to pay a cost in accordance with the provisions of this By-law, then the cost may be recovered by means of a legal proceeding.
- 19. Compliance with the provisions of this By-law does not exempt any Owner seeking to construct, replace, maintain or repair a division fence or any adjoining Owner from compliance with this By-law, any applicable law, including any other statute, regulation or other by-law.
- 20. Notwithstanding any of the provisions of this By-law, where an Owner is required to construct, replace, maintain or repair a fence under any other applicable law, including any other statute, regulation or by-law, they shall pay the entire cost of the construction, replacement, maintenance or repair of the Fence.

### **PART VII- Non-Residential Property**

- 21. No person on non-residential properties, shall erect a fence or cause a fence to be erected that is higher than 3 metres (9 feet 10 inches).
- 22. No person in a Non-residential Zone, shall have, erect, construct, maintain or permit to be erected, a Fence on a Lot, at heights exceeding the most restrictive, as applicable, of the following:
  - a. exceeding a height of 3 metres (9 feet, 10 inches) within any Yard; or
  - b. exceeding a height of .9 meters (3 feet) in the Required Front Yard; or
- 23. Person in a Non-residential Zone shall within than 7.62 metres (25 feet) of the front Lot Line have, erect, construct, maintain or permit to be erected, a Fence between Side Lot Lines of a Lot, so as to enclose or partially enclose a Front Yard which exceeds a height of .9 meters (3 feet)

24. Section VII does not apply to a Fence erected, constructed, maintained as a Normal Farm Practice.
25. No Person in a Non-residential Zone shall have, erect, construct, maintain or permit to be erected a Fence between a Lot in a Residential Zone and a Lot in a Non-residential Zone exceeding a height of 3.0 metres (9 feet 10 inches).

#### **PART VIII– ENFORCEMENT**

26. Police Officers or Municipal Law Enforcement Officers are authorized to enforce the provisions of this by-law.
27. For the purpose of ensuring compliance with this by-law, a Municipal Law Enforcement Officer or Police Officer may at all reasonable times, enter upon and inspect any Lot to determine whether or not the following are being complied with:
  - a. this by-law;
  - b. a direction or order made under this by-law; or
  - c. a prohibition order made under Section 431 of the *Municipal Act, 2001*.
28. A Municipal Law Enforcement Officer or Police Officer may for the purposes of the inspection under Part VIII:
  - a. require a Person to produce for inspection any Permit, written contract or other authorization permitting the Person to use the Public Park;
  - b. inspect and remove any Permit, written contract or other authorization relevant to the inspection for the purpose of making copies or extracts;
  - c. require information in writing or otherwise as required by the officer from any Person concerning a matter related to the inspection; or
  - d. alone or in conjunction with a Person possessing special or expert knowledge, undertake an inspection to determine compliance with this by-law.
29. A Municipal Law Enforcement Officer or Police Officer may make an Order, sent by prepaid regular mail to the last known address, posted on-site or personally delivered to a Person requiring the Person within the time specified in the Order to:
  - a. discontinue the contravening activity; and/or
  - b. do work to correct the contravention.

30. An Order may be served on a *Person* by handing it to the *Person*, but where the Order cannot be given or served by reason of the *Person*'s absence from the *Person*'s property or by reason of evasion of service, the order may be given or served:
  - a. by handing it to an apparently adult *Person* on the *Person*'s property; or
  - b. by posting it in a conspicuous place upon some part of the Owner's *Lot* and by sending a copy by prepaid regular mail; or
  - c. by sending it by prepaid registered mail to the Owner at the address where he/she resides.
31. If an Order is served by:
  - a. prepaid regular mail, the service shall be deemed to have been made on the third (3rd) day after the day of mailing; or
  - b. registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.
32. An Order under Section VII shall set out:
  - a. reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
  - b. the work to be completed; and
  - c. the date(s) by which the work must be complete.

## **PART IX- REMEDIAL ACTION**

### **Remedial Action**

33. Every *Person* who has, erects, constructs, maintains, or permits to be erected, constructed or maintained any fence that does not comply with the provisions of this by-law shall forthwith take any necessary action to ensure that the fence complies with the provisions of this By-law.

### **Work done by County**

34. In default of the work required by this By-law or by a Work Order not being done by the Person directed or required to do it, the County in addition to all other remedies it may have, may do the work or cause the work to be done at the Person's expense to bring the land or Lot into compliance with the Order and may enter upon land or Lot, at any reasonable time, for this purpose.

### **Recover costs**

35. The County may recover the costs incurred by it in doing the work or causing it to be done from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

### **Lien**

36. Upon completion of the work by or on behalf of the County, the municipality shall have a lien on the land or Lot for the amount spent on the work and the amount shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the tax roll and collected in the same manner and with the same priority as municipal real property taxes as provided for by statute.

### **PART X- PENALTY**

37. Each Person who contravenes any provision of this by-law is guilty of an offence.
38. Every Person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act.
39. Any Person convicted of an offence under Section IX is also liable to:
  - a. On a first conviction to a fine of not more than \$50,000; and
  - b. On a subsequent conviction to a fine of not more than \$50,000 for each day or part of a day upon which the contravention has continued after the day on which the individual was first convicted.
40. A Corporation convicted of an offence under Subsection 37 is liable to:
  - a. On a first conviction to a fine of not more than \$50,000; and
  - b. On a subsequent conviction to a fine of not more than \$50,000 for each day or part of a day upon which the contravention has continued after the day on which the corporation was first convicted.



41. A director or officer of a Corporation who knows that the Corporation is violating or has violated a provision of the by-law is guilty of an offence and on conviction is liable to:
- a. On a first conviction to a fine of not more than \$25,000; and
  - b. On a subsequent conviction to a fine of not more than \$10,000 for each day or part of a day upon which the contravention has continued after the day on which the corporation was first convicted.

#### **PART XI- OBSTRUCTION**

42. No Person shall or attempt to hinder or obstruct a Municipal Law Enforcement Officer or Police Officer in carrying out his or her duties as described under this by-law.

#### **PART XII- CONFLICT WITH OTHER BY-LAWS**

43. In the event of any conflict between the provision of this by-law and any other by-law regarding the regulation of Fences, the provisions of this by-law shall prevail, however, the by-law will not invalidate the enforceability of other provisions of those by-laws insofar as they may be applicable.

#### **PART XIII- SEVERABILITY**

44. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

#### **PART XIV- REPEAL OF EXISTING BY-LAWS**

45. All the fence provisions found within the Town of Dunnville Zoning By-law 1-DU 80, the Town of Haldimand Zoning B-law 1- H-86 and City of Nanticoke Zoning By-law NE 1-2000 are hereby repealed.

READ a first and second time this XXX of Month, 2020.

READ a third time and finally passed this XXX of Month, 2020.

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MAYOR

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CLERK