

TOWN OF NAICAM

BYLAW NO. 3 – 2014

A BYLAW TO REGULATE THE ERECTION OF FENCES AND PLANTING OF SHRUBS, TREES, AND HEDGES

THE COUNCIL FOR THE TOWN OF NAICAM IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as the “Fence Bylaw”.
2. **DEFINITIONS:**
 - 2.1. **Height:** shall mean:
 - 2.1.1. the vertical measurement taken from the back edge of the sidewalk immediately adjacent to the object of concern, if within a sight triangle; or
 - 2.1.2. the vertical measurement taken from the average grade level along the object of concern, if not within a sight triangle.
 - 2.2. **Retaining Wall:** shall mean any structure that provides or is capable of providing lateral support for a mass of soil.
 - 2.3. **Boulevard:** shall mean that portion of a highway between the curb lines or lateral lines of the roadway and the adjoining property line exclusive of the sidewalk.
 - 2.4. **City Building Inspector:** shall mean the Building Inspector of the Town of Naicam or any person acting or authorized by him to act on his behalf.
 - 2.5. **Front Yard:** shall mean the area between the dwelling unit and the front property line. In the case of a corner site, the front property line shall mean the narrowest legal street frontage of the lot or lots.
 - 2.6. **Highway:** shall have the same meaning as in *The Highways and Transportation Act, 1997* and shall include the whole and entire width as surveyed of every street, avenue, lane, public drive, or driveway in an auto court or motel or other public place.
 - 2.7. **Intersection:** shall mean the area bounded by property lines, real or produced, or two or more highways which meet or cross each other.
 - 2.8. **Roadway:** shall mean and include that part of a highway designed or intended for use by vehicular traffic.
 - 2.9. **Sight Triangle:** shall mean that area contained in the triangle formed by the corner property lines and a straight line drawn from a point six (6.0) metres from the corner property pin to a similar point six (6.0) metres along the perpendicular or intersecting property line.
 - 2.10. **Council:** shall mean the Council for the Town of Naicam
 - 2.11. **Town:** shall mean the Town of Naicam

3. **Hedges and Shrubs**

- 3.1. **At Street Intersections:** No person shall plant or maintain any hedge or shrub, which exceeds 0.8 metres in height within the sight triangle.
- 3.2. **At Lane Intersections:** No person shall plant or maintain any hedge or shrub, which exceeds 0.8 metres in height past the property line.
- 3.3. **On Boulevards:** No person shall plant or maintain on the boulevard any hedge or shrub which exceeds 0.8 metres in height or obstructs the free passage of pedestrians along any part of the abutting sidewalk.
- 3.4. **Around Hydrants:** No person shall:
 - 3.4.1. plant or maintain any hedge, plant, tree or shrub within 1.0 metre, and in no case shall any form of obstruction be allowed in front of any hydrant.
 - 3.4.2. place, permit or allow rocks, stones, wood, metal, or any other substances, other than grass, on the ground within 1.0 metre of any hydrant.

4. **Trees**

- 4.1. **At Street Intersections:** In order to provide an unobstructed view for vehicular traffic, no person shall plant or maintain a tree or trees within the sight triangle unless the branches of such tree or trees are trimmed between ground level and a height of 1.8 metres, or unless the tree or trees are less than 0.8 metres in height.
- 4.2. **On Boulevards:** No person shall plant or maintain on the boulevard a tree or trees having branches which in any manner obstruct the free passage of either vehicles or pedestrians, obstruct the view for vehicular traffic, or which interfere with power and/or telephone lines.
- 4.3. **In Lanes:** No person shall plant or maintain at the rear of his property a tree or trees which in any manner will obstruct the free passage of vehicles or pedestrians using the lane, or which will interfere with power and/or telephone lines.

5. **Fences**

- 5.1. **Regulations:** No person shall construct a fence
 - 5.1.1. which exceeds 0.8 metres in height within the front yard in any residential district.
 - 5.1.2. which exceeds 2.5 metres in height in the side or rear yards in any residential district, except with written consent of Council.
 - 5.1.3. using barbed wire in any residential district. In commercial and/or industrial districts, barbed wire may be used on the top of a 1.8 metre high chain link fence for security reasons.
- 5.2. **At Lane Intersections:** No person shall construct any fence, which exceeds 0.8 metres in height past the property line.
- 5.3. **On Boulevards:** No person shall construct on the boulevard a fence exceeding 0.8 metres in height and less than 0.6 metres from the inner edge of the abutting sidewalk.
- 5.4. **Around Hydrants:** No person shall construct a fence or other form of obstruction within 1.0 metre of any hydrant, and in no case shall any form of obstruction be allowed in front of any hydrant.

6. Retaining Walls

- 6.1. **Permits:** No person shall construct a retaining wall without first obtaining a Building Permit from the Building Inspector.
- 6.2. **Regulations:** All retaining walls constructed in the Town of Naicam shall conform to the following regulations:
 - 6.2.1. **Plans:** Detailed plans shall be submitted for approval.
 - 6.2.2. **Design:** The design of the wall shall conform to the Building Bylaw of the Town of Naicam.
 - 6.2.3. **Setbacks on Boulevards:** Retaining walls:
 - 6.2.3.1. may be constructed on the boulevard if the sidewalk abutting the property is a concrete sidewalk.
 - 6.2.3.2. 0.3 metres in height or less may be constructed right against the back edge of the sidewalk.
 - 6.2.3.3. exceeding 0.3 metres in height, but not more than 0.9 metres in height, shall be set back not less than 0.5 metres from the back of the sidewalk.
 - 6.2.3.4. exceeding 0.9 metres in height but not more than 1.5 metres in height shall be set back not less than 0.9 metres from the back of the sidewalk.
 - 6.2.3.5. exceeding 1.5 metres in height shall not be allowed to be constructed on any boulevard.
 - 6.2.4. **At Street Intersections:** Retaining walls shall not exceed 0.8 metres in height if constructed within the sight triangle.
 - 6.2.5. **At Lane Intersections:** Retaining walls shall not exceed 0.8 metres in height if constructed on the boulevard.

7. Enforcement and Penalties

- 7.1. **Nuisance:** When deemed necessary, the Council may by resolution declare any retaining wall or fence a nuisance and all provisions of Sections 364 and 366 of *The Municipalities Act* shall apply.
- 7.2. **Boulevards and Easements:** When a retaining wall, fence or any other matter or thing has been constructed, or a hedge, shrub or tree has been planted on the boulevard, on Town owned property, or easements which are required by the Town for utilities, widening of the street, or any other purpose whatsoever, the Town shall have the right to order the owner to remove the retaining wall, fence, hedge, shrub or tree and should the owner fail or neglect to remove the same within the time specific in the order, the Town shall have the right to remove the said retaining wall, fence, hedge, shrub or tree at the owner's expense, and if the cost of the work remains unpaid on the thirty-first (31st) day of December of the year in which the sum became payable, the sum shall be added to and form part of the taxes on the land in respect of which the work was done.

7.3. Penalties:

7.3.1. Except where otherwise specified in this Bylaw, any person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction by a fine in an amount not exceeding:

7.3.1.1. two thousand dollars (\$2,000.00) in the case of an individual;

7.3.1.2. five thousand dollars (\$5,000.00) in the case of a corporation.

8. APPLICATION OF THIS BYLAW

If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and remain in force.

9. EFFECTIVE DATE

This Bylaw shall come into full force and effect upon the third reading.

Mayor – Rodger Hayward

(SEAL)

Administrator – Lowell Prefontaine

Read a third time and adopted

this ____ day of _____, 2014