

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 162-2004**

**A By-law to amend the Fence By-law, By-law 80-90, as amended, for prescribing the height and description of lawful fences in the City of Vaughan and for determining how the cost of division fences shall be apportioned.**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, at subsection 11(2), clause 4 authorizes the passing of a by-law regulating fences;

AND WHEREAS amendments are required to the City of Vaughan's Fence By-law, By-law Number 80-90, as amended, to clarify the treatment of side yard fences under the By-law.

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

1. That City of Vaughan By-law Number 80-90, as amended, be further amended by adding paragraphs c) and d) to Section 3.3 as follows:
  - c) Notwithstanding the provisions of this By-law, but subject to paragraph d) of this Section, no fence exceeding 1.2 metres (4 feet) in height, whether erected on or inside the property line, shall be erected closer to the front lot line than a point opposite the corner of the front wall containing the front door of any adjacent dwelling. For greater certainty, the application of this Section 3.3 paragraph c) is illustrated on Schedule "A" to this By-law and forming a part hereof.
  - d) For the purposes of Section 3.3 paragraph c), in the case of a fence located in front of the front wall containing the front door of any adjacent dwelling, whether located on or anywhere inside the property line between the two properties, "height":
    - i) means where the grade of one property is higher than the abutting property, the vertical distance measured between the lowest point of the finished grade of the lower property and the highest point of the fence; and
    - ii) includes a retaining wall.
2. That City of Vaughan By-law Number 80-90, as amended, be amended by deleting Section 10.3 and substituting the following therefor:
  - 10.3 This By-law shall apply to all fences, whether erected before or after this By-law comes into force, unless previously exempted by Council.

READ a FIRST, SECOND and THIRD time and finally passed this 25<sup>th</sup> day of May, 2004.

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Michael Di Biase, Mayor

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Sybil Fernandes, Deputy City Clerk