

**The Corporation of the City of North Bay**

**BY-LAW 2019-42**

**BEING A BY-LAW TO AMEND BY-LAW 2008-42  
(BEING A BY-LAW TO PROVIDE FOR THE  
APPORTIONMENT OF COSTS OF DIVISION  
FENCES)**

**WHEREAS** Section 11.(3)(7) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended (hereinafter the "*Municipal Act*") provides that a municipality may pass by-laws with regard to structures, including fences and signs;

**AND WHEREAS** Section 98.(1) and (2) of the *Municipal Act* provides that a by-law may be passed by a municipality stating that the *Line Fences Act*, R.S.O. c .L. 17 does not apply to all or any part of the municipality, subject to the continuing applicability of section 20 of the *Line Fences Act*;

**AND WHEREAS** by Resolution No. 2019-207 on the 21<sup>st</sup> day of May 2019, Council approved amendments to By-law 2008-42;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

1. Section 5 of By-law 2008-42 is deleted in its entirety and replaced as follows:  
An owner of land may construct, replace, repair and maintain a division fence, subject to compliance with the provisions relating to fences in the municipality's Zoning By-law 2015-30, Fence By-law 2002-105, and any successor By-laws thereto.
2. Section 6 of By-law 2008-42 is amended by adding the word ", repair" after "construction" in the second line and after "construct" in the third line.
3. Section 7 of By-law 2008-42 is amended by adding the word ", repair" after "construct" in the second line.
4. Section 7 (b) (i) is amended by replacing the word "or" with the word "and" in the first line.
5. Section 10 (c) is amended by deleting the reference to "Section 11" in the first line and replacing it with "Sections 7 and 11".
6. Section 15 is amended by deleting it in its entirety and replacing it with the following:

Where an owner seeking to construct, repair or replace a division fence, or an adjoining owner, fails to pay a cost in accordance with the provisions of this by-law, the cost may be recovered by means of a legal proceeding.

READ A FIRST TIME IN OPEN COUNCIL THIS 4<sup>TH</sup> DAY OF JUNE, 2019.

READ A SECOND TIME IN OPEN COUNCIL THIS 4<sup>TH</sup> DAY OF JUNE, 2019.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 4<sup>TH</sup> DAY OF JUNE 2019.

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MAYOR ALLAN MCDONALD

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CITY CLERK KAREN MCISAAC