

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2015-49**

**A BY-LAW TO FIX THE DESCRIPTION OF A LAWFUL FENCE IN THE
TOWNSHIP OF SOUTH FRONTENAC**

WHEREAS pursuant to Section 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25 (the Act) as amended, a municipality has the capacity, rights powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8 (1) of the Act, as amended, sections 9 and 11 shall be interpreted broadly so as to confer broad authority on municipalities (a) to enable them to govern their affairs as they consider appropriate; and (b) to enhance their ability to respond to municipal issues;

AND WHEREAS pursuant to section 11 (1) of the Act, as amended, a lower-tier municipality has the authority to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS pursuant to section 436 of the Act, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance of a by-law of the municipality passed under the Act.

AND WHEREAS pursuant to Section 445 of the Act, as amended, a municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention.

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH
FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:**

1. The following fences shall be lawful fences in the Township of South Frontenac:

A. Woven Wire Fencing

i. Anchors

The desired standard for anchor and brace posts shall be cedar; however, good quality railroad ties and hydro posts are an acceptable substitute for anchor posts. Anchor posts shall be a minimum of eight feet long, be six inches in diameter at the small end and be placed with the large end down. An eight foot cedar brace shall be used between the anchor and the brace post and shall be held in position by twisting four strands of number nine brace wire. Anchor posts shall be anchored by two cedar or oak cross members, two inches and at least four feet long, spiked securely to the anchor posts and placed so that there shall be at least thirty inches of cover over the cross member. Anchors shall in no case be placed more than forty rods apart. It is recommended that anchor posts be placed at top and bottom of steep hills.

ii. Line Posts

The desired standard for all line posts shall be cedar or standard steel; however, good quality railroad ties or hydro posts are an acceptable substitute for line posts. The line posts shall be at least four and one half inches in diameter on the small end and shall be eight feet in length. They shall be placed with the large end down and shall not be less than three feet in depth. In the event that cedar posts, railroad ties or hydro poles are used they shall be placed not more than twenty feet apart. In the event that

all standard steel posts are used, they shall be placed one rod (16.5 feet) apart.

iii. Wire Fence

All wire fences shall be forty-two inches high and shall be constructed of eight strands or cables of wire, placed horizontally on specified posts. Stays not more than sixteen and one half inches apart shall be placed upright cross the nine strands or cables and firmly fastened to each. The spacing of the nine strands shall be that of any standard spacing available, and shall be as near No. 9 gauge wires as possible. Each strand shall be firmly fastened to the line posts whether they are cedar or standard steel. All wires shall be tightly stretched and the bottom wire shall be within six inches of the ground and special measures shall be taken to see that the bottom wire of the fence follows closely to the contour of the land. It is recommended that single strand of barbed wire be placed along the top of the fence unless one party to the fence objects.

iv. Water Ways

A wire fence shall extend across all water ways to close the gap. There shall be an anchor at each side of the gap and shall meet specifications set out in section one of this by-law Water gaps shall be maintained at all times during the normal grazing period.

B. High Tensile Wire Fencing

i. General Specifications

High tensile fencing shall consist of no less than eight wires

Wire spacing from ground shall be 4", 5", 5", 6", 6", 7" & 8"

End, corner and gateposts shall be 8' X 6" – 8" and shall be driven 48" into the ground

Line posts shall be 6'6" X 3 1/2 " – 4" and shall be driven 24" into the ground.

It is recommended that all posts be pressure treated.

Post spacing between line posts shall be 30' if spacers are used. In the event that spacers are not used, maximum distance for line posts is 20'.

Spacers (droppers) shall be inserted no more than 10' apart. Droppers can be made of wood or metal.

ii. Double Brace Assembly

A double brace assembly is required. A span length of 8 ft. is required for each span in a double brace.

Braces are spaced as far apart as the terrain will allow to a maximum of 1,650 feet, a double in-line brace assembly should be constructed where there is a major change in slope. The centre part of the assembly is located at the break in the slope. Each half of the assembly is then constructed on its respective steps.

A horizontal brace post is required and must be pegged into place using 3/8" rods. Once the posts and horizontal brace are in position, two wraps of brace wire are attached and tightened by means of a pressure treated twitch stake.

iii. Tightening the Wire

The wire must be tightened by means of an in-line strainer. The in-line strainer should be located near the middle of the fence line between braces in order to achieve the same resistance factor in both directions. A tension spring should be installed in one of the wires to indicate tension. After all posts are stapled, wires should be tightened to 350 pounds tension (equals 2 inches of depression of the spring). Staples should never be driven "home". This allows for expansion and contraction of the wire throughout the entire fence line.

iv. Electric High Tensile

For electric high tensile fencing, hot wires from ground up are wire 1, wire 4 and wire 8.

Electric Fence Sign must appear every 300 feet on electric fence.

Wire fences should be grounded and their electric conductivity broken by separating each section. Fence should be grounded every 330 feet. Grounding is done by driving a ½ galvanized steel rod or pipe 6 feet into clay loam and at least 10 feet in sand or gravel.

High tensile wire fencing shall be used with only the agreement of both parties to the fence.

NOTE: In spite of the desired post spacings and double brace assembly specified in Section A.i & A.ii. of this By-law.

C. Barbed Wire Fencing Specifications

i. General Specifications

Barbed wire fencing as a line fence is permitted through areas here bush is situated on both sides of a line fence. Barbed wire fencing shall consist of no less than 6 wires. Wire spacings from the ground shall be 6", 8", 8", 8". 8", 8" (top strand shall be no less than 46 inches from the ground). Each strand shall be firmly fastened to the line posts whether they be cedar, good quality railroad ties, hydro poles, or standard steel. All wires shall be tightly stretched. Sections 1 & 2 of this by-law applies with respect to anchors and line post requirements for barbed wire fencing.

Barbed wire fencing shall be used only with the agreement of both parties to the fence.

D. Cedar Rail Fencing

i. The style of cedar rail fencing and the method of construction of the cedar rail fence to be used in a line fence shall be subject to the agreement of both parties to the fence.

E. Special Fences

i. In the event that a landowner or occupant elects to raise exotic livestock such as elk, bison, emu, or ostriches and requires special fencing to contain the exotic livestock, the additional cost of the special fencing shall be the sole expense of the said landowner or occupant.

F. General

- i. Where the parties to a line fence are unable to agree as to the use of high Tensile Wire Fencing, Barbed Wire Fencing or Cedar Rail Fencing, then the requirements for Woven Wire Fencing shall apply.
- ii. Where there are no abutting land uses which require the use of fences described in Sections A, B, C and then other fencing materials such as chain link, wooden board, or plastic or other materials or combinations of materials maybe used to define a line fence with the agreement of the parties to the fence.
- iii. The requirements of By-law 2014-33 for the fencing of pools in the Township of South Frontenac shall be in addition to the requirements hereinbefore recited for line fences.
- iv. That By-law 1999-102 is hereby repealed.

Dated at the Township of South Frontenac, this 15th day of September, 2015.

Read a first and second time this 15th day of September, 2015.

Read a third time and finally passed this 15th day of September, 2015.

THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC



Ron Vandewal, Mayor



Wayne Orr, Chief Administrative Officer