

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2019-051

BEING a by-law to amend By-law No. 2006-069, being a by-law to regulate the erection, height, and maintenance of fences in the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 11 authorizes a municipality to pass by-laws respecting matters within the sphere of structures, including fence and signs;

AND WHEREAS the *Planning Act, 1990*, c. P.13 s. 45 authorizes a council that has constituted a committee of adjustment to empower the committee of adjustment by by-law to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan

AND WHEREAS the Official Plan of the United Counties of Stormont, Dundas, and Glengarry contains provisions relating to construction and use of accessory structures, including fences and signs;

AND WHEREAS Council of the Corporation of the Township of South Stormont deems it advisable to amend By-law No. 2006-069;

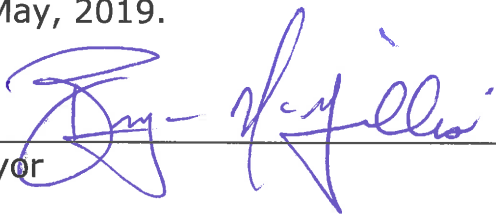
NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. That Section 3.0, Residential Property, paragraph 3.4 be amended by adding the words "using open mesh or chain link" immediately following the words "a fence constructed"
2. That Section 9.0, General Provisions, paragraph 9.2 be amended by deleting the words "or the replacement of a hedge with a non-conforming fence"
3. That Section 9.0, General Provisions, paragraph 9.2 a) be amended by deleting the words "or hedge"

4. That Section 9.0, General Provisions, paragraph 9.2 b) be amended by deleting the words "or hedge"
5. That Section 9.0, General Provisions, be amended by deleting paragraph 9.3 in its entirety and replacing it with the following:
 - 9.3) Fence Variance Committee
 - 9.3 a) The Council of the Township of South Stormont hereby delegates authority for any minor variance to provisions of this by-law to the Committee of Adjustment under Section 45(3) of the *Planning Act*
 - 9.3 b) The owner of the property, or authorized agent of the owner, may make an application to the Committee of Adjustment for a minor variance from the provisions of this By-law.
 - 9.3 c) The Committee of Adjustment may, subject to the criteria and procedures in Section 45 of the *Planning Act* and applicable regulations, grant or refuse any application for a minor variance as the case may be and that such relief as it considers appropriate be granted either absolutely or subject to conditions.
6. Save and except as provided herein, all other relevant provisions of By-law No. 2006-069 shall apply.

READ AND PASSED in open Council, signed and sealed this 22nd day of May, 2019.

Mayor



Deputy - Clerk

