

BYLAW No. 1097/LUO/2024

A BYLAW FOR THE TOWN OF FAIRVIEW IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING THE TOWN OF FAIRVIEW LAND USE BYLAW

- Whereas,** the Town of Fairview has adopted Bylaw No. 1064/LUO/2021, being the Land Use Bylaw; and
- Whereas,** pursuant to the Province of Alberta *Municipal Government Act*, being the Revised Statutes of Alberta 2000, as amended, a Council may amend a Land Use Bylaw; and
- Whereas,** the Council of the Town of Fairview, in the Province of Alberta, deems it desirable to amend the Town of Fairview Land Use Bylaw; and
- Whereas,** the said amendment will define and better regulate fencing within the Town;
- NOW THEREFORE,** pursuant to Sections 230, 606 and 692 of the *Municipal Government Act*, the Council of the Town of Fairview, in the Province of Alberta, in Council duly assembled, enacts as follows:

A. Title

This Bylaw may be cited as “Land Use Amendment Bylaw 1097/LUO/2024”.

B. Amendments

1. Add the following definitions for Fence to **Section 4 Definitions**:

“**FENCE**” means a vertical physical barrier constructed out of building materials, such as wood and metal, for purposes of containment, preventing unauthorized access, and/or to reduce sound or visual intrusion. A fence may include gates, lattice, chain link or a wall, but does not include the wall of an enclosed building.

2. Add the following provisions to **Section 53 Gates, Walls, Fences or other means of enclosure**:

- (5) The following shall apply to all fences in the Town:

- (a) Fencing shall be consistent with the character and quality of the design and materials of the structures on the property at discretion of the Development Officer
- (b) All fences shall be made of a permanent material and of sturdy construction by being adequately anchored and fixed to the ground, such that they are freestanding and not supported by any other building.
- (c) In residential areas or on properties that are either adjacent to residential areas or accessible to the public, fences shall be constructed of acceptable materials including, but not are limited to, chain-link, wood, composite, painted metal and other appropriate types of residential materials. Fencing constructed of dangerous materials, such as barbed wire, electric and razor wire, shall not be allowed. Other unacceptable types of fencing include, but are not limited to, agricultural fencing, snow fencing, safety fencing, and use of shipping pallets, wood logs and tires.

- (d) If solid metal fencing is installed, a border capping unfinished edges on the top and bottom of the fence shall be included.
- (e) Fencing shall not be constructed such that will interfere with the amenities of the neighborhood nor materially interfere with or affect the use, enjoyment, or value of neighboring properties.
- (f) Where a fence is proposed to be located along a property line that forms the boundary between two or more parcels, it is recommended that the proponent consult and reach an agreement with the other landowner(s) prior to construction of the fence.
- (g) All landowners must adhere to the Line Fence Act, as amended from time to time.

C. Severability

- 3. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

D. Effective Date

- 4. This Bylaw shall come into force and effect upon third and final reading and is duly signed.

Read a first time this 3rd day of December, 2024

Mayor Gordon Macleod

CAO Daryl Greenhill

Read a second time this _____ day of _____, 2024

COUNCIL UNANIMOUSLY MOVED TO PROCEED WITH A THIRD READING

Read a third time this _____ day of _____, 2024

Mayor Gordon Macleod

CAO Daryl Greenhill