



## BY-LAW 2008-123

**TO AMEND By-law 277-97, Being a By-law for prescribing the height and description of lawful fences in the town of Markham and for determining how the cost of division fences shall be apportioned**

WHEREAS section 11(3) paragraph 7 of the Municipal Act 2001 authorizes a municipal council to pass by-laws relating to structures, including fences;

WHEREAS the Town of Markham has passed By-law 277-97, being a by-law for prescribing the height and description of lawful fences in the Town of Markham;

NOW THEREFORE THE COUNCIL OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. Subsection 2.1 of By-law 277-97 is repealed and the following section substituted therefore:

“fence” includes a railing, wall, line of posts, wire, gate, boards, pickets, or other similar material, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, and or to provide privacy”;

2. Subsection 2.2 of By-law 277-97 is repealed;

3. Subsection 2.0 of the said By-law 277-97 is amended by adding thereto immediately after Subsection 2.14 the following Subsection:

2.15 “privacy screen means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway” ;

and that each following Section is re-numbered accordingly.

4. Subsection 3.1 of the said By-law 277-97 is amended by adding immediately after “fences” in line 1 the following words:

“and privacy screens”;

5. Subsection 3.2 of the said By-law 277-97 is repealed.

6. Section 4.0 of the said By-law 277-97 is amended by adding thereto, immediately after Section C EXEMPTIONS FROM HEIGHT RESTRICTION, Subsection 4.8(a) the following Section:

### “D. REQUIREMENTS FOR PRIVACY SCREENS

“4.9 (1) Except as provided in Subsection (2) of this Section, no person shall erect, or cause to be erected, a privacy screen on any land lawfully used for residential or commercial purposes.

(2) A privacy screen may be erected in a side yard or rear yard, if:

- (a) it is more than 4.6 metres (15 feet) from the street line;
- (b) it is more than 1.8 metres (6 feet) from any side lot line, provided, however, that where the privacy screen is located so as to provide a visual barrier between dwelling units divided by a common wall, such screen may be placed closer to any side lot line.
- (c) it is more than 1.8 metres ( 6 feet ) from the rear lot line

- (d) it is no more than 9.7 metres (32 feet) in total length, and no single individual length is longer than 4.9 metres (16 feet).
- (e) it is no more than 2.4 metres (8 feet) above ground level or 1.8 metres (6 feet) in height if constructed on a deck or elevated platform

7. Section 4.0 of the said By-law 277-97 is amended by adding thereto, immediately after Section D REQUIREMENTS FOR PRIVACY SCREENS, Subsection 4.9 (2)(e) the following Section:

“E. REQUIREMENTS FOR GATES, ARCHWAYS, DECORATIVE CAPS

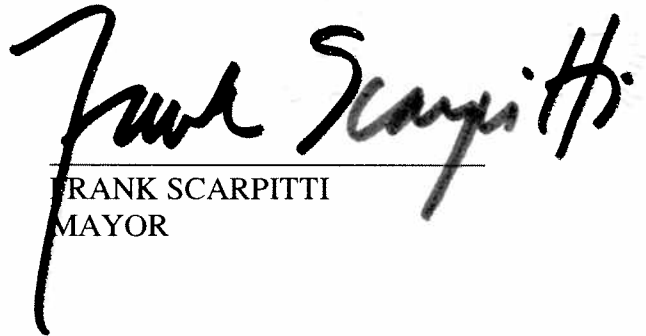
Notwithstanding the maximum height requirements for fences in Section 4.0:

- 4.10 Gates may exceed the height restrictions prescribed in by-law 277-97 by a maximum of 30 centimetres (1 foot);
- 4.11 Archways forming part of an entrance may exceed the height restrictions to a maximum of 2.4 metres (8 feet);
- 4.12 Decorative caps on structural posts may exceed the height restrictions to a maximum of 15 centimetres (6 inches)

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
24<sup>TH</sup> DAY OF JUNE, 2008.



KIMBERLEY KITTERINGHAM  
DEPUTY CLERK



FRANK SCARPITTI  
MAYOR