

Approved by Council: September 24, 2018

## **PERIMETER FENCE ADJACENT TO PARKS & PUBLIC RESERVES**

### **BACKGROUND**

The Council of the Town of Redcliff has passed, Park, Recreational or Public Areas Bylaw which requires perimeter fences to be installed on the boundary of Park, Recreational or Public Areas from private property and allows for the creation of further regulations with respect to these fences.

Bylaw lays out that the immediately adjacent private property owner is responsible for the ongoing maintenance of a perimeter fence.

The purpose of this Policy is to provide for the further regulation of perimeter fences by establishing minimum requirements and standards recognizing different circumstances benefit from having different requirements and standards.

As the Town has:

- allowed developers to installed perimeter fences in some locations in the Town,
- allowed developers to affix restrictive covenants on the titles of the private properties with respect to these fences, and
- permitted the Town to be made a responsible party for the enforcement of the restrictive covenants registered on title.

The policy must also address the specific requirements of these unique areas.

### **DEFINITIONS**

PARK, RECREATIONAL OR PUBLIC AREA means any land owned by or under the control and management of the Town or a School Authority within the corporate limits of the Town. This definition includes undeveloped roadways, land developed or used by the Town as a public park, sports field, campground, cemetery, pathway, trail, walkway, playground or recreational area, a temporary or permanent highway buffer strip, and land designated by resolution of Council or Bylaw as a Park, Recreational, or Public Area but does not include developed roadways or lanes.

ROADWAY means land intended for the passage or parking of Motor Vehicles as demonstrated by the surface treatment of the land (paving or compacted gravel) and not being prohibited by signage or barricades that are part of a Highway

### **POLICY**

#### **GENERAL**

- (1) General policies laid out in this policy may be superseded by specific policies governing specific areas or circumstances laid out in this policy or by caveats and restrictive covenants registered on title. Caveats and restrictive covenants registered on title prior to the adoption of this policy govern over this policy where there is a conflict in standards. Caveats and restrictive covenants registered on title after the adoption of this policy govern

- over this policy only when they require a higher standard for or specific restrictions on the perimeter fence but must still meet the minimums laid out in this policy.
- (2) No replacement of, modifications to or changes to, a Perimeter Fence shall be made to the fence unless authorized by valid permit issued by the Director responsible for Park, Recreational or Public Areas or their designate. In considering the proposed replacement of, modifications or changes to the fence the Director or their designate shall review:
    - (a) the context in which the fence is located;
    - (b) If the proposed changes will impact the public's enjoyment and or use of the Park, Recreational or Public Area;
    - (c) If the proposed changes will increase the maintenance costs of the Park, Recreational or Public Area for the Town; and
    - (d) If the proposed changes meet or exceed the minimum standards.
  - (3) Nothing in Section (1) shall be construed as requiring the Director responsible for Park, Recreational or Public Areas or their designate to approve changes to an existing fence.
  - (4) All perimeter fences must meet the following minimum standard:
    - (a) The fence must be at least 3 feet high; and
    - (b) The fence must be at least galvanized chain link. Fencing types that are considered an upgrade to chain link fences are:
      - (i) Painted or stained wood,
      - (ii) Plastic coated chain link,
      - (iii) Vinyl, polyethylene and other plastic types,
      - (iv) Painted steel, aluminum, iron and other metal types,
      - (v) Decorative concrete, painted concrete, concrete block, stone, brick and other types of masonry fences, and
      - (vi) A combination of the above fence types such as brick and cast aluminum.
  - (5) Vines, hedges or similar vegetation growing in or through the fence shall be allowed without a permit issued by the Director responsible for Park, Recreational or Public Areas or their designate.
  - (6) Side yard fences may be connected to the Perimeter Fence without a permit issued by the Director responsible for Park, Recreational or Public Areas or their designate, provided that there are no modifications to the Perimeter Fence.
  - (7) A perimeter fence may be temporarily removed if authorized by valid permit issued by the Director responsible for Park, Recreational or Public Areas or their designate for the purpose of obtaining access to the private property for the purpose of landscaping, construction or delivery of such items such as a hot tub etc. The following conditions and securities will be placed on the permit:
    - (a) Reinstallation of Town fencing shall be completed by a Town approved contractor with the property owners being responsible for costs.

- (b) A refundable damage deposit at the time of application as laid out in the Fees, Rates & Charges bylaw which will be based on the linear metres of fence to be temporarily removed.
  - (c) The Town Department responsible for parks and public areas shall conduct an inspection of the fence within 14 days of completion of the reinstallation of the fence, and if deemed satisfactory the deposit shall be refunded.
  - (d) Any other conditions the Director responsible for Park, Recreational or Public Areas or their designate feel may be warranted
  - (e) Property owners will also be required to obtain a “Permit to Cross Park, Recreational or Public Areas – Vehicular” if there is a requirement to cross Park, Recreational or Public Areas with construction equipment.
- (8) The following fence modifications are allowed via permit:
- (a) Land owners may install a pedestrian access gate. The pedestrian access gate shall:
    - (i) Not exceed a gate width of 1.5 metres (60 inches);
    - (ii) Shall not be less than 1.2 metres (48 inches) high;
    - (iii) only be made by contractor approved by the Town;
    - (iv) all costs are borne by the property owner;
  - (b) Curbing along the base of a Perimeter Fence, providing it meets the following standards:
    - (i) The curb must have a minimum width of eight inches;
    - (ii) The curb must have a minimum depth (from top of curb to bottom of curb) of 140 mm (5 ½ inches) and a maximum exposure (from top of curb to finished soil level) of 600 mm (24 inches). Curbs higher than 600 mm (24 inches) require a development permit and a building permit.
    - (iii) The curb must have drain holes installed to prevent the backup of runoff.
    - (iv) The curb must have at least one (1) 10M bar or rebar installed in curb for the entire length. Overlap of rebar shall be at least 300mm (12 inches).
    - (v) The curb must be finished:
      - with filleted (rounded) top corners of not less than 10 mm (3/8 inch) radius,
      - smooth top and sides with voids (holes) in the concrete less than 12mm (1/2 inch) diameter, and
      - the fence (excluding posts) must not be imbedded in the curb;

**KIPLING, RIVERVIEW (NOT ADJACENT TO THE GOLF COURSE), EASTSIDE PHASE 1, AND WESTSIDE SUBDIVISIONS**

The Town of Redcliff installed chain link fence along Park, Recreational or Public Areas adjacent to the Kipling, Riverview, Eastside Phase 1, and Westside Subdivisions. Although the fence runs adjacent to the residential properties, the Town of Redcliff retains ownership of this fence. In accordance with the Park, Recreational or Public Areas Bylaw and the restrictive covenant registered to the land title of the residential properties, maintenance is the responsibility of the immediately adjacent property owner.

- (9) The perimeter fences in these areas must meet the following standard:
- (a) be at least 4 feet high and remain at the height that was installed;
  - (b) be a galvanized chain link;
  - (c) not have boards, privacy slates of any kind placed in or against the fence,
  - (d) not have fabric screens or sediment screens placed on or against the fence,
  - (e) not have dirt placed above the fence that prohibits the free movement of the fence,
- (10) The following fence modifications are allowed via permit:
- (a) Land owners may install a pedestrian access gate. The pedestrian access gate shall:
    - (i) not exceed a gate width of 1.5 metres (60 inches);
    - (ii) gate to be constructed of galvanized chain link the same height as the fence;
    - (iii) only be made by contractor approved by the Town;
    - (iv) all costs are borne by the property owner;
  - (b) Curbing along the base of a Perimeter Fence, providing it meets the following standards:
    - (i) the curb must have a width of 200 mm (eight inches);
    - (ii) the curb must have a minimum depth (from top of curb to bottom of curb) of 140 mm (5 ½ inches) and a maximum exposure (from top of curb to finished soil level) of 300 mm (12 inches);
    - (iii) the curb must be finished:
      - with filleted (rounded) top corners of not less than 10 mm (3/8 inch) radius,
      - smooth top and sides with voids (holes) in the concrete less than 12mm (1/2 inch) diameter, and
      - the curb must be below the chain link to allow the chain link fence to move freely;
    - (iv) Differences in elevation at any given point within a 3 metre (120 inch) length of curb shall not exceed 32 mm (1¼ inch), and the maximum variation shall not be greater than 32 mm (1¼ inch); and

- (v) Deviations in horizontal alignment at any given point within a 3 metre (120 inch) length of curb shall not exceed 32 mm (1¼ inch), and the fluctuations in the horizontal alignment shall not be greater than 32 mm (1¼ inch).
- (11) The Town requires proof that the contractor approved by the Town to perform the work has received payment for the work in advance of the permit being issued and the work commencing.

### **ADJACENT TO THE GOLF COURSE**

The Town of Redcliff installed chain link fence along the Riverview Golf Course property. Although the fence runs adjacent to the residential properties, the Town of Redcliff retains ownership of this fence. In accordance with the Park, Recreational or Public Areas Bylaw and the restrictive covenant registered to the land title of the residential properties, maintenance is the responsibility of the immediately adjacent property owner.

- (12) The perimeter fences in these areas must meet the following standard:
- (a) be at 5 feet high and remain at the height that was installed;
  - (b) be a galvanized chain link;
  - (c) not have boards, privacy slates of any kind placed in or against the fence,
  - (d) not have fabric screens or sediment screens placed on or against the fence,
  - (e) not have dirt placed above the fence that prohibits the free movement of the fence,
- (13) The following fence modifications are allowed via permit:
- (a) Land owners may install an access gate to allow golf cart access onto the golf course. Modifications shall:
    - (i) Not exceed a gate width of 1.8 metres (66 inches);
    - (ii) Gate to be constructed of galvanized chain link the same height as the fence;
    - (iii) only be made by contractor approved by the Town;
    - (iv) all costs are borne by the property owner;
    - (v) require written permission from Riverview Golf Club to access the golf course with a golf cart; and
  - (b) Curbing along the base of a Perimeter Fence, providing it meets the following standards:
    - (i) The curb must have a width of 200 mm (8 inches);
    - (ii) The curb must have a minimum depth (from top of curb to bottom of curb) of 140 mm (5 ½ inches) and a maximum exposure (from top of curb to finished soil level) of 300 mm (12) inches;

- (iii) The curb must be finished:
    - with filleted (rounded) top corners of not less than 10 mm (3/8 inch) radius,
    - smooth top and sides with voids (holes) in the concrete less than 12mm (1/2 inch) diameter, and
    - the curb must be below the chain link to allow the chain link fence to move freely;
  - (iv) Differences in elevation at any given point within a 3 metre (120 inch) length of curb shall not exceed 32 mm (1¼ inch), and the maximum variation shall not be greater than 32 mm (1¼ inch); and
  - (v) Deviations in horizontal alignment at any given point within a 3 metre (120 inch) length of curb shall not exceed 32 mm (1¼ inch), and the fluctuations in the horizontal alignment shall not be greater than 32 mm (1¼ inch).
- (14) The Town requires proof that the contractor approved by the Town to perform the work has received payment for the work in advance of the permit being issued and the work commencing.

**ADJACENT TO SCHOOLS**

- (15) Land owners may install a pedestrian access gate to a school site (land designated MRS) with permission of the School Board responsible for the site and a Permit issued by the Town. The Town will not issue a Permit unless the land owner provides a copy of the written permission from the School Board responsible for the site and the Town may add any conditions that the School Board responsible for the site lists to the Town's Permit.