

The Corporation of the Township of Douro-Dummer

By-law Number 2024-017

Application of the Line Fences Act in the Corporation of The Township of Douro-Dummer and Repeal By-law 2009-33, as amended

Whereas the Township of Douro-Dummer must pass a By-law that indicates procedures for all Line Fence disputes within the Township in accordance to the Line Fences Act R.S.O. 1990, Chapter L. 17. to best serve land-owners;

And whereas in accordance with Municipal Act Section 98(1): A local municipality may provide that the Line Fences Act does not apply to all or any part of the municipality. Under Ontario Municipal Legislation 2001, c. 25, s. 98 (1), the Township of Douro-Dummer has the right to evaluate what sections of the Township would benefit from being exempt from The Line Fences Act;

And whereas it is deemed expedient that the Township of Douro-Dummer Council approve a procedure for appointing the minimum number of Fence-Viewers for a full Council term;

And whereas in accordance with the Line Fences Act R.S.O 1990, c. L.17, s. 2, Council will fix a remuneration to be paid to the Fence-Viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the Fence-Viewers.

Now therefore the Council of The Corporation of the Township of Douro-Dummer hereby enacts as follows:

1. **That** the Line Fences Act, 1990, shall apply to properties defined as Rural Zone (RU) and Environmental Conservation Zone (EC) and those adjoining them as outlined as outlined in the Township Zoning By-law.
2. **That** Council adopts procedures to appoint a minimum of three (3) fence-viewers for a Council term;
3. **That** Council adopts a fixed remuneration of \$80 to be paid to each volunteer fence-viewer per viewing in addition to standard municipal mileage compensation;
4. **That** the administrative fee be reviewed as part of the Annual User Fees and Charges By-law;
5. **That** By-law 2009-33, as amended – By-law to establish Municipal Administration fee pursuant to Line Fences Act, be repealed as of the passing of this By-law.

1. Definitions:

In this By-law;

- 1.1 **"Actual Cost"** means the total cost of the construction, reconstruction, maintenance or repair of a line fence, and includes the value of the material used and the value of the labour performed to complete the work;
- 1.2 **"Adjoining Owner"** means the person(s) who owns land adjoining the land on which another land owner desires to build a line fence;

- 1.3 **"Award"** means the legally-binding decision or ruling given out by Fence-Viewers;
- 1.4 **"Council"** or **"Municipal Council"** means the municipal Council for the Township;
- 1.5 **"Fence-Viewer"** means the person appointed to carry out the duties of Fence-Viewer described in the Line Fences Act, R.S.O. 1990;
- 1.6 **"Grade"** means the average elevation of the finished surface of the ground beneath the fence;
- 1.7 **"Line Fence"** means a fence marking the boundary between adjoining parcels of land and located on the actual property line;
- 1.8 **"Line Fences Act"** means the Line Fences Act, R.S.O. 1990, c. L.17, as amended;
- 1.9 **"Municipal Act"** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;
- 1.10 **"Municipal Clerk", "Township Clerk" or "Clerk"** means the person appointed by Council to carry out the duties of the Clerk described in Section 228 of the Municipal Act, 2001;
- 1.11 **"Owner"** means the registered owner of the land and includes the person managing or receiving the rent for the land or premises, and the person who wishes to erect the fence; and
- 1.12 **"Township", "Township of Douro-Dummer" or "Douro-Dummer"** means The Corporation of the Township of Douro-Dummer and includes its entire geographic area,

2. Application of Line Fences Act

- 2.1. The Line Fences Act 1990 shall solely apply to properties zoned Rural (RU) and Environmental Conservation (EV), or properties that share a line fence with properties zoned Rural or Environmental Conservation (as outlined in the Township Zoning By-Law).
- 2.2. No line fence viewings shall be scheduled between November 1 and March 31 as stated in the Line Fences Act R.S.O 1990, c. L17, s. 5(2) to ensure full visibility of the terrain and the fence.

3. Appointment of Fence-Viewers

- 3.1 Council will appoint no less than three (3) and no more than ten (10) fence viewers in January following each election. They are to serve of a full Council term.
- 3.2 To be eligible for the paid volunteer position of fence-viewer, one must;
 - a) Be a Canadian citizen;
 - b) Be at least 18 years of age;
 - c) Not be disqualified by any legislation from holding office;
 - d) Be willing to sign and abide by the fence-viewer code of conduct as attached to this By-law as Schedule A.

- 3.3 Township staff who meet the qualifications in 3.2 of this By-law shall be eligible to be a Fence-Viewer but will not be considered a Volunteer Fence-Viewer and shall not receive additional compensation.

4 Fence-Viewer Renumeration

- 4.1 A Volunteer Fence-Viewer will be paid a flat rate of \$80 for each fence viewing.
- 4.2 A Volunteer Fence-Viewer will be compensated for their mileage in accordance with the current municipal mileage compensation rate. A Staff appointed Fence-Viewer shall be compensated mileage in accordance with the Compensation By-law.

5. Fence Viewing Administrative Price

- 5.1 Administrative costs shall be \$250, and shall be reviewed in accordance with the Annual User Fees and Charges By-law. This fee will be due upon the filing of Form 1.

Mayor, Heather Watson

Clerk, Martina Chait-Hartwig

Schedule "A" to By-Law Number 2024-017

The Corporation of the Township of Douro-Dummer Fence Viewer Code of Conduct

Policy Statement and Rationale:

This written Code of Conduct establishes a shared and common foundation for acceptable behaviour, conduct and actions. These standards are designed to supplement the legislative parameters within which Fence-Viewers must operate and is intended to support professional standards and Code of Conducts already in place.

General

All Fence-Viewers shall serve the Township of Douro-Dummer with honesty and integrity, and in a conscientious and diligent manner. Fence-Viewers shall:

- Perform the responsibilities assigned, within their legislated and prescribed authorities.
- Understand, and adhere to all Township by-laws, policies and procedures.
- Understand and adhere to federal and provincial legislation in a manner that is consistent with such legislation.
- Act in cooperation with Township staff members.
- Treat all members of Council and the public fairly and consistently with care and respect.
- Recognize their role as ambassadors and representatives of the Township at all times.
- Avoid any conflict of interest.
- Adhere to this Code of Conduct and report any contraventions of the Code to the appropriate authority.

Gifts and Benefits

Fence-Viewers shall not, directly or indirectly through a family member or otherwise, solicit any gift or accept/receive any gift or personal benefits or rewards which may be tied or inferred to be tied directly or indirectly to their position or the performance of their duties. Fence-Viewers shall not accept, directly or indirectly through a family member or otherwise, any gift, benefit, money, discount, favours or other assistance, from any business or organization which has a contract with the Township or who will potentially be contracted to do business in the future, or who has other business with the Township including the need for licenses, permits, agreements, development activities, procurement activities or other Township approvals.

Confidentiality and Use of Township Information

It is every Fence-Viewers' responsibility to ensure information disseminated to Council members and the public is accurate and complete. No Fence-Viewer shall willfully mislead Council members, employees or the public about any issue. All information shall be released based upon appropriate communication protocols as established.

Fence-Viewers shall ensure that confidential information provided through the course of their duties is kept strictly confidential and shall only be disclosed or otherwise released to authorized staff or as allowed by legislation. This shall relate to any time during or after their appointment as a Fence-Viewer except as required by law.

Fence-Viewers recognize that the *Municipal Freedom of Information and Protection of Privacy Act* provides standards for and requires administrative, technical and physical safeguards to ensure the security and confidentiality of records and personal information under the control of the Corporation of the Township of Douro-Dummer. Fence-Viewers also recognize that *Ontario Regulation 823* intends to apply access and security considerations in the day-to-

day administration of an institution record and requires measures be taken to prevent unauthorized access to an institution's records.

No Fence-Viewer shall:

- Use information acquired through their official duties and not available to the general public for a personal advantage or pecuniary interests during or after their appointment as a Fence-Viewer.
- Use confidential information so as to cause detriment or a benefit to others inappropriately.
- Release confidential documents or information until the matter ceases to be confidential as determined by Council, by policy or by legislation.
- Have access to information protected under legislation, unless it is specifically relevant to their responsibilities.
- Speak disrespectfully about the Township, an employee, a Council member, or Council's decisions. Any concerns regarding the conduct of another person including a contravention of the Code of Conduct by an employee or Council member shall be provided to the Clerk or Chief Administrative Officer.

Conduct at Meetings, Training Sessions or Events

Fence-Viewers shall conduct themselves with decorum at all events they attend as a Fence-Viewer for the Township of Douro-Dummer. Respect and courtesy will be provided to delegations, Council members, staff, and members of the general public.

Relationships with Staff and Members of Council

Fence-Viewers will show respect for staff members and Council members and recognize their distinct roles and responsibilities as defined by legislation.

Fence-Viewers shall:

- Refrain from using their position to improperly influence staff and/or Council members in their duties or functions or to gain an advantage or pecuniary interest for themselves, members of their family or other associates.
- Refrain from publicly criticizing staff or individual Council members in a way that maliciously or falsely injures the professional or ethical reputation of another individual.
- Provide advice that is objective and based upon their professional expertise, politically neutral, and considering a corporate perspective, without undue influence from any individual member or group of members of Council or other outside interests.
- Be respectful that staff and Council members have the right to a different point of view providing it is appropriately and responsibly shared.
- Carry out Council directions and administer the policies and programs of the municipality without any undue influence from any individual member or group of members of Council or by any outside interests.
- Carry out responsibilities that are set out in legislation without any undue influence from any individual employee or Council member or group of members of Council or any outside interests.
- Be respectful and supportive of the Township's commitment to foster a positive work environment that is free from discrimination, harassment, interference, intimidation or coercion through personal adherence to the and the Ontario Human Rights Code.

Use of Township Property

Fence-Viewers may use Township property, equipment, supplies or services only for activities connected with the discharge of their official duties as sanctioned by Township Policy or By-law. Any equipment or supplies purchased by the Township in the exercise of the Fence-Viewers duties (i.e. cameras) is Township

property and will be returned to the Township at the conclusion of their appointment term.

No Fence-Viewer shall obtain financial gain from the use of township-developed intellectual property, computer programs, technological innovations or other patentable items, while a Fence-Viewer or thereafter. All such property remains the exclusive property of the Township of Douro-Dummer.

No Fence-Viewer shall use information gained in the execution of their duties that is not available to the general public, for any pecuniary advantage for the Fence-Viewer or their family or for any other purpose not related to the implementation of their official duties.

Work of a Political Nature

No Fence-Viewer shall use Township facilities, services, or property in support of a municipal election or re-election campaign, expression of support for or against a political candidate, or any other outside political activity.

Fence-Viewers seeking to run for Municipal, Provincial, or Federal elected office shall submit a letter of resignation of their appointed position prior to the filing of nomination papers to the respective authorities.

Fraud, Breach of Trust and Other Criminal Activities

Fence-Viewers shall not engage in behaviour that is fraudulent or that constitutes a breach of trust with the Township of Douro-Dummer. A fraudulent activity includes, but is not limited to:

- Using deceit to gain a personal advantage, pecuniary interest or benefit for oneself and/or others.
- Illegally obtaining money, including the solicitation and/or acceptance of bribes or favours.
- Intentionally providing false or incomplete or withholding information from Council and/or Township officials.
- Intentionally circumventing Township policies or procedures to gain a personal advantage for oneself and/or others.
- Planning or participating in a theft of Township property, or the use of said property to aid or conduct a theft of any kind.
- Inappropriate personal use of or intentional damage of Township property.
- Undertaking any other illegal activity.

Conflicts of Interest

A conflict of interest is understood to occur if an individual's personal affairs, business, or relationships overlap with their professional functions. In order to avoid any conflict of interest, pecuniary interest or personal gain for the Fence-Viewer, their family or associates, a Fence-Viewer is not permitted to carry out any assigned duties for which a conflict of interest is present. Conflicts of interest could potentially arise in – but are not limited to – the following and Fence-Viewers shall avoid and reclude themselves from these situations of conflict:

- Decisions regarding the Township's procurement of goods and services.
- The advancement of a Fence-Viewer's personal business or outside activity.
- The advancement of another person's business or organization outside for personal or indirect gain.
- Any other matters that involve oneself or close colleagues, family members, or friends (including the display of nepotism in appointments, decisions, or instructions to municipal staff).

Additionally, Fence-Viewers should be aware that some conflicts will need to be considered on an individual basis.

Business/Other Organizations Relations

Fence-Viewers must demonstrate transparency with regards to their relations with businesses and/or organizations who do business with the Township.

Fence-Viewers shall recognize the need for their decision-making and actions to be viewed as impartial and transparent by refraining from having any pecuniary association with any business or organization that has interactions with them in the conduct of their duties and responsibilities. This may include but not be restricted to borrowing or receiving money or gifts, directly or indirectly.

Compliance/Contravention

Upon receipt of an alleged contravention, the Township Clerk shall determine the form an investigation will take. The Township Clerk shall disclose the alleged contravention to the Fence-Viewer and outline the form of investigation. Actions may include discipline up to and including termination of appointment as a Fence-Viewer. If the Township Clerk determines the action is grounds for termination of their appointment a report with this recommendation will be provided to Council for their decision as to whether the Fence-Viewer's appointment should or should not be terminated.

Any transgression of an illegal matter will be reported to the appropriate police authority.

Implementation

Fence-Viewers are to sign the Value Statement before they begin their duties as a Fence-Viewer.

Code of Conduct
Value Statement of Commitment – Fence-Viewers

As a Fence-Viewer of the Township of Douro-Dummer I am committed to discharging my duties conscientiously and to the best of my ability. I have read the Township of Douro-Dummer Code of Conduct for Fence-Viewers and I support and will follow the Code in my undertakings relating to my position with the Township.

Specifically:

- I will act with honesty and integrity, and conduct myself in a way that generates teamwork, confidence in our abilities, and enhances the image of the Township of Douro-Dummer.
- I will treat every person with dignity, understanding and respect.
- I will optimize the use of assigned resources to provide the maximum benefit to the Township of Douro-Dummer and the community, and I will only use Township resources for activities associated with the discharge of my official duties.
- I will be responsible for the disclosure of any situation where my personal interests may conflict with the Township of Douro-Dummer. Further, I will avoid any situations which would provide me, my family, or other associates, a pecuniary advantage of any kind, through my appointment with the Township.
- I will neither solicit nor accept any gift or benefit, directly or indirectly, the acceptance of which would compromise my ability to make impartial decisions or recommendations.
- I will honour the need for confidentiality and ensure that confidential information to which I may be privy as a result of my position shall remain confidential and not disclose or release to any person at any time during and after my appointment, except as may be required by law.
- I agree to take appropriate security measures to prevent unauthorized access to confidential information.
- I will ensure that my communications are consistent, open, honest, transparent and in the best interests of the Township of Douro-Dummer and the community.

	Print Name	Signature
Fence-Viewer:		
Witness:		
Date:		