

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2018-055

### FENCE VIEWERS

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**WHEREAS**, Section 2 of the *Line Fences Act*, R.S.O. 1990 Chapter L.17, provides that the council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the 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 BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. GENERAL REGULATIONS

- 1.1 **THAT**, Bill Avery, John Conboy and Greg Ellis be appointed as fence viewers for the Corporation of Tay Valley Township.
- 1.2 **THAT**, Philip Jones be appointed as an alternate to act as a fence viewer in the event that one of the other three appointees is not available.
- 1.3 **THAT**, the said viewers shall be guided in the performance of their duties by the provisions of the *Line Fences Act*.
- 1.4 **THAT**, no arbitration or other proceeding requiring the attendance or reattendance of fence viewers shall be scheduled between the 1<sup>st</sup> day of November and the 31<sup>st</sup> day of March in the next following year.
- 1.5 **THAT**, the said viewers shall be entitled to be paid per visit/meeting at the rate set out for the Committee of Adjustment and Police Services Board, as well as mileage at the set rate determined by the Township, while performing duties of the viewer.
- 1.6 **THAT**, all costs incurred by the Clerk in processing a Request for Fence Viewers, including the Clerk's time at the then current salary rate, be logged as an acceptable administrative cost and billed to the parties as directed by the Fence Viewers in their final determination of the application.

#### 2. ULTRA VIRES

Should any sections of this by-law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

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**3. BY-LAW REPEALED**

3.1 By-Law No. 2014-055 is hereby repealed.

3.2 All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**4. EFFECTIVE DATE**

THAT, this by-law shall come into force and effect as of the 1<sup>st</sup> day of January 2019.

ENACTED AND PASSED this 11<sup>th</sup> day of December, 2018.

  
Brian Campbell, Reeve



  
Amanda Mabo, Clerk