

FENCE FAQ'S

DO I NEED A DEVELOPMENT PERMIT?

Under the Land Use Bylaw of the Town of Coaldale, a Development Permit may not be required if the fence is built within the guidelines outlined in this pamphlet and the Land Use Bylaw. If for some reason a person is unable to meet the standards, a permit application for a waiver may be made.

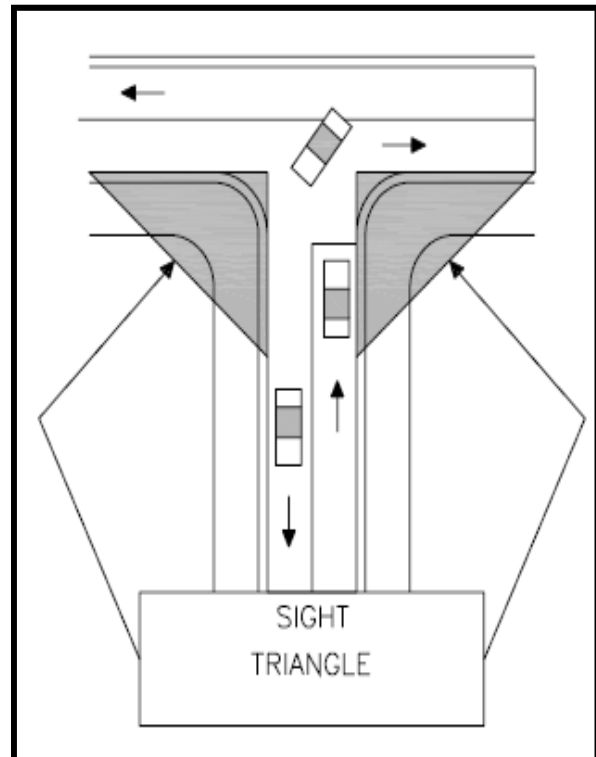
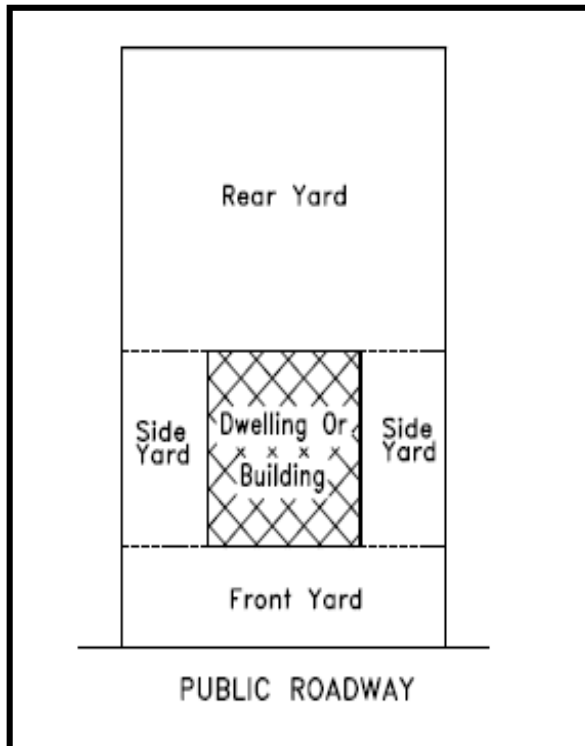
STANDARDS THAT APPLY TO BUILDING A FENCE

A FENCE, WALL, HEDGE, OR ANY COMBINATIONS THEREOF shall not exceed more than 0.9m (3 feet) in height, above the ground in any front yard area except in the case of corner lots where one (1) yard is considered as the side yard, without a permit from the Municipal Development Authority (MDA);

Fences in the rear yard and side yard shall be no more than 1.8m (6 feet) in height;

The Development Officer or the Municipal Development Authority (MDA) **MAY** regulate the types of materials and colors used for a fence;

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 0.8m (2.5 feet) and 3.0m (10 feet) above the center line grades of the intersection streets in the area bounded by the property lines 9.1m (30 feet) from the point of intersection.



MY FENCE IS ON MY PROPERTY LINE - ISN'T IT?

A fence is the most visible and most common way that we mark our territory. It says to everyone that what is on this side is mine and what is on that side is yours. When you look at a piece of property that you are interested in buying, it is common to assume that you will own the land right up to the fence. However, the fence might not be on the property line.

It happens more often than many people realize!!!

When the fence was originally built, the landowner may have decided to build the fence inside the property line. Or the landowner may not have had the boundary accurately located and built the fence off the property line.

A property line has no width to it but a fence certainly does. A wooden fence post can be many inches or centimeters wide. For this reason, an Alberta Land Surveyor, when preparing a Real Property Report can show a fence that is within 0.2 metres of the property line as being on the line. Fences more than 0.2 metres from the property line shall be dimensioned. Fences shall not be indicated as encroaching unless the encroachment is onto public lands. To avoid confusion and conflict, fence ownership should not be inferred. In rural Real Property Reports, fences are shown at the Alberta Land Surveyor's discretion.

CAN I USE MY REAL PROPERTY REPORT TO LOCATE WHERE MY FENCE SHOULD GO?

The Real Property Report should **NOT** be used to establish boundaries due to the risk of misinterpretation or measurement error by the user.

Landowners may want to get out a tape measure and mark off the distance shown on their Real Property Report. **HOWEVER**, factors such as slope, the starting point of where you are measuring, the angle coming off the starting point and even the accuracy of the tape measure can all have a significant impact when trying to determine where the fence should be located.

Retain the services of an Alberta Land Surveyor (ALS)

This type of survey is often called a fence-line survey and an Alberta Land Surveyor will locate your boundary and physically mark the boundary on the ground so you know where you can build your fence. If there is a question or dispute in the future about the location of the boundary, the Alberta Land Surveyor will take responsibility for the work done.

IF I FIND A BOUNDARY MARKER IN THE GROUND, CAN I USE THAT TO PUT UP MY FENCE?

First, DO NOT remove, destroy or alter the boundary marker. It is a crime to do so!!!!

Boundary markers are placed by Alberta Land Surveyors for many reasons. The boundary marker you find, for example, may be evidence of a Right-Of-Way boundary but not the boundary of your property. One must also be careful that they have, in fact, found a boundary marker and not something else.

Evaluating and assessing survey evidence is one of the reasons that Alberta Land Surveyors must have a university education along with several years of practical experience before being granted their professional commission. Even though you think you have found the boundary marker, it is best to retain the services of an Alberta Land Surveyor to have your property line accurately located.

WHAT CAN I DO? I WANT TO PUT A FENCE POST WHERE A BOUNDARY MARKER IS?

If the boundary marker is just where that fence post should be — **please build around it!!!**

The cost of replacing a marker could be as much as the cost of the fence, driveway or landscaping in the first place!!