

Report to Council



Date: June 14, 2012
File: 6130-00
To: City Manager
From: Ian Wilson, Park Services Manager
Subject: Fencing Adjacent to City Owned Land

Recommendation:

THAT Council receives for information the report from the Parks Services Manager, dated June 14, 2012, pertaining to a new Fencing Adjacent to City Owned Land Council Policy;

AND THAT Council approves a new Fencing Adjacent to City Owned Land Council Policy No. 364 as attached to the Report of the Park Services Manager dated June 14, 2012.

Purpose:

To create a Council policy regarding fencing between City owned land and private property.

Background:

Staff occasionally receives requests from private property owners to construct new or replacement fencing adjacent to City owned properties. The informal past practice has been to share the cost of fencing with neighbors, when funding is available and there is a benefit to both parties.

The proposed Council policy would provide better consistency and guidance for staff when considering new or replacement fencing, as well as maintenance considerations.

Internal Circulation:

Communications
Real Estate and Building Services
Development Services
Transportation Services
Infrastructure Planning
Design and Construction Services
RCMP

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Financial/Budgetary Considerations:

New funding for fencing is not being proposed at this time. If necessary, individual Branches will submit budget requests during the normal budget cycle.

External Agency/Public Comments :

The Urban Development Institute (UDI) was invited to comment; no concerns were received.

Considerations not applicable to this report:

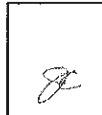
Legal/Statutory Authority
Legal/Statutory Procedural Requirements
Existing Policy
Personnel Implications
Communications Comments
Alternate Recommendation

Submitted by:



I. Wilson, Park Services Manager

Approved for inclusion



Joe Creron, Director, Civic Operations

cc:

John Vos, General Manager Community Services



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Council Policy

Fencing Adjacent to City Owned Land

APPROVED @

RESOLUTION:
 REPLACING: NA
 DATE OF LAST REVIEW:

A. BACKGROUND

The purpose of this policy is to address fencing needs and maintenance between the boundary of City owned land and private property. This policy does not apply to fencing adjacent to a road right-of-way, with the exception of city owned walkways or beach accesses that are dedicated as road.

B. DEFINITIONS

Beach Access – a road right-of-way providing pedestrian access to Okanagan Lake.

City – The City of Kelowna

Fence – shall include any structure used as a barrier, enclosure or boundary, or for noise attenuation purposes, and usually composed of metal (chain link), wood or concrete.

Walkway – a City owned pathway for public access; usually a walkway provides pedestrian access between two streets in a neighborhood and is not adjacent to a road.

C. FENCING NEEDS

Fencing Associated with New Development:

For new public land or walkways created by development, or existing public lands bordered by a new development, fencing to delineate borders is paid for and installed by developers if it is a condition of development.

Fencing Outside of the Development Process:

The minimum standard for fencing between city owned land and private property is black vinyl chain link, 1.2m tall. This fencing is chosen because it is long lasting and durable, and meets Crime Prevention Through Environmental Design (CPTED) principals, as it is difficult to vandalize and does not hinder sightlines into public spaces.

Fencing that is required solely for the benefit of the City (e.g. to protect user safety) will be fully funded by the City, whereas fencing that is required for the security or privacy of a private property will not be funded by the City and will be fully funded by the private property owner.

Cost sharing of a new or replacement fence adjacent to residential properties may occur at the sole discretion of the City if the fencing is in need of repair or replacement, if it provides mutual benefits, and funding is available. Any new or replacement fence must meet the minimum standard to be eligible for cost sharing (e.g. wooden fences will not normally be eligible). Where an adjacent property owner requests a City-funded fence to be built to a higher standard, the private property owner will be responsible to build the fence but will only be compensated to 50% of the minimum standard (as determined through three quotes obtained by the property owner), provided that the fence meets the requirements of the Zoning Bylaw and CPTED principles.

The provision of access gates or locks is the sole responsibility of the property owner.

C. LOCATION AND MAINTENANCE

Fencing that borders City and private properties shall be placed 15 cm (6 inches) inside private property lines, except where it is in the City's interest to own the fence. Fencing on private property remains the property of the private property owner, who is solely responsible for replacement, repair and maintenance. Fencing is not permitted in a road right-of-way.

If a fence directly adjacent to a City walkway is damaged or vandalized by the public, the City will pay the private owner 50% of the cost of repair to the minimum fencing standard, as determined through three quotes.

REASON FOR POLICY

The City periodically receives requests for fencing adjacent to City properties. A policy is necessary to ensure a consistent approach.

LEGISLATIVE AUTHORITY

Council Authority

PROCEDURE FOR IMPLEMENTATION

See above