

UHTHOFF TRAIL FENCE REPLACEMENT POLICY

Policy Statement

The purpose of this policy is to accommodate fence replacement requests along Abandoned Rail Right-of-Ways (ARROW), in a fair and sustainable manner.

General Requirements

1. A written letter of request must be received by registered land owner by September 30th in the year preceding the next municipal budget.
2. That the land owner, fill out the Uthhoff Trail Fence Replacement Form
3. Land owner must possess a farm business registration number for the property.
4. The property must abut the trail right of way.
5. The municipal budget will dictate the maximum budget allocation to be approved each budget year for applications on a first-come basis.
6. Should a land owner not construct a fence, a mutual agreement to refuse replacement of the fence shall be signed between the land owner and the Township of Severn.
7. If the request is accepted, the land owner must allow safe access to the property in order for quotes to be received.

Township Responsibilities

1. The Township shall obtain all goods and services in accordance with the Procurement Policy.

Owner(s) Responsibilities

1. If an owner has been provided fencing under this policy, it shall be the owners responsibility to ensure reasonable maintenance of the fence for the future.

Base Standards of Fencing

1. High tensile wire – applied to the land owners side of the fence
2. 9 strand
3. Posts are 8 feet (2.4 m) in length, 5" (127mm) – 6" (150 mm) in diameter, embedded 5' (1.5 m)
4. Brace posts to be 6" (150 mm) – 8" (200 mm) in diameter, driven 48" (1,219 mm) into the ground in firm soil
5. Top horizontal brace to not be less than 8 feet (2.4 m) in length with a twitch or brace wire diagonally between the posts
6. Height – 48" (1,219 mm)

7. Staples shall be 4 mm diameter galvanized with a driving length of at least 1 ¾" (45 mm)
8. Brace panels should be located, on average, every 16.5' (5.0 m)
9. Fence to be serviceable for a minimum of 25 years.

Gate Requirements

1. Western style farm gate

Base Standards for Crossing an ARROW (Abandoned Rail Right-of-Way)

1. Steel Gates with a minimum opening of 18' (5.48 m)

Corridor Crossings

- a) Adjacent land owner crossing directly over the corridor;
Adjacent land owners have land on either side of the corridor and require access directly across the corridor. An agreement with the Township is required.
- b) Land owner requests to travel down the corridor to adjacent lands;
The adjacent land owner would have road access to each of the properties and travel down the corridor for non-recreational use would not be allowed since it represents a considerable hazard to corridor use
- c) Special Permission;
There may be applications where land owners wish to have access along the corridor for other infrequent activities, for which the Township may wish to provide permission to access property along the corridor. The Township may support this type of access on an individual basis with an appropriate agreement.
- d) Adjacent land owner may wish to enter the trail to have trail use;
The land owner is responsible to install and maintain the access point and would enter into an appropriate agreement.



Appendix "2" - Uthhoff Trail Fence Replacement

Registered Land Owner's Name: _____

Farm Business Registration Number: _____

Address of Property (911 number) where fence is located:

Length of fence requested to be replaced: _____

Number of gates required: _____

Please provide a minimum of five (5) photos of the fence to be replaced

Contact Information:

Name: _____

Mailing Address: _____

Phone (Hm): _____ Cell: _____

E-mail: _____

Office Use:

Date received: _____

Budget year: _____

Appendix "3" – Except from Lines Fences Act – Section 20

Duties of owner of former railway land

20 (1) Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company to a person, the Crown in right of Ontario, a Crown agency or a municipality who is not the owner of abutting land, the responsibility for constructing, keeping up and repairing the fences that mark the lateral boundaries of the land lies with that person, the Crown in right of Ontario, the Crown agency or the municipality, respectively, if,

(a) a farming business is carried out on the adjoining land; and

(b) the owner of the adjoining land upon which the farming business is carried out notifies the person, Crown in right of Ontario, Crown agency or municipality, as the case may be, that the owner desires that such person or entity construct, keep up and repair the fences that mark the lateral boundaries of the land. 2006, c. 32, Sched. D, s. 6 (1).

Interpretation

(2) In this section, "farming business" means a business in respect of which,

(a) a current farming business registration is filed under the Farm Registration and Farm Organizations Funding Act, 1993, or

(b) the Agriculture, Food and Rural Affairs Appeal Tribunal has made an order under subsection 22 (6) of the Farm Registration and Farm Organizations Funding Act, 1993 that payment or filing be waived; ("entreprise agricole")

"owner" includes heirs, executors and assigns of the owner. ("propriétaire") 2006, c. 32, Sched. D, s. 6 (1).

Notice

(3) The notice under clause (1) (b) shall contain the prescribed information. 2006, c. 32, Sched. D, s. 6 (1).