



**Policy Title: LINE FENCE COMPENSATION RATES**

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| Policy Objective | To establish the rates to be paid for line fencing when road construction work occurs |
| Authority        | Resolution # 13/2018  |
| Supporting Bylaw |   |
| Related Policy   |   |

**LEGISLATIVE AUTHORITY**

*The Line Fence Act*

**Liability of adjoining owner**

- 2(1) When two owners or occupiers of adjoining parcels of land desire to erect a line or boundary fence between the adjoining parcels for the common advantage of both they shall bear the expense of the erection in equal shares and thereafter the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in equal shares.
- (2) When the owner or occupier of a parcel of land erects a line or boundary fence between that land and an adjoining parcel of land the owner or occupier of the adjoining parcel of land, as soon as he receives any benefit or advantage from the line or boundary fence by the enclosure of his land or any portion thereof or otherwise howsoever, shall pay to the first mentioned owner or occupier a just proportion of the then value of the line or boundary fence and thereafter the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in any year:
  - (a) where both adjoining owners or occupiers pasture or keep animals on their lands at any time during the year, in equal shares;
  - (b) where only one adjoining owner or occupier pastures or keeps animals on his land at any time during the year, solely by that owner or occupier.



## **OBJECTIVE**

This Line Fence Compensation Rates policy is implemented to define the payment that the Council of the Rural Municipality of McKillop No. 220 (the RM) will make in the event that line fences need to be altered as a result of road construction operations.

This policy is adopted as an affirmation of Council's commitment to accountability and transparency to the ratepayers of the RM by ensuring that all costs relating to road construction are fair along with meeting the needs of livestock farmers to maintain appropriate line fences. Council also recognizes its responsibility and accountability to all ratepayers for the decisions that are made by Council. By implementing this policy, Council seeks to reconcile these two objectives.

## **SCOPE**

Identification of the rates to be paid for line fence alterations caused by RM road construction operations.

## **DEFINITIONS**

- a) "Council" means the Council of the Rural Municipality of McKillop No. 220
- b) "RM" means the Rural Municipality of McKillop No. 220

## **POLICY**

### **Criteria**

1. The RM will provide compensation for line fence alterations required due to road construction operations provided that:
  - a) The owner of the land on which the line fence is located conducts active grazing operations on the land where the affected line fence is located;  
or
  - b) The owner of the land on which the affected line fence is located can provide proof that active grazing will occur on the land within twelve (12) months of the road construction activities.



**Rates to be Paid**

2. The RM will compensate the owner of the land on which the line fence is located for labour costs only relating to alteration of the line fence.
3. For line fence removal and replacement, labour cost compensation shall be:
  - a) \$ 400.00 per 1/2 mile for two strand line fence;
  - b) \$ 450.00 per 1/2 mile for three strand line fence; and
  - c) \$ 500.00 per 1/2 mile for four strand line fence.
4. For line fence removal, labour cost compensation shall be:
  - a) \$ 250.00 per 1/2 mile for two strand line fence;
  - b) \$ 275.00 per 1/2 mile for three strand line fence; and
  - c) \$ 300.00 per 1/2 mile for four strand line fence
5. If, upon presentation of paid invoices to the RM, it is determined that the rates set out in Clause 3 or Clause 4 are not sufficient, negotiation with the land owner shall occur to arrive at a mutually acceptable labour compensation rate.