

CORPORATION OF THE TOWNSHIP OF ADMASTON/BROMLEY

By-Law No. 2006-31

Being A By-Law To Prescribe The Height, Description And Manner
Of Building And Maintaining Fences.

WHEREAS c. 25, section 11(2) of the Municipal Act 2001, provides that the Council of a municipality may prescribe the height and description and manner of building and maintaining fences.

AND WHEREAS it is deemed desirable to establish regulations concerning fences for the Township of Admaston/Bromley.

NOW THEREFORE the Council of The Corporation of the Township of Admaston/Bromley hereby enacts as follows:

PART 1. Short Title

1.1 This by-law may be cited as the “Fence By-Law”.

PART 2. Definitions

2.1 **“Agricultural Lot”** means any lot in which the primary use complies with the Agricultural use as defined by the Zoning By-Law.

2.2 **“Agricultural Line Fence”** means a fence capable of enclosing livestock.

2.3 **“Built Up Area”** means Hamlets of Douglas and Osceola.

2.4 **“Corporation, The”** means The Corporation of the Township of Admaston/Bromley.

2.5 **“Council”** means the Council of The Corporation of the Township of Admaston/Bromley.

2.6 **“Electrical Fence”** means a fence through which electricity passes.

2.7 **“Fence”** means any continuous barrier made of chain, wood, stone, masonry, lattice work, screen or other such material used to enclose or divide in whole or in part a yard or other land or constructed, installed along the perimeter of lands so as to give the inference that the barrier is intended to delineate the boundaries of the lands and also includes a privacy screen as defined in the by-law. Any berm, retaining wall or other such man-made structure upon which a fence is built shall be deemed as part of the fence.

2.8 **“Fence Viewers”** means persons appointed by Council under the Line Fences Act R.S.O.1990, c.L.17.

2.9 **“Gate”** means any part of a fence that opens on hinges or which is not rigidly fixed in position.

2.10 **“Ground Level”** means the ground level at the fence line, but where the ground levels are not the same on both sides of the fence, the higher of such levels shall be considered as ground level for the purpose of the fence.

2.11 **“Hedge”** means any vegetation, tree, bush or plant growth.

2.12 **“Height”** means the distance measured from the ground level to the top of the said fence or part thereof. In the case of a hedge, the distance from the ground level to the top of the growth.

- 2.13“**Hot Tub**” means a structure, basin, chamber or tank containing or capable of containing water which:
- (i) has a depth of more than 60 cm (24 in) at any point,
 - (ii) is intended to be used for wading or soaking,
 - (iii) is not intended to be used for swimming.
- 2.14“**Livestock**” means domestic and farm animals for the use of propagation, recreation, consumption or intended for profit and includes animals such as dairy and beef cattle, horses, swine, sheep, laying hens, chickens, turkeys, goats, geese, ducks, buffalo, deer, emus and ostriches.
- 2.15“**Locking Device**” means a device used to secure a door, gate or cover.
- 2.16“**Lot Line**” means a boundary of a lot.
- 2.17“**Officer**” shall mean the Municipal By-Law Enforcement Officer or the Chief Building Official as appointed by Council.
- 2.18“**Outdoor Swimming Pool**” means a structure, basin, chamber or tank containing or capable of containing water and is designed to be used for swimming or wading and which:
- (i) has a depth of more than 60 cm (24 in) at any point,
 - (ii) has a surface area of more than 1.0 sq m (10.8 sq ft),
 - (iii) is not completely inside a building; and
 - (iv) is not owned by government or a local board or commission constituted under any by-law or statute.
- A pond or reservoir to be utilized for farming purposes and storm water management ponds shall not be deemed an outdoor swimming pool for the purposes of this by-law.
- The words swimming pool and pool shall have a corresponding meaning.
- 2.19“**Privacy Screen**” means a visual barrier used to shield any part of a yard from view from any adjacent parcel or road.
- 2.20“**Road Fence**” means a fence marking the boundaries between privately owned land and lands owned by The Corporation, County and Highways for road purposes.
- 2.21“**Salvage Yard**” means any land or structure used for the storage of used motor vehicles, farm machinery, metal, plastic, vinyl and household appliances, in whole or in part for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other off-site disposal.
- 2.22“**Self-Latching Device**” means a mechanical device or latch that is engaged each time the gate it secures is closed; a self-latching device must not allow the gate to reopen by pushing or pulling on the gate, it must remain fastened until unlatched.

Part 3. Fences

- 3.1 No Person shall **erect a Privacy Screen** in:
- (i) A front yard that exceeds 1.20 metres (4 feet) in height
 - (ii) A rear or side yard that exceeds 1.80 metres (6 feet) in height
 - (iii) If the fence is located in the interior side yard between two properties, the subject fence shall not exceed 1.80 metres (6 feet) in height and may be erected to a point opposite the front corner of the building nearer the road.
- 3.2 No Person shall construct an **Agricultural Line Fence** with material other than with the following:

- (i) Barbed wire, boards, chicken wire, electric wire, woven wire, or any other material capable of enclosing livestock as defined, but shall exclude the use of doors, skids, pallets and sheet metal.
- (ii) All persons constructing a fence under Part 3.2(i) must be secured to contain livestock.

3.3 All Persons shall construct **Fences in Built Up Areas** that consist of material defined in Part 2.7, but shall exclude barbed wire.

3.4 No Person shall construct a **Road Fence** with material other than with the following:

- (i) A woven fence known as 842 wire and shall be constructed in accordance with Part 2.2,
- (ii) Built up area is excluded from this requirement.

3.5 **Fencing of Outdoor Swimming Pools/Hot Tubs**

- (i) Notwithstanding any other provisions of this by-law, no person shall construct or maintain an outdoor swimming pool/hot tub unless the pool/hot tub is fenced or enclosed in accordance with the provision of this part.
- (ii) No person shall erect, construct or cause or permit to be erected or constructed any fence to enclose an outdoor swimming pool/hot tub, except in accordance with the following provisions:
 - a) A fence constructed under this part shall be not less than 1.2 m (4 ft) in height extending from the ground level.
 - b) A chain link fence shall be constructed of not lighter than 11-gauge standard 3.8 cm (1.5 in) mesh supported by top and bottom rails firmly fastened to the upright posts not more than 3.0 m (10 ft) apart. Fences of wood construction shall have vertical boarding spaced not more than 3.8 cm (1.5 in) apart and attached to a top and bottom rails in such a manner so as not to facilitate climbing from the outside. Other materials and construction of an equivalent degree of strength and safety may be used. Fence designs with horizontal members that facilitate climbing are not permitted.
 - c) The clearance between the ground level and the lower fence limit shall not exceed 10.0 cm (4 in).
 - d) The fence shall be adequately supported top and bottom so as to restrict unauthorized entry.
 - e) The fence shall have a gate(s) of similar materials and a minimum height extending from the ground or floor of 1.2 m (4 ft). Such gate(s) shall be equipped with a self-latching device placed at the top and inside of the gate. Such gate(s) shall be erected and maintained so that no access to the swimming pool/hot tub may be made except through the gate(s) provided.
 - f) Nothing in this by-law shall prevent the use of an existing or proposed wall(s) of a structure located on the same property as one or more sides of the fence. Provided however that such wall(s) shall be of equal or greater strength and height than the required fence.
- (iii) Where access to a swimming pool is provided by means of a portable ladder(s), then in the absence of adult supervision, such ladder(s) shall be kept away from the swimming pool.
- (iv) When an adult person is not present outdoors in the area of the swimming pool/hot tub, supervising such pool/hot tub, every owner of an outdoor swimming pool/hot tub shall ensure that the gate(s) is closed and locked.
- (v) Every owner of an outdoor swimming pool/hot tub shall, prior to the initial filling of such pool/hot tub with water, have the fence surrounding the pool/hot tub inspected by the Chief Building Official or his/her designate.
- (vi) Hot tubs that are adequately secured by a cover equipped with a locking device and locked when not in use are exempt from Part 3.5 above.

3.6 Fencing of Salvage Yards

- (i) Notwithstanding any other provisions of this by-law, no person shall establish, operate or maintain or cause or permit the establishment, operation or maintenance of a salvage yard unless the land on which the salvage yard is located, is fenced.
- (ii) No person shall erect or construct or cause or permit to be erected or constructed, a fence on a lot used as a salvage yard except in accordance with the following provisions:
 - a) A fence within any front, rear or side yard shall be not less than 3.0 m (10 ft) and not greater than 4.6 m (15 ft).
 - b) A fence to enclose a front yard shall be set back from the front lot line a minimum of 4.6 m (15 ft).

3.7 Fencing of Manure Storage Tanks/Pits

- (i) Notwithstanding any other provision of this by-law, no person shall construct or maintain a manure storage tank/pit unless the tank/pit is effectively fenced or enclosed.
- (ii) No person shall erect, construct or cause or permit to be erected or constructed, a fence enclosing a manure storage tank/pit except in accordance with the following provisions:
 - a) A fence shall be constructed to a total height of not less than 2.1 m (7 ft) above the ground level,
 - b) The fence shall be adequately supported top and bottom so as to restrict unauthorized entry.

3.8 Electric Fences

- (i) No persons shall erect or construct or cause or permit to be erected or constructed any fence equipped with a device for transmitting an electric current on or through a fence except in accordance with the following provisions:
 - a) Electric fences are only permitted on lots used for agricultural purposes,
 - b) Electric fences shall not be permitted on residential lots.

3.9 No person shall erect, construct, maintain, cause or permit to be erected, constructed or maintained, any fence that does not comply with the provisions of this by-law, unless such fence was erected in compliance with a predecessor of this bylaw and has not been moved, altered or enlarged in any way.

3.10 No person shall without having authority to do so, erect, construct or maintain or cause or permit to be erected, constructed or maintained, in or upon any street, alley or highway any fence, pole, post, pillar or wire or other such construction.

3.11 The Line Fences Act, R.S.O. 1990, c.242 shall continue to apply in The Corporation, subject to the provisions of this by-law.

PART 4. Enforcement

4.1 This by-law shall be enforced by the Chief Building Official or the Municipal By-Law Enforcement Officer.

PART 5. Penalties

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction to a fine not exceeding five thousand dollars (\$5000.00) exclusive of costs for each offence recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 5.2 No person shall interfere, hinder or molest an Officer in the performance of any duty required in accordance with this by-law.

PART 6. Severability

- 6.1 If any part of this by-law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

PART 7. Conflicts

- 7.1 Wherever a standard established by the by-law differs from a standard in relation to the same matter established by any other item of legislation in force in The Corporation, the standard that provides the higher degree of protection for the health, safety and welfare of the occupants and the general public shall prevail.

PART 8. Repeals

- 8.1 The following by-laws and their amendments thereto are hereby repealed:

Township of Admaston/Bromley By-Law Number 18-2000
Township of Bromley By-Law Number 872-82
Township of Bromley By-Law Number 878-82
Township of Bromley By-Law Number 971-86
Township of Admaston By-Law Number 1982-02
Township of Admaston By-Law Number 1984-18
Township of Admaston By-Law Number 1986-24
Township of Admaston By-Law Number 1991-18
Township of Admaston By-Law Number 1994-10
Township of Admaston By-Law Number 2004-36

This By-Law shall come into force and shall take effect upon final passing thereof.

Read a first and second time this 16th day of November 2006.

Read a third time and finally passed this 16th day of November 2006.

Mayor

Clerk-Treasurer