

## OFFICE CONSOLIDATION

This is a consolidation of the Township's by-law to prescribe the height and description of lawful fences in the Township of King and for establishing minimum standards for swimming pool enclosures being By-law 2012-132 as amended by By-law(s) 2021-005 and 2021-041. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Clerk's Division. If there are any discrepancies between this consolidation and the By-law(s) named above, the By-law(s) shall prevail.

### THE CORPORATION OF THE TOWNSHIP OF KING

#### THE FENCE BY-LAW NUMBER 2012-132

#### **A BY-LAW PRESCRIBING THE HEIGHT AND DESCRIPTION OF LAWFUL FENCES IN THE TOWNSHIP OF KING AND FOR ESTABLISHING MINIMUM STANDARDS FOR SWIMMING POOL ENCLOSURES**

**WHEREAS** Section 11 (3) 7 of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting structures, including fences and signs;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 8 of the *Municipal Act, 2001*, provides that the powers of a municipality as granted by the Act or any other Act shall be interpreted broadly so as to (a) enable the municipality to govern its affairs as it considers appropriate and, (b) enhance the municipalities ability to respond to municipal issues;

**AND WHEREAS** Section 123 of the *Municipal Act* authorizes a municipality, for the purpose of public safety, to regulate with respect to deep waters and other dangerous places;

**AND WHEREAS** Sections 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law passed under this act is guilty of an offence;

**AND WHEREAS** Sections 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws to authorize the right to enter land under certain circumstances;

**AND WHEREAS** the Council of the Corporation of the Township of King deems it necessary to regulate the building and maintenance of structures including: fences, pool enclosures, noise attenuation barriers and privacy screens within the Township of King;

**NOW THEREFORE** the Council of the Corporation of the Township of King enacts as follows:

**THAT** this By-law shall be composed of ten parts containing various sections, namely:

Part 1	Definitions
Part 2	Application of the By-law
Part 3	General Fence Provisions
Part 4	Fences in Residential and Rural Zones

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Part 5	Fences in Non-Residential Zones
Part 6	Privacy Screens
Part 7	Pool Enclosures
Part 8	Construction and Maintenance
Part 9	Enforcement
Part 10	Repeal

**PART 1- DEFINITIONS**

1. In this By-law,

- a) "Agricultural Fence" means a fence constructed along a boundary line of any agriculturally zoned land, being actively used for agricultural purposes and shall consist of 8 strand page wire fencing, or be of open type construction.
- b) "Building Line" means a line lying in the interior of a lot established by the extension of the exterior wall of a building closest to the lot line of the lot for the purpose of establishing a minimum distance that must exist between a building/structure erected on the lot and a lot line of the lot.
- ~~c) "Chief Building Official" means the Chief Building Official as appointed, on behalf of the Township of King and includes his/her designate.~~

"Director of Public Works" means the Director of Public Works (or any successor job title) his/her designate(s), unless otherwise specified.  
**Amended by By-law 2021-041.**

- d) "Clerk" means the Clerk as appointed, on behalf of the Township of King and includes his/her designate.
- e) "Corner Lot" means a lot situated at the intersection of an abutting on two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.
- f) "Daylighting or Sight Triangle" means an area free of buildings or structures, and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line. The triangular-shaped land between the intersecting street lines and the straight line joining the points, the required distance along the street lines is the "daylighting triangle".
- g) "Depth" when used in relation to pools, means the distance from the bottom of the pool at its lowest point to the top edge of the pool.
- h) "Division Fence" means a fence marking the boundary between abutting parcels of land.
- i) "Enclosure" means a fence, wall or other structure, including doors and gates, surrounding a pool to restrict access thereto.
- j) "Fence" means a structure constructed at grade or on top of a retaining wall erected as a physical barrier for the purposes of enclosing or dividing in whole or in part a lot, establishing a lot line or providing privacy; and includes
  - i. a hedge or grouping of shrubs used for the purpose indicated above only when such hedge or grouping of shrubs are located in a corner visibility triangle/daylighting and or, site triangle and includes a driveway visibility triangle or within 3 m (9.85 ft.) of a street line; and includes

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- ii. an ornamental gateway/garden structure or entrance way used and maintained as a decorative feature, which does not require a building permit to be lawfully erected; and includes
- iii. “Fence of Open Type Construction” means a fence constructed so that at least one third of its vertical surface area is open space, enabling motorists and pedestrians to have a clear view through such fence.
- iv. “Fence of Solid Type Construction” means a fence constructed of solid materials or a hedge which limits the ability of motorists and pedestrians to see through such fence.
- k) “Graffiti” means writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and or, sprayed illicitly on a wall or other surface. Graffiti ranges from simple written words to elaborate wall paintings and may tend to demoralize or corrupt the surface.
- l) “Height” means, when referring to a fence, privacy screen, noise attenuation barrier, the vertical distance measured between a point on the line on the finished grade on which the fence, privacy screen, noise attenuation barrier is centered and the highest point of the fence, privacy screen and or, noise attenuation barrier.  
  
In the case of a fence or privacy screen located on top of a retaining wall or deck, “Height” means the vertical distance measured between the top of the retaining wall or deck floor and to the highest point of the fence or privacy screen.
- m) “Hoarding” means a fence or similar structure used to enclose a property or part thereof which is or intended to be under development, site alteration, or maintenance.
- n) “Invisible safety net” shall mean a black or dark green net made of knotted monofilament nylon mesh or other similar materials, with 90% or greater porosity, with spacing and or openings between the mesh not to exceed 20 mm (0.79 in.) and a minimum thickness of 1.7 mm (0.067 in.). The netting shall be constructed in a way to have minimal intrusive visual impact.
- o) “Lot” means a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the Planning Act, or is described in accordance with a registered Plan of Condominium.
- p) “Manager” means the Manager of By-law Enforcement as appointed on behalf of the Township and includes his/her designate.
- q) “Noise Attenuation Barrier” includes a, barrier of solid type construction which may be constructed of wood and or, concrete panels or other materials designed to suppress noise/sound.
- r) “Officer” means a Municipal Law Enforcement Officer ~~or Building Inspector~~ employed by the Township of King and includes his/her designate. **Amended by By-law 2021-041.**
- s) “Owner” means a registered owner of lands and includes an owner, lessee, tenant, mortgagee in possession or the person in charge of any property.
- t) “Permit” means a permit issued under Township authority.

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- u) "Person" means an individual, firm, corporation, association or partnership.
- v) "Pool" means a privately owned outdoor swimming pool which includes any body of water or pool located outdoors on privately owned property contained in part or in whole by artificial means and used or intended for swimming, diving or bathing, requiring filtration and sanitation systems, *but does not* include:
  - i. a pond used for decorative, landscape, agricultural or storm water management purposes; and
  - ii. a body of water or pool that is less than 0.5 m (19 in.) in height or depth, or a combination thereof.
- w) "Privacy screen" means a visual barrier used to shield any part of a yard from view of any adjacent property or from a highway.
- x) "Service Entrance" means the entrance into a building, which is normally used by persons entering such building for the purposes of delivering goods or rendering maintenance service as opposed to the main or principal entrance and shall include a door giving access to a garage.
- y) "Snow Fencing" means a fence commonly used for the control of snow and which is usually constructed of plastic mesh, lightweight wood strip, or wire fencing.
- z) "Temporary Pool" means a pool which is assembled or inflated above ground and is intended to be seasonal in nature.
- aa) "Treasurer" means the Treasurer on behalf of the Township and includes his/her designate.
- bb) "Township" means the Corporation of the Township of King.
- cc) "Yard" means an open, uncovered space on a lot appurtenant to a main building (except a court) and unoccupied by buildings or structures except as specifically permitted in the Township Zoning By-law, as amended. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- dd) "Yard, Exterior Side" means the side yard of a corner lot which side yard extends from the front lot line and the nearest main wall of any building or structure and is immediately adjacent to a street or a reserve abutting a street.
- ee) "Yard, Front" means a yard extending across the full width of the lot between the front lot line of the lot and the nearest wall of any building or structure on the lot.
- ff) "Yard, Rear" means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- gg) "Yard, Side" means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot.
- hh) "Zone" means a zone as designated in the Township Zoning By-law, as amended, pursuant to the Planning Act.

## PART 2 - APPLICATION OF THE BY-LAW

### **Title**

1. This By-law may be referred to as "The Fence By-law".

### **Administration**

2. This By-law will be administered by the Clerk save and except for Part 7 [POOL ENCLOSURES] which will be administered by the ~~Chief Building Official~~ **Director of Public Works. Amended by By-law 2021-041.**
3. This By-law will be enforced by the Manager and Officers.

### **Interpretation**

4. For the purposes of this by-law:

#### Word Usage

- a. words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require; and

#### Metric and Imperial

- b. requirements in this By-law are set out in metric measurements and any imperial measurements are provided for convenience purposes only; and the abbreviations used stand as follows:  
"mm" millimeters; "m" metres; "in." inches; and "ft." feet; and

#### Reference to Legislation

- c. reference to any Act, Regulation or By-law is reference to that Act, Regulation or By-law as it is amended, or re-enacted from time to time; and

#### Agreements

- d. reference to agreements in this by-law shall be deemed to include: agreements as approved by Council and when referred to the following shall mean either, and or: site plan agreement, subdivision agreement, pre-servicing agreement and site alteration agreement.

### **Application**

5. This By-law applies to all fences, enclosures, privacy screens and noise attenuation barriers erected in the Township on and after the date of enactment and passage of this By-law.

### **Exemptions**

6. Notwithstanding Section 5, a fence, privacy screen or noise attenuation barrier as provided below shall be exempt from all parts of this By-law with the exception of Part 8 [CONSTRUCTION AND MAINTENANCE]:
  - a. a fence, privacy screen or noise attenuation barrier erected in accordance with an approved site plan agreement or subdivision agreement;

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- b. a fence, privacy screen or noise attenuation barrier erected by federal, provincial or municipal government and or, by a utility provider;
- c. a fence or, privacy screen constructed for and or, as part of a kennel, provided the kennel is licensed by the Township;
- d. a fence erected and used to enclose or delineate an area required for and lawfully in accordance with the Township By-laws used as a recreational facility such as: a tennis court and or, basketball court, provided the fence is of chain link construction;
- e. an invisible safety net erected and used to enclose or delineate an area required and lawfully in accordance with Township By-laws used as a tennis court, golf course, or approved sports facility constructed for the purposes of the personal protection of persons and or, property; and
- f. hoarding erected as required and in accordance with the *Ontario Occupational Health and Safety Act*, and applicable *Regulations*.

**Grandfathering**

- 7. Notwithstanding the provisions of this By-law, any fence, pool or enclosure that was in lawful existence prior to the effective date of this By-law shall be deemed to comply with this By-law and may be maintained or repaired to the same location, height and dimensions as previously existed.
  - a. Where an existing fence, pool or enclosure is replaced or substantially altered, the replacement and/or, alteration shall be constructed in accordance with this By-law.

**Conflict**

- 8. Where there is a conflict between a provision of this By-law and a provision of any other Township By-law, the provision that establishes the highest standards to protect the health, and safety of the public shall apply. In the case of a conflict with the Zoning By-law, this By-law shall prevail.

**Agreement**

- 9. The provisions of this By-law prevail unless otherwise specified within a development agreement, site plan agreement, subdivision agreement, and or, pre-servicing agreement.

**Severability**

- 10. Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this By-law as a whole or any other part thereof, other than the provision declared to be invalid.

**PART 3-GENERAL FENCE PROVISIONS**

- 11. No person shall have, erect, construct, maintain or permit to be erected, constructed or maintained the following:
  - a. snow fencing as part or in place of fencing, unless said fencing is used to temporarily control snow, and or, to protect property undergoing construction for which an approved Township permit is in effect. Such snow fencing shall be removed upon completion of construction;
  - b. a fence comprised of sheet metal or corrugated metal panel members;

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- c. a fence that contains or is constructed of any hazardous material such as razor wire, barbed wire, or any other sharp projections capable of causing physical injury to humans;
  - d. a fence or any attachment to a fence which may be used as a conductor of an electrical current;
  - e. a fence that uses materials not usually intended for use in permanent fencing, unless specifically permitted by this By-law or any other Township By-law (i.e. tires or corrugated plastic);
  - f. a gate within a portion of a fence that abuts land owned by the Township; and
  - g. a fence on any lands owned by the Township, or on a highway, or road allowance, opened or unopened, or Township right-of-way, or Township easement.
12. Notwithstanding Subsection 11 c), the use of barbed wire or other barbed or sharp materials shall only be permitted:
- a. on agriculturally zoned lands which necessarily require the use of barbed wire on fences as a part of active agricultural activity;
  - b. for fences located in an industrial zone and provided that such materials are used at a height of at least 1.83 m (6 ft.) above the finished grade. The barbed wire shall project inwards to the area enclosed by the fence; and
  - c. on top of a fence erected for security purposes, around any facility owned, operated or maintained by a municipal, provincial or federal government or their respective agencies or a utility provider.
13. Notwithstanding Section 11 d), a fence or any attachment to a fence may be used as a conductor of an electrical current on properties which necessarily require a fence as part of active agricultural activity.

**Traffic Sightlines or other Hazards**

14. No person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence which, by reason of its location, design or materials, obstructs traffic sightlines or which obstructs or detracts from the visibility or effectiveness of any traffic sign or control device on a public street.

**PART 4 FENCES IN RESIDENTIAL AND RURAL ZONES**

15. No person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence on a lot in a residential or rural zone, except in accordance with the following regulations:

**Fences in Rear Yards**

- a. The maximum height of a fence in a rear yard shall be 2.44 m (8 ft.).
- b. Notwithstanding Section 15 a), in the case of a corner lot, where a rear yard abuts a front yard of an adjacent lot the maximum height of a fence shall be 1.83 m (6 ft.) in height.

**Fences in Front Yards and Exterior Side Yards**

- c. The maximum height of a fence of open type construction located in a front or exterior side yard shall be 1.22 m (4 ft.).

- d. The maximum height of a fence of solid type construction located in a front or exterior side yard shall be 0.92 m (3 ft.).
- e. Notwithstanding Sections 15 c) and d), the maximum height of an agricultural fence located in a front yard or exterior side yard shall be 1.83 m (6 ft.).

**Entranceways/Ornamental Gateways**

- f. Sections 15 c) and d), do not apply to the erection of an ornamental gateway, entranceway or similar structure located in an estate residential, rural, or rural residential zone.

**Fences in Side Yards**

- g. The maximum height of a fence in a side yard shall be 1.83 m (6 ft.).
16. Where a fence located on a property in a rural or residential zone which abuts a property in a non-residential zone, the non-residential fence height provisions will apply to the portion of the fence abutting the non-residential property.

**PART 5- FENCES IN NON-RESIDENTIAL ZONES**

17. No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence on a lot in a non-residential zone which for the purposes of this By-law includes; commercial, industrial, institutional, open space and transitional zones, except in accordance with the following regulations:
- a. The maximum height of a fence located in a non-residential zone shall be 3.05 m (10 ft.).
  - b. Notwithstanding Subsection 17 a), the maximum height of a fence within located within a 5.80 m (19 ft.) setback of the front property line shall be 1.22 m (4 ft.).
  - c. Notwithstanding Section 17 a) and b) fences located on lots which are in a Transitional zone shall meet the height requirements of this By-law in accordance with the existing use thereon, e.g. residential, non-residential (Part 4 & 5 of this By-law).

**PART 6- PRIVACY SCREENS**

18. No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a privacy screen except in accordance with the following regulations:
- a. A privacy screen shall not be located in a front yard or interior side yard.
    - i. Notwithstanding Section 18 a., where a privacy screen is located so as to provide a visual barrier between dwelling units divided by a common wall, the privacy screen may be placed on the side lot line if, the privacy screen is less than 5 m (16.41 ft.) in length.
  - b. A privacy screen located in a rear yard or exterior side yard shall be:
    - i. located more than 0.6 m (1.97 ft.) from a side and rear lot line;
    - ii. less than 3 m (9.85 ft.) in height; and



- iii. where a privacy screen is located on a raised deck or platform it shall be less than 2.6 m (8.53 ft.) in height.
- c. No single length of a privacy screen shall be longer than 5 m (16.41 ft.).

## PART 7- POOL ENCLOSURES

### Application

19. ~~The provisions of this part shall apply to all enclosures constructed from the date of passage of this By-law.~~

The provisions of this part shall apply to all enclosures constructed from the date of passage of this By-law and to all pools constructed prior to the date of passage of this By-law, unless such pool was constructed in accordance with the fence and enclosure requirements of By-law 2005-112, or any predecessor thereof, that applied at the time of construction. **Amended by By-law 2021-005.**

20. At such time as a lawfully existing enclosure is replaced or substantially altered the replacement or altered enclosure shall be constructed in compliance with this By-law.

### Pool Enclosure Requirements

21. No Person shall construct or install a pool, cause a pool to be constructed or installed or commence the construction or installation of a pool without first obtaining a pool enclosure permit from the ~~Chief Building Official~~ **Director of Public Works. Amended by By-law 2021-041.**
22. No Person shall construct or install, **operate or have** a pool, cause a pool to be constructed, ~~or installed~~ **or operated**, or commence the construction or installation of an enclosure except in accordance with the following regulations: **Amended by By-law 2021-005.**

- a. A wall including the outside wall of a building may be used as one or more sides of an enclosure provided that the main entrance to the building shall not be located in such a wall. If a service entrance is located in such wall it shall have a self-closing door equipped with a self-latch device located not less than 1.22 m (4 ft.) above the bottom of the door.
- b. The enclosure shall be a minimum of 1.22 m (4 ft.) in height above the grade of the lands located on the outside of the enclosure located within 0.92 m (3 ft.) of the fence.
  - i. Notwithstanding Section 22.b, if an enclosure is erected in compliance with this provision and the grade of the lands that are adjacent to the lot on which the pool is erected is raised, the enclosure shall be deemed to remain in compliance.
- c. The enclosure shall be substantially supported to provide stability, safety and strength and shall meet the following regulations:

### Chain Link Fencing

- i. If the enclosure is of chain link construction the enclosure shall be not less than 12 gauge wire with the opening no more than 3.7 cm (1.5 in.) mesh, measured at the widest part, or other chain link of equivalent strength with the mesh opening not exceeding 3.7 cm (1.5 in.), measured at the widest part.

**Wood Fencing**

- ii. If the enclosure is of wood construction the enclosure shall be:
  - a) of wood board or other material intended for use in permanent fencing and shall:
    - i. have vertical boards or pickets which are not more than 3.8 cm (1.5 in.) apart where the horizontal rails are spaced closer than 1.22 m (4 ft.), and not more than 10 cm (4 in. nominal) apart where the horizontal rails are spaced at least 1.22 m (4 ft.) apart; and
    - ii. the vertical boards shall not be less than 2.5 cm (1 in. nominal) times 10 cm (4 in. nominal) in size. The rails shall be supported on substantial posts with a minimum dimension of 10 cm (4 in. nominal) spaced not more than 2.44 m (8 ft.) apart and imbedded to a minimum depth of 0.61 m (2 ft.) below grade.
  - d. All enclosures shall be constructed so that there shall not be a projection, rail, attachment or bracing that will facilitate the climbing thereof from the outside.
  - e. All enclosures shall be no closer than 1.22 m (4 ft.) from a projection, rail, attachment or bracing on an adjacent property that would facilitate the climbing thereof from the outside.
  - f. All enclosures shall be located not more than 10 cm (4 in. nominal) above the ground level at any point.

**Gate**

- g. Any gate forming part of the enclosure shall be:
  - i. supported by hinges and be equipped with self-closing and self-latching devices on the inside of the gate at a point not less than 1.22 m (4 ft.) in height; and
  - ii. constructed of the same or of similar material of not less than equivalent strength as that of the supporting enclosure; and
  - iii. comply with the regulations of wood and or chain link construction in accordance with this By-law; and
  - iv. comply with the height requirements for the enclosure; and
  - v. kept closed and locked at all times.

**Temporary Fence During Construction**

- 23. No person shall place water in a pool or allow water to remain therein unless an enclosure has been erected in compliance with the requirements of this By-law.
- 24. Notwithstanding Section 23, where a person is constructing or causing to be constructed a pool for which a pool enclosure permit has been issued, or where a pool has been placed on the property, a person may place water in

such pool or cause or permit water to remain in such pool, only where temporary fencing has been erected.

25. Temporary fencing shall be replaced with a permanent enclosure that fully complies with this By-law when the ~~Chief Building Official~~ **Director of Public Works** or Manager directs replacement or when construction of the pool is substantially complete, whichever occurs first. **Amended by By-law 2021-041.**
26. In determining whether to direct replacement of temporary fencing, the ~~Chief Building Official~~ **Director of Public Works** or Manager shall consider, among other factors, whether construction is proceeding expeditiously, whether temporary fencing is being adequately maintained and whether safety might be compromised without a permanent enclosure. **Amended by By-law 2021-041.**

### **Special Provisions/Exemptions**

27. Hot tubs, whirlpools and spas ("structure"), need not be surrounded by an enclosure provided the "structure" is equipped with a hard cover capable of holding 90.11 kgs (200lbs), which is fitted to the "structure" and locked to prevent access when the "structure" is not in use.
28. Notwithstanding Section 23, if a pool enclosure permit has been obtained for a temporary pool, the temporary pool may be reinstalled and refilled with water without additional permits or inspections provided there have been no alterations to the enclosure.

### **Application - Pool Enclosure Permit**

29. Every application for a pool enclosure permit shall be accompanied by:
- ~~a. two sets of plans showing the location of the pool, all proposed equipment (such as filters and heaters) and proposed pumps, landscape features in relation to property lines, buildings (including decks and sheds), and any easements;~~

#### **Submissions identified in the Pool Permit Requirement Checklist (as determined by the Director of Public Works; and**

- ~~b. complete detailed drawings of the proposed enclosure including the location and type of proposed enclosure and pool equipment;~~

#### **Fees and Deposits identified in the Township's Fees and Charges By-law.**

- ~~c. the permit fee specified in the Township Building -Classes of Permits and Permit Fees By-law; and~~
- ~~d. where the proposed pool is within an un-assumed plan of subdivision, the written approval of the developer/owner of the subdivision.~~

**Amended by By-law 2021-041.**

30. The ~~Chief Building Official~~ **Director of Public Works** shall issue a pool enclosure permit where all ~~plans, drawings and approvals~~ **submission requirements** have been obtained and submitted comply with all applicable regulations and the requirements of this By-law have been met.

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~~31. Without limiting the generality of Section 30, the Chief Building Official shall not issue the a pool enclosure permit unless a site alteration permit, if required, has been obtained through the Engineering and Public Works Department and the proposed location of the pool and enclosure complies with the Township Zoning By-laws and any other applicable Regulations, By-laws and or, approvals.~~

Without limiting generality of Section 30, the Director of Public Works shall not issue a pool enclosure permit unless the proposed location of the pool, including the enclosure and outdoor amenity areas complies with applicable Zoning By-laws and Site Plan Control (if applicable). **Amended by By-law 2021-041.**

**PART 8 -CONSTRUCTION AND MAINTENANCE**

**Restrictions**

32. Every fence, noise attenuation barrier, privacy screen and hoarding, shall be designed and installed in such a manner as to meet its intended function.

33. All surfaces (fence, noise attenuation barrier, privacy screen or hoarding) that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration.

34. Every fence, noise attenuation barrier, privacy screen and hoarding shall be maintained in a structurally sound condition and in good repair.

35. Every fence, noise attenuation barrier, privacy screen, and hoarding must not present an unsightly appearance that is deleterious to the neighbouring environment.

**Graffiti**

36. No Person shall place graffiti or cause or permit graffiti to be placed on any fence, privacy screen, noise attenuation barrier, and or, hoarding.

37. Every owner shall at all times maintain their fence, privacy screen, noise attenuation barrier and or hoarding free of graffiti.

**Temporary Fencing - Unsafe**

38. Where, in the opinion of the of the Manager a property contains an unsafe situation or hazard to the public the Manager may require the owner to erect such fencing as the Manager deems appropriate to the circumstances.

**PART 9 - ENFORCEMENT**

**Inspection**

39. An Officer, upon producing the appropriate identification, may enter on to land and inspect any lands to determine whether the provisions of this By-law, an order issued under this By-law or a condition of the permit issued under this By-law have been complied with.

**Obstruction**

40. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.

**Order to Discontinue Activity**

41. If an Officer has reasonable and probable grounds to believe that a contravention of this By-law has occurred, the Officer may make an order requiring the owner of the land and person who contravened the By-law, or who caused or permitted the contravention, or the owner or occupier of the

land on which the contravention occurred, to discontinue the contravention.

**Work Order**

42. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the work to be done to correct the contravention.

43. An order issued under Subsections 41 and 42, shall set out:

- a. the municipal address of the property on which the contravention occurred;
- b. the date of the contravention;
- c. the reasonable particulars of the contravention of the by-law;
- d. the date by which there must be compliance with the order; and

- e. the date on which the order expires.
- f. the reasonable particulars of the contravention; and
- g. notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

**Service of Orders**

44. The Work Order may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after mailing. Service on a corporation can be made by registered mail to the corporate mailing address.

**Unable to effect service**

45. If the Township is unable to effect service on the owner, a placard containing the terms of the order may be placed in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the order on the owner.

**Work Done by the Township**

46. If the work required by an order under Sections 41 and 42, of this By-law is not done within the specified period, the Township, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon the land, at any reasonable time, for this purpose.

47. If the costs for work pursuant to Section 46 are not paid to the Township within 30 days of written demand therefor, the Treasurer may add the costs, including interest, to the tax roll for the lot and collect them in the same manner as municipal taxes.

**Offence and Penalty**

48. Every person who contravenes this By-law, including an order issued under this By-law, is guilty of an offence.

49. Any person who has a fence, **or enclosure, or lacks a fence or enclosure (amended by By-law 2021-005)** on their lot in contravention of any provision of this By-law, or who fails to comply with an Order issued under this By-law shall be deemed to be committing a continuing offence for each day that the fence remains in contravention, or for each day that they fail to comply with the Order."

50. On conviction, a person may be liable:

- a. upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
- b. upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
- c. upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
- d. upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

51. For the purposes of this By-law:

**FENCE BY-LAW 2012-132**

- a. "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
- b. A "subsequent offence" means a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

**PART 10-REPEAL**

52. By-law Number 2005-112 and 2007-72 are hereby repealed.

53. This By-law shall come into force upon the date of its final passing.

**READ a FIRST and SECOND** time this 15th day of October, 2012.

**READ a THIRD** time and **FINALLY PASSED** this 15th, day of October, 2012.

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Steve Pellegrini, Mayor

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Kathryn Smyth, Clerk