

The Corporation of the Township of North Frontenac
By-law # 2024-58

Being a By-law to Regulate the Height and Type of Fences within the Township of North Frontenac

Whereas Section 11 of the Municipal Act 2001 S.O. 2001, c.25 provides that a lower-tier municipality may pass By-laws respecting structures, including fences;

And Whereas the Council of Corporation of the Township of North Frontenac deems it expedient to pass a By-law to regulate the erection and maintenance of fences;

Now Therefore Be It Resolved That Council enacts as follows:

1. Definitions

By-law Enforcement Officer shall mean the By-law Enforcement Officer appointed for the Township of North Frontenac

Chief Building Official shall mean an officer or employee of the Corporation of the Township of North Frontenac appointed by By-law in accordance with the provisions of the Ontario Building Code.

Council shall mean the Council of the Township of North Frontenac.

Driveway shall mean a vehicle access provided between a street and a parking area/space or a loading space.

Electrical Fence shall mean a fence through which electricity passes.

Erect shall mean alter, construct, plant, grow, place and relocate.

Fence shall mean any barrier or structure constructed of chain link, metal, wood, stone, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, enclosing property or delineating property lines but does not include a retaining wall.

Height shall be measured from the ground where the fence posts are embedded to the top of the fence.

Highway shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

Hydro Massage Pool shall include pools commonly referred to as hot tubs, whirlpools, Jacuzzis or spas.

Lot Line shall mean a boundary line of a lot.

Lot Line – Exterior Side shall mean a lot line located between the front and rear lot lines and dividing the lot from a street.

Lot Line – Front shall mean:

- a) In the case of an interior lot with no frontage on a water body, the line dividing the lot from the street line, street allowance, or private lane or registered right of way;
- b) In the case of a lot with frontage on a public street, private lane or registered right-of-way and on a water body, the front lot line shall be measured on the water side only;
- c) In the case of a corner lot, the shorter lot line abutting a side which provides ingress or egress from the street shall be deemed to be the front lot line;
- d) In the case of a corner lot with two (2) street lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be in the front line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line;
- e) In the case of a lot with water access only, the front lot line shall be on the water side. In the case of a through waterfront lot with water access only, the longest shoreline shall be deemed to be the front lot line;
- f) In the case of a corner lot abutting a 0.3 metres reserve or other reserve, the lot line so abutting the reserve shall be deemed an exterior lot line and the other lot line abutting the street shall be deemed to be the front lot line;
- g) In all other cases not described above, the front lot line shall be deemed to be where the principal access to the lot is approved.

Lot Line – Rear shall mean the lot line furthest from, and opposite to, the front lot line.

Lot Line – Interior Side shall mean a lot line other than a front, rear or side exterior lot line.

Sight Triangle shall mean a triangular space, free of buildings, structures and obstructions, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this By-law.

Swimming Pool means an in-ground or above-ground open or covered outdoor pool used for swimming, wading, diving or recreational bathing which is at least 0.6 metres in depth.

Swimming Pool Enclosure shall mean the fence and gate or gates around a privately-owned outdoor swimming pool restricting access and includes the wall of a building or structure.

2. General Provisions

- a) Notwithstanding the provisions of this By-law, any fence that is in existence prior to the date of enactment of this By-law and in compliance with other applicable regulations shall be deemed to comply with this By-law and may be maintained with the same material, height and dimensions as previously existed including any repair work that may be done to such fence.
- b) No person shall erect or cause to be erected or maintained or cause to be maintained any fence within the Township unless such fence is a lawful fence.
- c) No person shall erect, construct or permit to be erected or constructed a fence that, in the opinion of the By-law Enforcement Officer obstructs pedestrian or vehicular traffic, or obscures clear visibility of normal approaching pedestrian or vehicular traffic.

- c) The maximum height of a fence along an interior side or rear lot line for a residential or recreational commercial use shall be 3 metres.
- d) The maximum height of a fence along a front lot line or exterior lot line for a residential use or a recreational commercial use shall be 1.5 metres.
- e) The maximum height of a fence along any lot line in the General Commercial (GC), or Industrial (I) Zones, or on lands used primarily used for commercial or agricultural purposes, shall be 3 metres.
- f) Barbed-wire fences and electric fences may only be permitted for agricultural purposes, utilities, an impound lot, commercial operations where security is required, or for Municipal purposes.

Electrified fences shall be clearly marked with warning signs indicating the fence is electrified. Signs are to be spaces 30.5 metres apart and are subject to approval from the By-law Enforcement Officer.

- g) No fence shall be erected that may pose a safety hazard due to obstruction of a sight triangle.
- h) No fence shall be maintained or caused to be maintained in a damaged or disrepair state of condition by reason of fire, decay or otherwise and all fences shall be constructed or caused to be constructed in a sound manner and shall be straight and true.

3. Fences around Swimming Pools and Hydro Massage Pools

- a) The requirements of this By-law with respect to pool fences apply equally to both in-ground and above ground pools.
- b) The owner and/or occupant of any lands on which a pool is located shall erect and maintain a “swimming pool enclosure” that complies with the provisions of this By-law, either around the entire yard containing the pool or the “swimming pool area”.
- c) A swimming pool enclosure shall extend from a maximum of no more than 0.05 metres vertically above the ground level to a height that is at least 1.5 metres above ground level.
- d) If an above ground swimming pool has a deck that is level with the top of the pool and a fence around the deck which has an effective combined height of 1.5 metres above grade as an integral part of its construction, the fence may be considered as being part of the required swimming pool enclosure.
- e) The walls of an above ground swimming pool may be used as part of the fence.
- f) The owner and/or occupant of any lands on which a Hydro Massage pool is located shall keep a secure cover of rigid material always locked in place over the opening when the structure is not occupied, and no person shall leave the Hydro Massage pool without first locking the cover in place to prevent access when the structure is not occupied.

4. Gates and Entrances to the Pool Area

- a) Every gate that forms part of a pool fence shall be supported on substantial hinges, be self closing, and be equipped with a self-latching device placed at the top and on the inside of the gate.
- b) The owner of every pool shall ensure that all entrances to the pool area, including gates, doors and windows, are kept always secured except when a responsible adult is supervising the use of the pool.

5. Administration and Enforcement

- a) This By-law shall be enforced by the By-law Enforcement Officer for the Township of North Frontenac.
- b) In the event the Township receives complaints regarding a fence, the By-law Enforcement Officer shall inspect the fence. If the By-law Enforcement Officer is satisfied a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupier of the land on the which the contravention occurred to discontinue the contravention.
- c) An order under this section shall identify:
 - i. The location where the contravention occurred;
 - ii. The reasonable particulars of the contravention; and
 - iii. The date and time by which there must be compliance with the order.
- d) If a person fails to do a matter or a thing, including comply with an order under this By-law, as directed or required by the By-law, the Township may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. All costs incurred by the Township may be recovered from the owner and/or occupant of the land by action or placed on the tax roll for the property where the contravention occurred and collected in the same manner as municipal property taxes.

6. Offences

- a) Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to payment of a fine or other penalty as provided by the Provincial Offences Act.
- b) If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7. Application

- a) Any section, subsection, or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.
- b) This By-law shall come into force and take effect immediately upon the date of passing.

Read a first and second time **October 4, 2024.**

Read a third time and finally passed this **October 4, 2024.**

Gerry Lichty, Mayor

Tara Mieske, Clerk