

**THE CORPORATION OF THE  
TOWNSHIP OF DUBREUILVILLE**

**BY-LAW NO. 2019-60**

**Being a by-law to establish and prescribe the height and descriptions of lawful fences in the Corporation of the Township of Dubreuilville, and for prohibiting any fence that does not meet or conform to the standards requiring fences to be repaired and maintained and prohibiting the removal of any notice or sign placed thereon in accordance with this by-law.**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 8, provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** the Municipal Act, S.O. 2001, Chapter 25, Section 9, 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** the Corporation of the Township of Dubreuilville deems it desirable to enact a policy via by-law that regulates and governs fences within the community;

**NOWHEREFORE** the Council of the Corporation of the Township of Dubreuilville enacts the following:

**SECTION 1  
PREAMBLE**

- 1.1 The Council of the Corporation of the Township of Dubreuilville deems it desirable to enact a policy via by-law that regulates and governs fences within the Corporation of the Township of Dubreuilville.
- 1.2 The Council of the Corporation of the Township of Dubreuilville has the legislative authority to enact such by-laws and as such will ensure a regular review of this policy once completed.

**SECTION 2  
POLICY STATEMENT**

- 2.1 It shall be the policy of the Corporation of the Township of Dubreuilville to protect the safety and security of all residents through the regulating and governing of fences within the Township of Dubreuilville.
- 2.2 It shall be the policy of the Township of Dubreuilville that this policy is reviewed and updated on a regular basis.

2.3 This By-law shall be administered by the Chief Building Official or designate.

### SECTION 3 DEFINITIONS

3.1 “**Chief Building Official**” means an officer or employee of the Corporation of the Township of Dubreuilville charged with the duty of enforcing the provisions of the Building Code Act.

3.2 “**Commercial Zone**” means a property or parcel of land subject to a Commercial Zone in the Township of Dubreuilville Zoning By-law currently in effect.

3.3 “**Construct**” means to do anything in the erection, installation, extension, material alteration or repair of a fence and “construction” has a corresponding meaning.

3.4 “**Council**” means the Council of the Corporation of the Township of Dubreuilville.

3.5 “**Division Fence**” means a fence intended to delineate a property line for the purpose of dividing two adjoining properties.

3.6 “**Easement**” means the legal right acquired by contract to pass over, along, upon or under the lands of another.

3.7 “**Established grade**” means:

(a) When used with reference to a building, the average elevation of the finished level of the ground adjoined a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;

(b) When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;

(c) When used with reference to a street, road or highway, the elevation of the street, road or highway established by a public authority.

3.8 “**Exterior side yard**” means a side yard adjacent to a street.

3.9 “**Exterior side lot line**” means a lot line located between the front and rear lot lines and dividing the lot from a street.

3.10 “**Fence**” means any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating

property lines, and “pool fence” has a corresponding meaning. A “fence” may also include an unpierced hedgerow or other unpierced planting.

3.11 **“Front lot line”** means:

1. In the case of interior lot, the line dividing the lot from the street, street allowance or private road;
2. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line;
3. In the case of a corner lot with two street lines of equal length, the lot line that abuts the wider street, or abuts a highway shall be deemed to be in the front lot 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;
4. In the case of a lot with water access, the front lot line shall be on the street 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.
5. In the case of a private road, the lot line adjacent to the entrance shall be deemed to be the front lot line.
6. In all other cases not described above, the front lot line shall be deemed to be where the principal access or entrance to the lot is approved.

3.12 **“Front yard”** means a **yard** extending across the full width of the lot between the **front lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the **front lot line**.

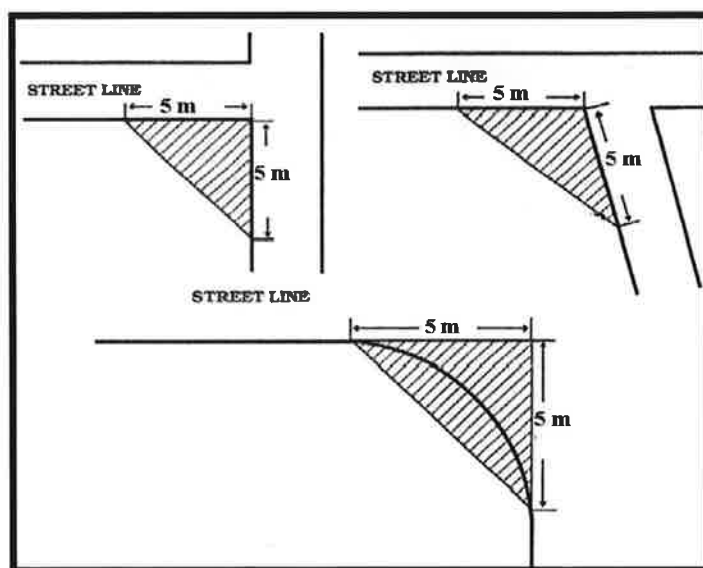
3.13 **“Gate”** means a swinging or sliding barrier used to fill or to close an access and includes a door.

3.14 **“Grade”** means the elevation of the finished surface of the ground where it abuts a **fence** or **pool fence**.

3.15 **“Height”** means the distance measured from **grade** at any particular location and the highest part of the **fence**, exclusive of the posts, at that specific location.

- 3.16 **“Hot Tub”** means hot tub, jacuzzi, whirlpool, spa or other similar device equipped with a locking cover made of a rigid material placed over the opening at all times when the hot tub is not in use.
- 3.17 **“Industrial Zone”** means a property or parcel of land subject to an Industrial Zone in the Township of Dubreuilville Zoning By-law currently in effect.
- 3.18 **“Institutional Zone”** means a property or parcel of land subject to an Institutional Zone in the Township of Dubreuilville Zoning By-law currently in effect.
- 3.19 **“Interior lot line”** means a lot line other than a front lot line, rear lot line or **exterior side lot line**. On a lot with more than four sides, any lot line not otherwise defined as a front, rear or side lot line shall be considered as an interior side lot line.
- 3.20 **“Interior yard”** means a side **yard** other than an **exterior side yard**.
- 3.21 **“Owner”** means the person or persons identified in the most recent tax roll as the owner of a property, and “owners” has the corresponding plural meaning.
- 3.22 **“Permit”** means written permission or authorization from the *Chief Building Official* to perform work regulated by this by-law.
- 3.23 **“Pool Area”** means the swimming pool and any surrounding platforms, walkways, play areas and landscaped areas within the **pool fence** enclosing a swimming pool.
- 3.24 **“Pool Fence”** means a **fence** surrounding a swimming pool area. A **pool fence** may include a **gate**.
- 3.25 **“Public street”** means a highway which has been opened, assumed and dedicated by the Corporation of the Township of Dubreuilville over which has been given administrative control or jurisdiction.
- 3.26 **“Rear lot line”** means the lot line furthest from, and opposite to, the front lot line.
- 3.27 **“Rear yard”** means that **yard** that extends across the full width of the lot between a **rear lot line** and the nearest point of the principal building.
- 3.28 **“Residential Zone”** means a property or land subject to a Residential zone in the Township of Dubreuilville Zoning By-law currently in effect.

- 3.29 **“Rural Zone”** means a property or land subject to a Rural zone in the Township of Dubreuilville Zoning By-law currently in effect.
- 3.30 **“Self-Closing Device”** means a mechanical device or spring which returns a **gate** to its closed position within 30 seconds after it has been opened.
- 3.31 **“Self-Latching Device”** means a mechanical device or latch which is engaged each time the **gate** is secured to its closed position; which will not allow the **gate** to be re-opened by pushing or pulling and which will ensure the **pool fence gate** remains closed until unlatched by either lifting or turning the device itself directly or by a key.
- 3.32 **“Sight triangle”** means 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.



- 3.33 **“Snow fence”** means a light **fence** of lath and wire.
- 3.34 **“Swimming Pool”** means any body of water in-ground or above ground contained by artificial means, in which the depth of the water at any point can exceed 61 centimetres that is used or is capable of being used for swimming, wadding or bathing, but does not include a hot tub.
- 3.35 **“Township”** means the Corporation of the Township of Dubreuilville.
- 3.36 **“Yard”** means an area of a lot abutting a building that is intended for use for such purposes as privacy space, landscaping, parking or access.

## SECTION 4 GENERAL PROVISIONS

- 4.1 No person shall erect, own or maintain, or cause or permit the erection or maintenance of, any **fence** on private property in the **Township** of Dubreuilville that does not comply with this article and with any other applicable law.
- 4.2 No person shall **construct a fence, a pool fence or a snow fence** unless a permit has been issued by the **Chief Building Official**. Classes of permit with respect to the construction of a **fence, a pool fence, or a snow fence** shall be set out in Schedule "A" to this by-law.
- 4.3 The provisions of this by-law do not apply to **fences or pool fences** in a **Rural Zone**.
- 4.4 No person shall **construct** or maintain a barbed wire, electrical or any other **fence** in such way that there is a possibility that any person will be injured.
- 4.5 No barbed wire or other sharp material shall be closer to the ground than 2.1 metres [6.88 ft.].
- 4.6 Fences must be well maintained, in good repair, free from warped, rotten, loose or broken materials. Fences must be in a safe and structurally sound condition and able to safely sustain its own weight together with any load to which it might reasonably be subject to. Fences must be free from dangerous objects.
- 4.7 Fees for a required **permit** shall be set out in Schedule "A" to this by-law and are due and payable in full upon submission of an application for a **permit** and no **permit** shall be issued until the full fee is paid.
- 4.8 Permit fees shall be doubled if construction of a **fence or a pool fence** has started before the permit is issued.
- 4.9 Payment of double fees will not relieve any person from fully complying with the provisions of this by-law and shall not be construed to authorize construction of a **fence or pool fence**.
- 4.10 The violation of any provisions of this by-law constitutes a separate offence under this by-law for each and every day that such violation continues.

- 4.11 Any person who violates any provisions of this by-law shall upon convictions thereof be subject to a fine of not more than One Thousand Dollars (\$1,000.00), exclusive of costs.

## SECTION 5 PERMIT APPLICATION

- 5.1 To obtain a **permit**, the owner or agent authorized by the **owner** shall file an application in writing by completing a prescribed form available from the **Chief Building Official** or from the **Township** of Dubreuilville website ([www.dubreuilville.ca](http://www.dubreuilville.ca)). Forms prescribed by the **Township** shall be set out in Schedule "B" to this By-Law.

## SECTION 6 PLANS AND SPECIFICATIONS

- 6.1 Sufficient information shall be submitted with each application for a **permit** to enable the **Chief Building Official** to determine whether or not the proposed **fence, pool fence, or snow fence** will conform to this by-law and to any other applicable law.
- 6.2 Each application for a **permit** shall, unless otherwise specified by the **Chief Building Official**, be accompanied by two complete sets of plans and specifications required under this by-law.
- 6.3 Plans shall be drawn to scale, be legible and without limiting the generality of the forgoing and shall include such working drawings as set out in Schedule "B" of this by-law unless otherwise specified by the **Chief Building Official**.
- 6.4 Where required to demonstrate compliance with this by-law or other applicable law, a copy of an up-to-date survey plan shall be submitted to the **Chief Building Official**.
- 6.5 Site plans shall show:
- a) The lot size and the dimensions of the property lines;
  - b) The exact location and height of the proposed **fence, pool fence, or snow fence** including the location of any **gates**;
  - c) The existing **grade** level and proposed **grade** level;

- d) The location and dimension of driveways, existing right of ways and **easements** on the property and abutting properties;
- e) The location and dimension of the pool area and of the swimming pool including the location of any equipment associated with the swimming pool;
- f) Structural details for decks, platforms or other structures associated with the swimming pool;
- g) Location and dimensions of wells and septic systems, if applicable; and
- h) Any other information as may be prescribed by the **Chief Building Official**.

#### SECTION 7 REVISIONS TO PERMIT

- 7.1 After the issuance of a **permit** under this by-law, notice of any material change or other information on the basis of which the **permit** was issued, must be given in writing to the **Chief Building Official** together with the details of such change, which is not to be made without his or her written authorization.

#### SECTION 8 REVOCATION OF PERMIT

- 8.1 The **Chief Building Official** may revoke a **permit** if:
- a) it was issued on mistaken, false or incorrect information;
  - b) it was issued in error;
  - c) the holder requests in writing that it be revoked;
  - d) after six (6) months of the issuance, the **construction** in respect to which it was issued has not in the opinion of the **Chief Building Official** been seriously commenced; or

- e) the **construction** is in the opinion of the **Chief Building Official** substantially suspended or discontinued for a period of more than six months.

## SECTION 9 FENCES IN RESIDENTIAL ZONES

- 9.1 The maximum **height** of a **fence** in any **interior side** or **rear yard** shall be 2 m [6.56 ft.] measured from the **established grade**.
- 9.2 The maximum **height** of a **fence** in any **front yard** or **exterior side yard** shall be 1 m [3.28 ft.] measured from the **established grade**.
- 9.3 Where a **fence** is erected within a sight triangle, the portion of the fence within the **sight triangle** may not exceed 1 metre (3.28 ft.) in height.
- 9.4 The use of barbed-wire, spire tips, sharp objects or any device for projecting an electric current in any **fence** construction is prohibited in a residential zone.
- 9.5 The maximum **height** of any **fence** not mentioned above shall not exceed 2 metres [6.56 ft.].

## SECTION 10 FENCES IN COMMERCIAL AND INSTITUTIONAL ZONES

- 10.1 The maximum **height** of a **fence** located in the **front yard** shall not exceed 1 metre [3.28 ft.].
- 10.2 The maximum **height** of a **fence** located in a **side yard** and / or a **rear yard** abutting the street shall not be more than be 2 metres [6.56 ft.].
- 10.3 The maximum **height** of a **fence** in any other **yard** shall not exceed 2 metres [6.56 ft.].
- 10.4 Notwithstanding Section 10.1.0 and Section 10.2.0, where a chain link **fence** is located in the **front yard** and no obstruction, netting or other similar material is fastened, interweaved or otherwise attached to the **fence**, the maximum height of such **fence** shall not exceed 2 metres [6.56 ft.].

## SECTION 11 FENCES IN INDUSTRIAL ZONES

- 11.1 The maximum **height** of a **fence** located in the **front yard** shall not exceed 1 metre [3.28 ft.].

- 11.2 The maximum **height** of a **fence** located in a **side yard** and/or **rear yard** abutting a street shall not be more than 2.5 metres [8.20 ft.].
- 11.3 Notwithstanding Section 11.1.0 and Section 11.2.0, where a chain link **fence** is located in the **front yard** and no obstruction, netting or other similar material is fastened, interweaved or otherwise attached to the **fence**, the maximum height of such **fence** shall not exceed 2.5 metres [8.20 ft.].
- 11.4 The maximum **height** of a **fence** in any other **yard** shall not exceed 2.5 metres [8.2 ft.].

## SECTION 12 POOL FENCES

- 12.1 No person shall **construct**, place, install or maintain a swimming pool within the Township of Dubreuilville unless the entire swimming pool area is effectively enclosed by a **pool fence** in compliance with the requirements of this by-law.
- 12.2 No person shall place water in a swimming pool within the Township of Dubreuilville unless the entire pool area is effectively enclosed by a **pool fence** in compliance with the requirements of this by-law.
- 12.3 Every pool area shall be enclosed by a **pool fence** in compliance with this by-law;
- 12.4 A swimming pool area shall not be located in the **front yard**, in the **exterior side yard** abutting a street or within the sight triangle;
- 12.5 The **height** of a **pool fence**, including any **gates**, shall be not less than 1.5 metres [4.92 ft.].
- 12.6 The **pool fence** shall commence no more than 76 millimetres [2.99 inches] above finished **grade** measured at any point directly below the lowest portion of the **pool fence**.
- 12.7 The **pool fence** shall be vertically boarded wood construction, solid wood construction, 38 millimetres [1.5 inches] chain link construction, masonry, plastic or metal construction or other materials and construction of an equivalent degree of strength and safety; provided however that horizontal basket weave fencing shall not be permitted.

- 12.8 The **pool fence** shall have no openings with horizontal dimensions greater than 38mm.
- 12.9 The **pool fence** shall be so constructed that all horizontal or diagonal structural members of the **pool fence** shall be located on the inside or the pool area side of the **pool fence**.
- 12.10 The **pool fence** shall be constructed that it cannot be used in a manner similar to a ladder from the outside.
- 12.11 The **pool fence** shall contain no device for projecting electric current through the **pool fence**, no barbed wire, metal spikes or any other sharp pointed materials.
- 12.12 The **pool fence** shall be constructed so as to have the only means of entry by a **gate**.
- 12.13 The **pool fence** shall not be located closer than 1 metre [3.28 ft.] to any structure that facilitates climbing.
- 12.14 The **pool fence** shall not be located closer than 1 metre [3.28 ft.] to the swimming pool's edge, except where the fence forms part of an above-ground pool installation.
- 12.15 **Gates** forming part of a **pool fence** shall:
- a) be constructed and have a height equivalent to that required for the **pool fence**;
  - b) be supported on substantial hinges;
  - c) be equipped with a **self-closing device** and a **self-latching device** and such devices shall be maintained in proper working order at all times.
- 12.16 Every **self-latching device** shall be installed on the inside or the pool area side of the **pool fence** and such device installed not less than 1.2 metres [3.93 ft.] above the **grade**.
- 12.17 Every **gate** shall be latched closed at all times except when a person is walking through the **gate**.

- 12.18 A **pool fence** shall be constructed so as not to facilitate climbing with gaps not exceeding 38 millimetres [1.5 inches].
- 12.19 A boundary **fence** which complies with the provisions of this by-law shall be deemed a sufficient **pool fence**.
- 12.20 A wall or walls of a building or buildings located on the same property as that of the pool area may form part of a **pool fence** provided that:
- a) all doors affording access to the pool area from a building directly into a swimming pool area, except doors providing access directly out of a dwelling unit shall be equipped with a **self-closing device** and a **self-latching device** located not less than 1.2 metres [3.93 ft.] above the bottom of the door.
  - b) all windows opening into the pool area except windows serving a dwelling unit shall be equipped with a mechanism capable of controlling the free swinging or sliding of the openable part of the window so as to limit any clear unobstructed opening to not more than 100 millimetres [3.94 inches] measured either vertically or horizontally.
- 12.21 Where a deck, platform or other structure is erected at or near the rim level of an above ground swimming pool and the difference in elevation between the walking surface and adjacent **grade** exceeds 600mm, the open sides shall be protected by guards installed in accordance with the requirements of the Ontario Building Code.

### SECTION 13 SNOW FENCES

- 13.1 No **snow fence** shall be erected or maintained, or caused to be erected or maintained, for a period exceeding six (6) consecutive months in any year within the Township from October 15<sup>th</sup> to April 15<sup>th</sup>.
- 13.2 A **snow fence** located in a **Residential Zone** shall comply with the maximum **height** provisions of Section 9.0.0 of this By-law.
- 13.3 A **snow fence** located in a **Commercial or Institutional Zone** shall comply with the maximum **height** provisions of Section 10.0.0 of this By-law.

- 13.4 A **snow fence** located in an **Industrial Zone** shall comply with the maximum **height** provisions of Section 11.0.0 of this By-law.
- 13.5 No **snow fence** shall be erected so as to obstruct a **sight triangle**.
- 13.6 The maximum **height** of any **fence** not mentioned above shall not exceed 2 metres [6.56 ft.].

#### **SECTION 14 DIVISION FENCES**

- 14.1 Where an **owner** or **owners** of adjacent properties submits an application to **construct a division fence**, the rear or interior side lot line or lot lines dividing the two properties are to be identified and agreed upon by both property owners prior to construction of a **fence**. The Chief Building Official may request a survey plan to confirm the location of lot lines.
- 14.2 Where a fence is proposed to be constructed along a common lot line, any portion of the fence that is located in a front yard of one property and an interior side yard or rear yard of the adjacent property shall be deemed to be an interior side yard or rear yard for the purposes of this By-law.
- 14.3 Each of the **owners** of adjoining occupied land are to repair, replace or maintain a just proportion of any **division fence** heretofore or hereafter erected which marks the boundary of their respective properties, or are to bear a just proportion of the cost of any work or erection, repair, replacement or maintenance which has been varied out. The affected property owners may, by private contract, establish arrangements for bearing or sharing the costs of fence construction and maintenance.

#### **SECTION 15 ADMINISTRATION AND ENFORCEMENT**

##### **15.1 CONFLICT OF BY-LAWS, CODES, REGULATIONS**

- 15.1.1 Where the provisions of this by-law conflict with a provision of any other by-law in effect in the **Township** or any applicable government regulation, the provision that establishes the higher standard shall prevail.

##### **15.2 VALIDITY**

- 15.2.1 Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part so declared to be invalid.

**15.3 NOTICE REQUIREMENTS FOR INSPECTIONS**

15.3.1 The person to whom a **permit** is issued under Section 4.2.0 to this by-law shall give notice to the **Chief Building Official** of:

- a) Readiness to **construct the fence** or the **pool fence**;
- b) Substantial completion of the **fence** or the **pool fence**; and
- c) Substantial completion of a **pool fence** prior to placing water in a swimming pool.

**15.4 PENALTY**

15.4.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

15.4.2 An owner who fails to comply with an order made under the Building Code Act is guilty of an offence under section 36(1) of the Building Code Act, and is liable to a penalty as set out in Section 36 of the Act.

**15.5 OFFENCE**

15.5.1 No person shall erect/build any type of fence without first obtaining a valid fence permit issued by the Township of Dubreuilville and its Chief Building Official.

**15.6 TITLE**

15.6.1 This By-Law may be referred to as the “Fence By-Law”.

**15.7 REPEALS**

15.7.1 By-Law 88-08 of the Corporation of the Township of Dubreuilville shall hereby be repealed.

**15.8 GENERAL**

- 15.8.1 This by-law shall come into force and effect only upon the repeal of by-law 88-08.
- 15.8.2 This by-law shall come into full force and effect immediately upon the passing thereof.

**READ** a first and second time this 7 day of november, 2019.

THE CORPORATION OF  
THE TOWNSHIP  
OF DUBREUILVILLE  
P.O. BOX 367  
DUBREUILVILLE, ONTARIO  
P0S 1B0

Beverly Nantel  
MAYOR - BEVERLY NANTEL

Shelley B. Casey  
CLERK - SHELLEY B. CASEY

**READ** a third time this 27 day of November, 2019.

THE CORPORATION OF  
THE TOWNSHIP  
OF DUBREUILVILLE  
P.O. BOX 367  
DUBREUILVILLE, ONTARIO  
P0S 1B0

Beverly Nantel  
MAYOR - BEVERLY NANTEL

Shelley B. Casey  
CLERK - SHELLEY B. CASEY

**Schedule "A"****CLASSES OF PERMITS****AND PERMIT FEES**

	<b>CLASS OF PERMIT</b>	<b>FEES</b>
1.	<b><i>Fence Permit</i></b> <b><i>(including Snow Fences)</i></b>	<ul style="list-style-type: none"> <li>As per the Township of Dubreuilville Tariff of User Fees By-Law in place at the time of Fence Permit application.</li> </ul>
2.	<b><i>Pool Fence Permit</i></b>	<ul style="list-style-type: none"> <li>As per the Township of Dubreuilville Tariff of User Fees By-law in place at the time of Pool Fence Permit application.</li> </ul>
<b>OTHER PROCEDURES</b>		
3.	<b><i>Re-inspection</i></b>	<ul style="list-style-type: none"> <li>As per the Township of Dubreuilville Tariff of User Fees By-law in place at the time of re-inspection.</li> </ul>

**Schedule "B"**

**LIST OF PLANS AND WORKING DRAWINGS TO  
ACCOMPANY APPLICATIONS FOR PERMITS**

1. Site Plan;
2. Complete structural details for decks, platforms, stairs, ramps or other structure associated with the swimming pool area; and
3. Complete details, specifications and type for the proposed fence or proposed pool fence; and
4. Cross section drawing indicating individual components of the fence, sizes, spacing and height of the fence.

**Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.**

