

The Corporation of the Town of Minto

By-Law 00-59

Being a by-law to provide for the regulation,
erection and maintenance of fences in the urban residential areas of the
Town of Minto

Whereas Section 210 (25-30) of the Municipal Act, RSO, 1990, M.45 and amendment thereto, provides that councils of local municipalities may prescribe the height, description and manner of building and maintaining fences.

And whereas it is deemed desirable to establish regulations concerning fences for the Town of Minto.

Therefore the Municipal Council of the Corporation of the Town of Minto enacts as follows:

1. No person shall construct, erect, maintain, or keep within the urban residential areas of the Town of Minto any hedge or any fence in contravention of the provisions of this by-law unless such fence existed prior to the passing of this by-law and is not moved, altered or enlarged in any way.
2. For the purpose of this by-law, the following definitions shall apply:
 - a. **"Fence"** shall mean a structure of vertical or horizontal members erected as a barrier, enclosure or demarcation along any street, highway or property line or separating or purporting to separate any parcel of land from the parcel of land immediately adjacent thereto.
A fence may be constructed of posts and boards, wood, steel, wire plastic, fiberglass, concrete, stone, brick or any combination thereof.
 - b. **"Fence Height"** shall be the measurement from the base of the fence or grade of the adjacent ground to the finished top of the fence.
In the case of the fence required to restrict access to a private swimming pool, the minimum height required shall be as measured at the outside wall or side of the required fence.
Where the fence required for a private swimming pool will abut an existing embankment, retaining wall, climbable fence or other structure such that the purpose of the fence is negated, the minimum separation of 1.5m is required. Notwithstanding the above, where the grade at the fence location is irregular, the fence height shall be the measurement from the mean of the grade of the adjacent ground to the mean of the finished top of the fence.
 - c. **"Farm fence"** shall mean a fence erected for the purpose of containing livestock, enclosing crops, water areas, woodlots, buildings, fields or laneways for the operation of agriculture.
 - d. **"Hedge"** shall mean a continuous line of plantings or plant material, shrubs or trees arranged to form a fence or boundary.
 - e. **"Fence line"** shall mean the fence line or location of the fence and shall be as measured to the front or outside face of the fence or supports. Where a fence is constructed on a property line, the outside face or front of the fence shall be parallel to the property line and the vertical elevation of the fence shall not exceed an angle of 90°; the angle to be measured between the vertical elevation and the property of the fence owner. For purpose of this provision, the grade of the property is to be assumed as level.


- f. **“Established building line”** shall mean the building line or building setback as defined by the applicable zoning by-law.
 - g. **“Private outdoor swimming pool”** shall mean a tank, structure or body of water which may be used for swimming purposes and which has a possible maximum depth greater than one half metre (0.5m) but shall not include an existing natural body of water, a water course or a pond in the areas zoned Agricultural and Open Space in the applicable zoning by-law.
 - h. **“Urban residential area”** shall mean the former Village of Clifford, Town of Harriston, the Town of Palmerston and Minto Highland Estates.
3. A solid fence may be erected up to a maximum height of 2.0m if located back of the front building line except in an industrial and commercial zone when the height shall be 3.0m. If located between the front building line and the street line the maximum height shall be 0.9m in any zone.
 4. A lattice, louvered or other open type of fence construction may be erected up to a height of 2.0m if located back of the front building line or if between the front building line and the street line up to 0.9m in height except that a fence erected of chain link with a maximum height of 2.4m will be permitted when used to enclose or protect a property for institutional, commercial or industrial purposes.
 5. On a corner lot, within the triangular space formed by the outer edge of the street pavement or curb line for a distance of 5.0m from their point of intersection, no fence or hedge shall be erected or shall be maintained higher than 1.0m as measured from the centre line of the road abutting such fence or hedge.
 6. Notwithstanding the provisions of Sections 3 and 4 above, on a corner lot a fence not exceeding 1.0m in height may be erected to the property line provided the fence conforms to the provisions of Section 5 above.
 7. Barbed wire may only be used on the top and to the inside of commercial and industrial fences and on farm fences.

Fencing of Private Outdoor Swimming Pools

8. Notwithstanding the other provisions of this by-law, no person shall construct or maintain a private outdoor swimming pool unless the pool, or the land on which the pool is located is effectively fenced or enclosed in accordance with the following provisions;
 - a. every fence shall be not less than 1.5m in height;
 - b. every fence shall be so constructed that all horizontal or diagonal structural members shall be located on the inside or pool side of the fence;
 - c. every outside face of a fence shall be so constructed that it cannot be used in a manner similar to a ladder. For the purpose of this section, a shadow-type fence is deemed to comply, provided the horizontal members are 1.1m apart;
 - d. every fence shall be constructed so that the only means of entry is by gates or doors of 1.5m in height. Each gate shall be equipped with a lock and kept secured when the pool is not in use;
 - e. a dwelling, building or accessory building may be utilized to effectively enclose any pool;
 - f. a hedge shall not be used as or considered to be a fence for the purpose of this section.

- 9. The provisions of this section shall not apply to any pool which is subject to the regulations under the Public Health Act, RSO, 1980, Chapter 409, Section 9, paragraph 36.
- 10. Notwithstanding the height restrictions of this by-law, nothing shall prevent a salvage yard from erecting a fence up to a maximum height of 3.0m.
- 11. Notwithstanding the provisions of this by-law, nothing shall prevent the construction and maintenance of farm fences in areas zoned Agricultural or Open Space, by the applicable zoning by-law.
- 12. The use of any device for projecting an electric current through or in conjunction with a fence is prohibited, except on farm fences in areas zoned Agricultural by the zoning by-law.
- 13. The provisions of this by-law shall not apply to the erection of fences for public safety by the Corporation of the Town of Minto or any local boards thereof, any Public Utility Commission including telephone, gas and Ontario Hydro, all Boards of Education and the County of Wellington.
- 14. Any person who contravenes any provisions of this by-law is guilty of an offense and is liable on conviction, to a fine of not more than two thousand dollars (\$2,000.00) exclusive of costs and recoverable under the Provincial Offences Act.
- 15. All fence by-laws passed by the previous Village of Clifford, Town of Harriston, Town of Palmerston and Township of Minto become null and void on the passing of this by-law.
- 16. This by-law shall come into effect upon final reading thereof.

Read a first and second time this 12th day of September 2000.




 Mayor – Wm. R. Lawless



 Clerk – Dianne Friesen

Read a third time this 12th day of September 2000.



 Mayor – Wm. R. Lawless



 Clerk – Dianne Friesen

Town of Minto

Set Fine Application

Part 1 Provincial Offences Act

By-law 00-59, Urban Fences

Item	Column 1, Short form wording	Column 2, Offence creating provision	Column 3, Set fine (includes costs)
1	Fail to properly fence an urban private outdoor swimming pool.	Section 8	\$125.00

Note: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.