

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

BY-LAW NO. 2007-168

**BEING A BY-LAW TO REGULATE FENCES AND TO REPEAL
ALL PREVIOUS BY-LAWS AND AMENDMENTS**

WHEREAS Section 10(2) 10 of the Municipal Act S.O. 2001, c.25, authorizes *Council* to pass bylaws respecting structures, including fences and signs;

AND WHEREAS Section 10(2) 6 of the Municipal Act S.O. 2001, c.25, authorizes *Council* to pass bylaws respecting the health, safety and well-being of persons;

WHEREAS Section 427(1) of the Municipal Act, 2001 provides that a municipality may proceed to do things at a person's expense, which that person is otherwise required to do under a by-law or otherwise has failed to do;

AND WHEREAS the Council of the Corporation of the City of Temiskaming Shores considers it desirable to enact such a by-law;

AND WHEREAS *Council* has ensured adequate notice has been given;

NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law;

1. That *Council* adopts a by-law to regulate the height, location and description of lawful fences within the Municipality identified as Schedule "A" hereto attached and forming part of this by-law.
2. That this by-law shall come into force and take effect on the date of its final passing.
3. That all by-laws respecting lawful *swimming pool* fences enacted by the former Town of Haileybury (more specifically By-law 75-30), the former Town of New Liskeard (more specifically By-law 2511), and the former Township of Dymond (more specifically By-law 858), and amendments thereto, are hereby repealed.
4. That all by-laws respecting lawful line/boundary fences enacted by the former Town of Haileybury, the former Town of New Liskeard, and the former Township of Dymond (more specifically By-law 531, By-law 906, and By-law 913), and amendments thereto, are hereby repealed.
5. That the *By-law Enforcement Officer* is authorized to issue permits pursuant to this by-law.

6. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to this by-law and schedule as may be deemed necessary after passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 18th day of December, 2007.

MAYOR

CLERK

CORPORATION OF THE CITY OF TEMISKAMING SHORES

SCHEDULE "A" TO BY-LAW NO. 2007-168

**BEING A BY-LAW TO REGULATE FENCES AND TO REPEAL
ALL PREVIOUS BY-LAWS AND AMENDMENTS**

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Part 1
DEFINITIONS OF WORDS AND PHRASES:

1.01 Definitions of words and phrases used in this by-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law.

1.02 The words defined in this section have the following meaning for the purposes of this by-law.

“Agricultural Zone” means the area of land designated for agricultural use as prescribed in the *Zoning By-law*.

“Boundary Fence” means a fence to mark the *lot line* between an owner’s land and adjoining lands.

“Building By-law” means the City of Temiskaming Shores By-law 2005-066 and amendments thereto, and any subsequent by-laws which may be enacted in substitution thereof.

“Building Code Act” means the *Building Code Act*, S.O. 1992, C25

“By-law Enforcement Officer” means the person or persons duly appointed from time to time by *Council* to enforce regulatory by-laws of the *Municipality*.

“City” means the Corporation of the City of Temiskaming Shores.

“Commercial Zone” means the area of land designated for commercial use as prescribed in the *Zoning By-law*.

“Council” means the Council of the City of Temiskaming Shores.

“Exterior Face” means that side of a *swimming pool fence* from which access to the pool is to be prevented.

“Fence” means a hedge or thick growth of shrubs or trees, a structure or partition made of wood, metal or other substance that is constructed for any purpose, such as marking the boundary of property, enclosing a property, providing privacy, preventing access by people or animals, or dividing property into sections, and includes every door, *gate* and other closure that forms part of a *fence*.

“Gate” means that part of a *fence* that can be opened to provide access through the fence and which is commonly supported on hinges to swing on vertical axes.

“Grade” means the elevation of the surface of the ground where it abuts a fence or other structure.

“Height” means the vertical distance between *natural grade* and the top of the *fence*.

“Industrial Zone” means the area of land designated for industrial use as prescribed in the *Zoning By-law*.

“Inhabitants” means those *person(s)* occupying or residing within the *municipality*.

“Line Fences Act” means the Line Fences Act, R.S.O. 1990, Chapter L.17 as amended.

“Lot Line” means the boundary line between adjoining properties and or the boundary line between a property and a highway, road street, avenue, laneway, watercourse etc.

- (a) **“Front Lot Line”** means, in the case of an interior lot, the *lot line* dividing the lot from the street. In the case of a corner lot, the shorter *lot line* abutting a street shall be deemed to be the *front lot line* except where the *lot lines* abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the *front lot line*. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the *front lot line*. In the case of a standard waterfront lot, the street line shall be deemed to be the *front lot line*.
- (b) **“Flank Lot Line”** means any lot line other than a *front lot line* which is also a street line.
- (c) **“Rear Lot Line”** means any lot line which is not a *front lot line*, a *flank lot line* or a *side lot line*.
- (d) **“Side Lot Line”** means a *lot line* which intersects a *front lot line* or a *flank lot line* provided that, if any *side lot line* or portion thereof is the *rear lot line* of an abutting lot, such lot line or portion thereof shall be deemed to be a *rear lot line*.

“Maintain” means to carry out repairs of any part or parts of a *swimming pool fence* so that it can properly perform the intended function.

“Natural Grade” means the average naturally occurring elevation of ground level within 3 meters (9.84 ft) horizontally of each side of a fence.

“Owner” means the *person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the *person’s* own account or as agent or trustee of any other *person*, or who would so receive the rent if such land and premise were lent.

“Permit to Construct a Swimming Pool Fence” means permission or authorization required by this By-law and issued by the *By-law Enforcement Officer* to perform work regulated by this By-law.

“Person” means an individual, firm or corporation.

“Property” means a parcel of land and any building or other structure on the land.

“Residential Zone” means the area of land designated for residential use as prescribed in the *Zoning By-law*.

“Rural Zone” means the area of land designated for rural use as prescribed in the *Zoning By-law*.

“Self-closing device” means a mechanical device or spring, which automatically moves a *gate* to its fully closed and latched position after it has been released from an open position.

“Self-latching device” means a mechanical device or latch which automatically engages and secures a *gate* in the closed position whenever said *gate* is closed.

“Sight Triangle” means that area lying within the triangle bounded by a line running from two points located 9 meters (29.52 feet) from the corner of any lot (being the hypotenuse of the triangle), and the lines from those two points to the same corner of the lot, where the lot corner is adjacent to an intersection of two or more streets, roads, highways or public thoroughfares.”

“Swimming pool” means a privately-owned outdoor body of water, whether above or below grade, used for any purpose including swimming, wading or bathing, that is contained in whole or in part by artificial or man made means and in which the depth of water can exceed 40 centimeters (15.74 in.) at any point, and includes equipment commonly known as a pool, a hot tub, a whirlpool and a spa, but does not include any naturally occurring body of water.

“Swimming pool area” means a *swimming pool* and any surrounding platforms, walkways, play areas and landscaped areas within a *swimming pool fence*.

“Swimming pool fence” means a *fence* that encloses or results in the enclosure of a *swimming pool*.

“Yard” means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

- (a) **“Front Yard”** means a *yard* located between the *front lot line* and the nearest part of any excavation or main building on the lot and extending across the full width of the lot.
- (b) **“Flank Yard”** means a *yard* located between a *flank lot line* and the nearest part of any excavation or main building on the lot and extending for the full length of such *flank lot line*, but excluding any *front yard*.
- (c) **“Rear Yard”** means a *yard* located between a *rear lot line* and the nearest part of any excavation or main building on the lot and extending for the full length of such *rear lot line*, but excluding any *front yard* or *flank yard*.
- (d) **“Side Yard”** means a *yard* located between a *side lot line* and the nearest part of any excavation or main building on the lot and extending for the full length of such *side lot line*, but excluding any *front yard*, *flank yard* or *rear yard*.

“Zone” means an area designated on a Zoning Map Schedule and established by the *Zoning By-law* for a specific use.

“Zoning By-law” means all current by-laws and amendments thereto and any subsequent by-laws which may be enacted in substitution therefore under the Planning Act R.S.O. 1990 c.P.13 (as amended) with respect to land use within the City of Temiskaming Shores.

Part 2
APPLICATION

- 2.1 The requirements of this by-law apply to all *property* within the geographic limits of the City of Temiskaming Shores, except where other wise provided.
- 2.2 If there is a conflict between a requirement established by another by-law of the *City* and a requirement of this by-law, the requirement that establishes the higher standard in terms of protecting the health, safety and well-being of the *inhabitants* of the *City* prevails to the extent of the conflict.
- 2.3 This by-law shall apply to all *fences* constructed or replaced in the *City* on or after the date of adoption.
- 2.4 The provisions of this by-law shall not prevent the continued use of an existing legally constructed *swimming pool fence* where such *fence* was enclosing an existing *swimming pool* on or before the adoption date of this *By-law*.
- 2.5 Where an existing legally constructed *swimming pool fence* was constructed in accordance with a *by-law* or regulations that existed on or before the adoption date of this *by-law*, the *swimming pool fence* must be maintained to the standard it was built.
- 2.6 Notwithstanding sections 2.4 and 2.5, every door, *gate* or other closure that forms part of a *swimming pool fence* shall meet the requirements of this *by-law*.
- 2.7 Should an existing *swimming pool fence* be replaced, the replacement *swimming pool fence* shall be constructed in accordance with this *by-law*.

Part 3
ADMINISTRATION

- 3.1 The *By-law Enforcement Officer* is responsible for the administration and enforcement of this *by-law*.

Part 4
PERMITS AND APPROVALS

- 4.1 No *person* shall commence or carry out the erection, construction, placing, structural alteration or relocation of a *swimming pool fence* without first obtaining a *Permit to Construct a Swimming Pool Fence* pursuant to this *By-law*.
- 4.2 Applications for a *Permit To Construct A Swimming Pool Fence* shall be submitted to the *By-Law Enforcement Officer* and to be considered complete shall include or have attached thereto the following:
- a. The name, address and telephone number of the *person* making the application,
 - b. The name of *owner* of the property on which the *swimming pool fence* is to be constructed,
 - c. The name of the *person* constructing the *swimming pool fence*.

- d. The street address and legal description of the lot on which *swimming pool fence* is to be constructed.
 - e. A site plan of the lot showing accurate placement thereon of the proposed *swimming pool fence*.
 - f. Detailed drawings and specifications sufficient to allow the Bylaw Enforcement Officer to determine if the proposed *fence* will be in conformance with this bylaw.
 - g. Such other information as may require to determine full compliance with this, and other applicable law
 - h. Payment to the City of Temiskaming Shores of fees as set out in Appendix “5” of Schedule “A” to this by-law.
- 4.3 Upon receiving a complete application for a *Permit to Construct a Swimming Pool Fence*, the *By-law Enforcement Officer* shall examine the application and where the proposed construction would be in conformance with the requirements of this By-law and other applicable law, he/she shall issue a *Permit to Construct a Swimming Pool Fence*.
- 4.4 If the work authorized under a *Permit to Construct a Swimming Pool Fence* has not been substantially completed within 90 days after the date of issuance, the *Permit to Construct a Swimming Pool Fence* may be revoked by written notice from the *By-law Enforcement Officer*.
- 4.5 Where a *Permit to Construct a Swimming Pool Fence* has been _____ revoked under Sec 4.4 no refund of fees shall be made.

Part 5 REGULATIONS

- 5.1 Except in the case of a *swimming pool fence*, no permit is required pursuant to this by-law for the construction of a *fence*.
- 5.2 No person shall construct a *fence* that does not comply with the requirements of this by-law, except as provided in Part 7 – Exemptions.
- 5.3 Where, the *owner* of a *property* upon which a *swimming pool* has been installed, constructed or erected, fails to construct a *swimming pool fence*, or fails to maintain an existing *swimming pool fence*, the *By-law Enforcement Officer* may at the expense of the *owner* undertake such work as is required to remedy the default on an emergency basis.
- 5.4 The *City* may recover the expenses incurred pursuant to section 5.3 hereof by action or in like manner as municipal taxes.

Height and Description of Lawful Fences

- 5.5 No person shall *construct a fence* that is greater than 2 meters (6.56 feet) in *height* above *natural grade* on or around any *property* in all zones.
- 5.6 No person shall *construct a fence* in a *residential zone* that is greater than 1.0 meter (3.28 feet) in *height* above *natural grade* within any required *front yard* or *flank yard* as prescribed in the *Zoning by-law*.

- 5.7 Notwithstanding the requirements of Section 5.5 and 5.6, the maximum *height* of a fence *above natural grade* does not apply in an *industrial* or *institutional zone* or on any *property* in any *zone* where the fence is constructed to surround a public utility installation for the generation and distribution of electricity, a pipeline valve, storage site for chemicals and explosives, sludge pit of other property used for similar or related purposes or other locations where there is a risk to the public as determined by the *By-law Enforcement Officer*.
- 5.8 A *fence* of chain link construction where permitted under Section 5.7 shall comprise of chain link with diamond mesh of not greater than 38 millimeters (1.5 inches), consisting of 12 gauge galvanized steel wire or 14 gauge galvanized steel wire covered with vinyl or another coating that is acceptable to the *By-law Enforcement Officer* which forms a total thickness equivalent to 12 gauge galvanized steel wire.

Sight Triangle

- 5.9 Notwithstanding Section 5.5 and except where permitted by Sec 5.7, no person *shall construct a fence* within the *sight triangle* that is greater than 1.0 metres (3.28 feet) in height.

Barbed Wire

- 5.10 No person *shall construct a fence* consisting wholly or partly of barbed wire or other barbed material in a *residential zone* or on any boundary line in any *zone* that adjoins a *property* in a residential, institutional or recreational *zone*.
- 5.11 Notwithstanding Section 5.10 a *fence* constructed in a *rural* or *agricultural zone* may consist partly of barbed wire as described in Appendix “2” of Schedule “A” to this by-law, Standards for *Boundary Fences* in Rural/Agricultural Zones.
- 5.12 Notwithstanding Section 5.10 a person may construct a fence consisting partly of barbed wire or other barb material on or around an industrial property, public utility installation for the generation and distribution of electricity, pipeline valve, storage site for chemicals and explosives, sludge pit of other property used for similar or related purposes, provided such barbed wire or other barbed material is cantilevered from the top of such *fence* in a direction away from adjacent properties, and is at a height of not less than 1.83 meters (6 feet) above *natural grade*.

Electrified Wire

- 5.13 No person shall *construct a fence* consisting wholly or partly of electrified wire material in a *residential zone* or on *boundary line* of any *property* in any *zone* that adjoins a *property* in a *residential* or *institutional zone*.

Requirements for Swimming Pool Fence

- 5.14 The requirements of this by-law with respect to *swimming pool fences* apply equally to both in ground and above ground *swimming pools*.

- 5.15 No *person* shall construct or install a *swimming pool*, or cause the construction or installation of *swimming pool* unless he or she has first obtained a *permit to construct a swimming pool fence permit* in accordance with section 4.1.
- 5.16 No *person* shall place, cause or permit water to be placed or remain in a *swimming pool* unless a *fence* that complies with the standards for a permanent *swimming pool fence* set out in Appendix “1” of Schedule “A” to this by-law, has been constructed, and unless the *fence* in a good state of repair.
- 5.17 Every *person*, before constructing a *swimming pool*, shall enclose the area with a *fence* that complies with the standards for a temporary *swimming pool fence* set out in Appendix “1” of Schedule “A” to this by-law.
- 5.18 Section 5.17 does not apply to a person who has constructed a *fence* that complies with the standards for a permanent *swimming pool fence* set out in Appendix “1” of Schedule “A” to this by-law.

Requirements for a Boundary Fence Rural/Agricultural Zone

- 5.19 Every *boundary fence* constructed in a *rural/agricultural zone*, shall comply with the standards for *boundary fences* in *rural/agricultural zones* set out in Appendix “2” of Schedule “A” to this by-law, Standards for *Boundary Fences in Rural/Agricultural Zones*.

Part 6 LINE FENCES ACT

- 6.1 The provisions of the *Line Fences Act*, R.S.O. 1990, c. L. 19, as amended, shall apply to all *fences* within the *municipality*.

Part 7 EXEMPTIONS

- 7.1 The requirements of this *by-law* with respect to *swimming pool fences* do not apply to a *swimming pool* that is owned by a government or other public agency.
- 7.2 The requirements of this *by-law* do not apply to a *fence* that was constructed lawfully prior to the day on which this by-law came into force.
- 7.3 Notwithstanding Section 7.2, the requirements of this *by-law* shall apply when any *change to a fence* is made after the day on which this *by-law* came into force.
- 7.4 Notwithstanding Section 7.2, the requirements of this *by-law* with respect to *swimming pool fences* shall apply to an existing *fence* whose purpose changes as a result of a *swimming pool* being installed or constructed after the day on which this by-law came into force.
- 7.5 The requirements of this by-law with respect to the *height of fence* do not apply to a *fence* in *agricultural* or *rural zones* that is necessary for the raising of certain types of animals or for another agricultural purpose.

- 7.6 The requirements of this by-law with respect to the *height* of a *fence* do not apply to a *fence* constructed for the purpose of protecting the public from the danger of flying or falling objects including baseballs or golf balls.
- 7.7 The requirements of this by-law with respect to the *height* of a *fence* do not apply to fence on or surrounding *City* property.

Part 8 APPENDIXES

The following Appendixes are attached to and form part of Schedule “A” of this by-law:

Appendix 1	Standards for Swimming Pool Fences
Appendix 2	Standards for Boundary Fences in Rural/ <i>Agricultural Zones</i> .
Appendix 3	Application to Construct a Swimming Pool Fence
Appendix 4	Permit to Construct a Swimming Pool Fence
Appendix 5	Permit Fees

Part 9 ENFORCEMENT

- 9.1.1 Every *Person* who contravenes any section of this By-law is, upon conviction, guilty of an offence and subject to a penalty as provided under the Provincial Offences Act.
- 9.1.2 No person shall erect, construct, rebuild, reconstruct, alter, maintain or move or cause, suffer or permit the erecting, construction, rebuilding, reconstructing, altering, maintaining or moving of any *fence* contrary to the provisions of this By-law.
- 9.2 Each new day of a continuing offence will be considered a new offence.
- 9.3 The Court in which conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the *Person* convicted, and such order shall be in addition to any other penalty imposed and enacted as such.

Part 10 VALIDITY

- 10.1 It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the *Council* to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent from each other and enacted as such.

STANDARDS TO CONSTRUCT A SWIMMING POOL FENCE

1. TEMPORARY POOL FENCES

- 1.1 A temporary *swimming pool fence* shall be 1.21 meters (4 feet) in *height* above *natural grade*.
- 1.2 It shall consist of vertical wood lath and shall not have any opening which will allow the passage of a spherical object having a diameter of more than 10.1cm (4 inches), or of plastic mesh with a mesh not greater than 3.8 cm (1.5 inches) or a *fence* of chain link constructions which shall comprise of chain link with a diamond mesh not greater than 3.8 cm (1.5 inches), consisting of 12 gauge galvanized steel wire or 14 gauge steel wire covered with vinyl or another plastic acceptable to the *By-law Enforcement Officer* which forms a total thickness equivalent to 12 gauge galvanized wire
- 1.3 It shall have steel T-bar posts at intervals of not more than 3.04 meters (10 feet).
- 1.4 It shall have a 9 gauge galvanized steel or vinyl coated wire at both the top and the bottom.
- 1.5 It shall be permitted only during the construction of a *swimming pool* and shall be replaced with a permanent *swimming pool fence* that complies with the requirements of this by-law prior to filling of the pool.

2. PERMANENT SWIMMING POOL FENCES

Height

- 2.1 A *swimming pool fence* shall be a minimum of 1.52 meters (5 feet) in *height*, measured from *grade*, at any point along the *exterior face* of the *fence*.

Clearances

- 2.2 A space of not more than 10.1 cm (4 inches) shall be permitted at any point between the bottom of a *swimming pool fence* and *grade*.
- 2.3 No *swimming pool fence* shall be located closer than 1.21 meters (4 feet) to anything adjacent to the *exterior face* of the *fence* that could facilitate climbing of the *swimming pool fence* unless measures are implemented to provide a level of safety equivalent to that provided by the standards established in this *bylaw*.

Aids to Climbing

- 2.4 No member or component of a *swimming pool fence* that could facilitate climbing shall be located at any point along the *exterior face* of the *swimming pool fence* between 10.1 cm (4 inches) and 914 cm (3 feet) above *grade*.

Gates and Entrances

- 2.5 Every *gate* that forms part of a *swimming pool fence* shall comply with the *height* requirements set out in section 2.1 of this Appendix and with the standards for that type of *fence* established in this Appendix.
- 2.6 Every *gate* that forms part of a *swimming pool fence* shall be supported on substantial hinges, be equipped with a *self-closing device* and be equipped with a *self-latching device* located a minimum of 1.52 meters (5 feet) above *grade*.
- 2.7 The *owner* of every *swimming pool* shall ensure that all entrances to the *swimming pool area*, including *gates*, and windows and doors in a wall of any building that forms part of the *swimming pool fence* are secured in the closed position at all times except when a responsible adult is supervising the use of the *swimming pool*.
- 2.8 Where a wall or portion of a wall of any building that is located on the same property as a *swimming pool* forms part of the *swimming pool fence*, no entrance to the *swimming pool area* shall be permitted through that wall unless the wall is located no closer than 1.21 meters (4 feet) from the nearest inside wetted surface of the *swimming pool*.

3. PERMITTED TYPES OF FENCE

- 3.1 A permanent *swimming pool fence* shall be of: (a) chain link, (b) vertical board, (c) the wall of a building (d) other material and construction that in the opinion of the *By-law Enforcement Officer*, provides an equivalent degree of safety, or (e) a combination of (a), (b) (c) and (d).
- 3.2 Regardless of the type of *fence*, every *swimming pool fence* that is constructed shall comply with the general standards for *swimming pool fences* established in sections 2.1 to 2.8 of this Appendix and with specific standards for that type of *fence* established in sections 3.3 to 3.18 of this Appendix.

Chain Link Fence

- 3.3 A *fence* of chain link constructions shall comprise of chain link with a diamond mesh not greater than 3.8 cm (1.5 inches), consisting of 12 gauge galvanized steel wire or 14 gauge steel wire covered with vinyl or another plastic which forms a total thickness equivalent to 12 gauge galvanized wire.

- 3.4 A *fence* shall have galvanized steel support posts spaced at intervals of not more than 3.04 meters (10 feet).
- 3.5 In the case of a *fence* that is required to be 1.52 meters (5 feet) in *height*, the support posts shall be securely embedded in the ground and shall extend at least 76 cm (2.5 feet) below *grade*.
- 3.6 The end and corner post shall be a minimum of 4.75 cm (1.875 inches) in diameter.
- 3.7 The intermediate posts shall be a minimum of 3.8 cm (1.5 inches) in diameter.
- 3.8 A *fence* shall have a horizontal top rail of galvanized or vinyl coated steel which shall be a minimum of 3.17 cm (1.25 inches) in diameter.
- 3.9 A *fence* shall have a horizontal bottom rail of galvanized or vinyl coated steel which shall be a minimum of 3.17 cm (1.25 inches) in diameter.
- 3.10 A minimum 9 gauge vinyl coated galvanized steel tension cable may be substituted for the horizontal bottom rail specified in section 3.9.

Vertical Board Fence

- 3.11 A *fence* of vertical board construction shall have vertical boarding of not less than 2.54 cm by 10.1 cm (1 inch by 4 inch), nominal dimensions, attached to a top and bottom rail, and the space between vertical boards shall not have any openings which will allow the passage of a spherical object having a diameter of more than 10.1 cm (4 inches).
- 3.12 A *fence* shall have a top and bottom rail of not less than 5.08 cm by 10.1 cm (2 by 4 inches), nominal dimensions.
- 3.13 A *fence* shall be supported by posts of not less than 10.1 by 10.1 cm (4 inch by 4 inch) nominal dimensions, spaced at intervals of not more than 2.43 meters (8 feet).
- 3.14 In the case of a *fence* that is required to be 1.52 meters (5 feet) in *height*, the support posts shall be securely embedded in the ground and shall extend at least .91 meters (3 feet) below *grade*.
- 3.15 The portion of the posts below *grade* shall be of pressure treated wood or shall be treated with a wood preservative that will prevent the material from decay.

Other Types of Fences

- 3.16 A *swimming pool fence* constructed of other material, including retaining walls and deck guards, shall be constructed in compliance with the standards in the Appendix that apply to a vertical board fence.

- 3.17 In addition to conforming to this bylaw, *guards* on decks that form part of a required *swimming pool fence* shall be constructed in conformance with the *Building Code Act* and the *Building By-law*.

Combination Fences

- 3.18 A *swimming pool fence* that is constructed of a combination of chain link, vertical boarding and any other material shall be constructed in compliance with the specific standards for that type of material established in this Appendix.

STANDARDS FOR BOUNDARY FENCES IN RURAL/AGRICULTURAL ZONES

1. FENCES BEING RECONSTRUCTED, REPAIRED OR MAINTAINED

- 1.1 The *fence* shall be of 8 strand 1.28 meter (42 in) high page wire, minimum 9 $\frac{3}{4}$ gauge design with a top and bottom strand of barbed wire spaced no more than 15.2 cm (6 inches) from the page wire to ensure a minimum *height* of 1.52 meters (5 feet) from *grade*.
- 1.2 The page wire shall have no open space greater than 645 square cm (100 sq in).
- 1.3 The page and barbed wire shall be suspended from wooden line posts having a diameter of not less than 15.2 cm (6 inches) at the top if made of cedar or 10.1 cm (4 inches) at the top if made of pressure treated lumber.
- 1.4 The page and barbed wire shall be stapled at each post, with minimum #9 gauge galvanized wire barbed fence staples, a minimum of 2.5 centimetres (1 inch) in length, securing each horizontal strand to the post.
- 1.5 Line posts shall be 2.43 meters (8 feet) in length and securely embedded in the ground approximately 9.14 cm (3 feet) below *grade* leaving approximately 1.27 meters (5 feet) exposed above ground.
- 1.6 Line post shall be spaced not more than 4.87 meters (16 feet) apart.
- 1.7 Brace and corner post shall be not less the 20.3 cm (8 inches) in diameter at the top if of cedar or 15.2 cm (6 inches) if of pressure treated lumber.
- 1.8 Brace and corner post shall be not less than .91 meter (3 feet) in the ground.
- 1.9 A single brace shall be made at the end of a fence or at each side of a *gate*, and a double brace shall be installed at no more than 396 meters (1300 foot) intervals along the *fence* line.
- 1.10 Corners shall be braced two ways and shall be braced to a second post at a distance of not more than 2.43 meters (8 feet.)
- 1.11 Page wire may be supplemented with the addition of barbed wire with strands at 20.3 cm (8 inches) on center under the page wire to adjust for *height* when topography is adverse.



Planning and Development Services
325 Farr Drive, P.O. Box 2050
Haileybury, ON P0J 1K0
(705) 672-3363

APPLICATION TO CONSTRUCT A SWIMMING POOL FENCE

For use by Principal Authority	
Application number:	Permit number (if different):
Date received:	Roll number:

A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	

B. Applicant is:			
		<input type="checkbox"/> Owner or	<input type="checkbox"/> Authorized agent of owner
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	

C. Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	

D. Builder (optional)			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	

E. Purpose of application

<input type="checkbox"/> Construction of a Swimming Pool Fence	<input type="checkbox"/> Replacement of existing Swimming Pool Fence
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Type of Fence	
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Description of Fence

F. Attachments

i. Attach a site plan illustrating the dimensions of the parcel of land on which it is proposed to erect a swimming pool fence. Indicate the location and dimensions of all existing fences and buildings, and the dimensions of the proposed fence. Indicate the use of property (Zoning) and of adjoining properties, and the location of adjoining highways, roads and pedestrian sidewalks etc.

ii. Attach types and quantities of plans and specifications for the proposed construction that are prescribed by the fence by-law.

G. Declaration of applicant

I _____ certify that:
(print name)

1. The information contained in this application, the attached schedules, plans, specifications, and other documentation is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

Date Signature of applicant

H. Declaration of owner

I _____ certify that:
(print name)

1. I am the legal owner of the property described on this application, and
2. I have authority to bind the corporation or partnership (if applicable), and
3. I hereby authorize _____ to act as my agent with respect to this application for a fence permit.

Date Signature of applicant

The personal information on this permit was collected pursuant to By-law No. 2007-000 and forms part of a public record open to inspection by any person upon request at the office of the clerk during normal office hours. See the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, s. 14(1) (c).



PERMIT TO CONSTRUCT A SWIMMING POOL FENCE

Planning and Development Services
 325 Farr Drive, PO Box 2050
 Haileybury, ON P0J 1K0
 (705) 672-3363

Permit No. _____
 Roll No. 5418-_____

Date Issued _____
 by / mm / dd

Issued by: **CITY OF TEMISKAMING SHORES**

Issued to (owner's name)		Address	
Contractor's Name		Address	
Description of Swimming Pool Fence To Be Erected.			
Main permitted use of building or Lot		Zone	
Street & No.			
		on the	side, between
Lot No.	Plan No.	Value of Construction	
		Permit Fee:	
Set Backs	Side Yard:	Side Yard:	Front Yard: Rear Yard:
Note: The issuance of a <i>Permit to Construct a Swimming Pool Fence</i> under the authority of this bylaw does not relieve a <i>person</i> of the responsibility of complying with other agency requirements with respect to <i>swimming pools</i> or the construction of swimming pool fences.			
<u>Remarks:</u>			

		Issued by:	
The personal information on this permit was collected pursuant to By-law No. 2007-000 and forms part of a public record open to inspection by any person upon request at the office of the clerk during normal office hours. See the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, s. 14(1) (c).			

Notices of Inspections prescribed under Bylaw 2007-000

Substantial completion of the construction of a Swimming Pool Fence

FEES FOR A PERMIT TO CONSTRUCT A SWIMMING POOL FENCE

1. FEES PAYABLE

1.1 The fee for a *Permit to Construct a Swimming Pool Fence* shall be \$7.50 for every \$1,000.00 of the construction value of the *swimming pool fence*, with a minimum fee of \$50.00.