



The Corporation of the City of Temiskaming Shores

Office Consolidated Fence Regulations

By-law No. 2013-183

**Being a by-law to regulate Fences and to Repeal By-law No.
2007-168 and all amendments made thereto**

By-laws amending original Municipal By-law No. 2013-183:

By-law No. 2014-204
By-law No. 2015-061

November 4, 2014
May 5, 2015

Note:

This office consolidation has been prepared to assist the reader in understanding the amendments made to By-law 2013-183.

The Corporation of the City of Temiskaming Shores
By-law No. 2013-183
Being a by-law to regulate Fences and to Repeal
By-law No. 2007-168 and all Amendments made thereto

Whereas Section 10(2) 10 of the Municipal Act S.O. 2001, c.25, authorizes Council to pass by-laws 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 by-laws respecting the health, safety and well-being of persons;

And 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 acknowledged receipt of Administrative Report CGP-031-2013 at the November 5, 2013 Regular Council meeting providing first and second reading of this by-law and directed staff to undertake a public consultation process prior to submitting for 3rd and final reading;

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

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 That all By-law No. 2007-168 being a by-law to regulate fences, and all amendments thereto, are hereby repealed on the date this by-law becomes effective.
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 and second time this 5th day of November, 2013.

Mayor

Clerk

Read a third time and finally passed this 18th day of February, 2014.

Mayor

Clerk



Schedule “A” to

By-law No. 2013-183

Fence By-law

**Being a by-law to regulate the height, location
and description of lawful fences within
Temiskaming Shores**

Index

Part 1 – General Provisions		
Section		Page
1.1	Short Title	4
1.2	Scope	4
1.3	Enforcement	4
1.4	Conflicts with other by-law	4
Part 2 – Definitions of Words and Phrases		
Section		Page
2.1	Agricultural Zone	4
2.2	Boundary Fence	4
2.3	Building By-Law	4
2.4	Building Code Act	4
2.5	By-Law Enforcement Officer	4
2.6	City	4
2.7	Commercial Zone	5
2.8	Council	5
2.9	Exterior Face	5
2.10	Fence	5
2.11	Gate	5
2.12	Grade	5
2.13	Height	5
2.14	Hot Tub	5
2.15	Industrial Zone	5
2.16	Inhabitants	5
2.17	Line Fences Act	5
2.18	Lot Line	5
2.19	Front Lot Line	5
2.20	Flank Lot Line	5
2.21	Rear Lot Line	5
2.22	Side Lot Line	6
2.23	Maintain	6
2.24	Natural Grade	6
2.25	Owner	6
2.26	Permit to Construct a Swimming Pool Fence	6
2.27	Person	6
2.28	Property	6
2.29	Residential Zone	6
2.30	Rural Zone	6

2.31	Self-Closing Device	6
2.32	Self-Latching Device	6
2.33	Sight Triangle	6
2.34	Swimming Pool	6
2.35	Swimming Pool Area	6
2.36	Swimming Pool Fence	7
2.37	Yard	7
2.38	Front Yard	7
2.39	Flank Yard	7
2.40	Rear Yard	7
2.41	Side Yard	7
2.42	Zone	7
2.43	Zoning By-Law	7
	Part 3 – Application	
Section		Page
3.1	Effective Date	7
3.2	Pre-Existing Swimming Pool Fence	7
	Part 4 – Reserved	
	Part 5 – Regulations	
Section		Page
5.1	Fence Permit Required	8
5.2	Compliance with Requirements	8
5.3	Height and Description of Lawful Fences	8
5.4	Sight Triangle	8
5.5	Barbed Wire	9
5.6	Electrified Wire	9
5.7	Page Wire	9
5.8	Requirements for a Boundary Fence in the Rural/ Agricultural Zone	9
5.9	Requirement for a Swimming Pool Fence	9
	Part 6 – Permits and Approvals	
Section		Page
6.1	Requirement for a Swimming Pool Fence	10
6.2	Application for a Permit to Construct a Swimming Pool Fence	10
6.3	Revocation of a Permit to Construct a Swimming Pool Fence	11
	Part 7 – Line Fences Act	
Section		Page
7.1	Line Fences Act Shall Apply	11

	Part 8 – Exemptions	
Section		Page
8.1	Public Property	11
8.2	Pre-Existing Fences	11
8.3	Agricultural Fences	12
8.4	Protective Fencing	12
	Part 9 – Administration and Penalty	
Section		Page
9.1	Offence - Penalty	12
9.2	Continuation - New Offence	12
9.3	Continuation – Repetition – Prohibited - By Order	12
9.4	Authority to Remedy	12
	Part 10 – Validity	
Section		Page
10	Validity	11
	Appendices	
Appendix		
1	Standards to Construct a Swimming Pool Fence	
2	Standards for Boundary Fences in Rural/Agricultural Zones	
3	Application to Construct a Swimming Pool Fence	
4	Permit to Construct a Swimming Pool Fence	
5	Fees for a Permit to Construct a Swimming Pool Fence	

Part 1 General Provisions

1.1 Short Title

This by-law shall be cited as the 'Fence By-Law'.

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the City, except where otherwise provided.

1.3 Enforcement

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

1.4 Conflicts with other by-law

Where provisions of the By-law conflict with a provision of another by-law in force in the *City*, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well being of the *municipality*, shall prevail to the extent of the conflict.

Part 2 Definitions of Words and Phrases

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.

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

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

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

2.3 Building By-law means the City of Temiskaming Shores By-law 2013-072 and amendments thereto, and any subsequent by-laws which may be enacted in substitution thereof.

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

2.5 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*.

2.6 City means the Corporation of the City of Temiskaming Shores.

- 2.7 Commercial Zone** means the area of land designated for commercial use as prescribed in the *Zoning By-law*.
- 2.8 Council** means the Council of the City of Temiskaming Shores.
- 2.9 Exterior Face** means that side of a *swimming pool fence* from which access to the pool is to be prevented.
- 2.10 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*.
- 2.11 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.
- 2.12 Grade** means the elevation of the surface of the ground where it abuts a fence or other structure.
- 2.13 Height** means the vertical distance between natural grade and the top of the fence.
- 2.14 Hot tub** means a body of water located outdoors contained by artificial means, with mechanisms allowing for the direction and/or adjustment of jets of warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and "hot tub" shall include tubs which are commonly called "spas" or "whirlpools".
- 2.15 Industrial Zone** means the area of land designated for industrial use as prescribed in the *Zoning By-law*.
- 2.16 Inhabitants** means those person(s) occupying or residing within the municipality.
- 2.17 Line Fences Act** means the Line Fences Act, R.S.O. 1990, Chapter L.17 as amended.
- 2.18 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.
- 2.19 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.
- 2.20 Flank Lot Line** means any lot line other than a front lot line which is also a street line.
- 2.21 Rear Lot Line** means any lot line which is not a front lot line, a flank lot line or a side lot line.

- 2.22 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.
- 2.23 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.
- 2.24 Natural Grade** means the average naturally occurring elevation of ground level within 3 meters (9.84 ft) horizontally of each side of a fence.
- 2.25 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.
- 2.26 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.
- 2.27 Person** means an individual, firm or corporation.
- 2.28 Property** means a parcel of land and any building or other structure on the land.
- 2.29 Residential Zone** means the area of land designated for residential use as prescribed in the Zoning By-law.
- 2.30 Rural Zone** means the area of land designated for rural use as prescribed in the Zoning By-law.
- 2.31 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.
- 2.32 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.
- 2.33 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."
- 2.34 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.
- 2.35 Swimming pool area** means a swimming pool and any surrounding platforms, walkways, play areas and landscaped areas within a swimming pool fence.

- 2.36 Swimming pool fence** means a fence that encloses or results in the enclosure of a swimming pool.
- 2.37 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.
- 2.38 Yard - Front** 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.
- 2.39 Yard - Flank** 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.
- 2.40 Yard - Rear** 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.
- 2.41 Yard - Side** 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.
- 2.42 Zone** means an area designated on a Zoning Map Schedule and established by the Zoning By-law for a specific use.
- 2.43 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 3 APPLICATION

3.1 Effective Date

This by-law shall apply to all *fences* constructed or replaced in the *City* on or after the date of adoption.

3.2 Pre-existing Swimming Pool Fence

- 3.2.1** 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*.
- 3.2.2** 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.

- 3.2.3 Notwithstanding sections 3.2 and 3.3, every door, gate or other closure that forms part of a swimming pool fence shall meet the requirements of this by-law.
- 3.2.4 Should an existing swimming pool fence be replaced, the replacement swimming pool fence shall be constructed in accordance with this *by-law*.

Part 4 Reserved

Part 5 Regulations

5.1 Fence Permit Required

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 Compliance with Requirements

- 5.2.1 No person shall construct a *fence* that does not comply with the requirements of this by-law, except as provided in Section 8 - Exemptions.
- 5.2.2 Notwithstanding the requirements of Section 5.2.1, the Chief Building Official may permit a fence to be constructed which does not meet all of the requirements of the Fence By-law but in his or her professional opinion satisfies the intent of the By-law with respect to safety, aesthetics, construction materials, and suitability for the property and the neighbourhood.

5.3 Height and Description of Lawful Fences

- 5.3.1 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*.
- 5.3.2 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.
- 5.3.3 Notwithstanding the requirements of Section 5.3.1 and 5.3.2, 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.
- 5.3.4 A fence of chain link construction where permitted under Section 5.3.3 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.

5.4 Sight Triangle

Notwithstanding Section 5.3.1 and except where permitted by Section 5.3.3, no person shall construct a fence within the sight triangle that is greater than 1.0 metres (3.28 feet) in height.

5.5 Barbed Wire

5.5.1 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*.

5.5.2 Notwithstanding Section 5.5.1 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'.

5.5.3 Notwithstanding Section 5.5.1 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*.

5.6 Electrified Wire

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

5.7 Page Wire

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

5.8 Requirements for a Boundary Fence in a Rural / Agricultural Zone

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'.

5.9 Requirement for a Swimming Pool Fence

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

- 5.9.2 No person shall construct or install a swimming pool, or cause the construction or installation of a swimming pool unless he or she has first obtained a permit to construct a swimming pool fence in accordance with section 6.1.
- 5.9.3 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 is in a good state of repair.
- 5.9.4 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.
- 5.9.5 Section 5.8.4 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.
- 5.9.6 A hot tub, whirlpool or spa installed entirely above ground and equipped with a pre-fabricated, rigid, lockable cover may be accepted as a swimming pool fence subject to approval of an application for permit to construct a swimming pool fence submitted in accordance with section 6.
- 5.9.7 Every owner of a privately-owned hot tub, whirlpool or spa, as the case may be, shall keep the hot tub, whirlpool or spa, as the case may be, covered and locked at all times to prevent unauthorized access when a responsible person is not present and supervising the hot tub, whirlpool or spa.

Part 6

Permits and Approvals

6.1 Requirement for a Swimming Pool Fence Permit

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*.

6.2 Application for a Swimming Pool Fence Permit

- 6.2.1 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; and
- h) Payment to the City of Temiskaming Shores of fees as set out in Appendix "5" of Schedule "A" to this by-law.

6.2.2 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*.

6.3 Revocation of Swimming Pool Fence Permit

6.3.1 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*.

6.3.2 Where a *Permit to Construct a Swimming Pool Fence* has been revoked under Sec 6.2 no refund of fees shall be made.

Part 7 Line Fences Act

7.1 Line Fences Act shall apply

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 8 Exemptions

8.1 Public Property

8.1.1 The requirements of this by-law with respect to the height of a fence do not apply to fence on or surrounding City property.

8.1.2 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.

8.2 Pre-Existing Fences

- 8.2.1 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.
- 8.2.2 Notwithstanding Section 8.2, 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.
- 8.2.3 Notwithstanding Section 8.2, 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.

8.3 Agricultural Fences

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.

8.4 Protective Fencing

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.

Part 9 Administration and Penalty

9.1 Offence - Penalty

- 9.1.1 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.
- 9.1.2 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.

9.2 Continuation – New Offence

Each new day of a continuing offence will be considered a new offence.

9.3 Continuation – Repetition – Prohibited – By Order

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.

9.4 Authority to Remedy

- 9.4.1 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.
- 9.4.2 The City may recover the expenses incurred pursuant to section 9.4.1 hereof by action or in like manner as municipal taxes.

Part 10

Validity

10.1 Validity

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.

Appendix 01

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

2.1 Height

- a) 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*.
- b) 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*.
- c) 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*.

2.2 Aids to Climbing

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*.

2.3 Gates and Entrances

- a) 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.
- b) 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*.

- c) 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*.
- d) 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 Fences

- 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.

3.3 Chain Link Fence

- a) 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.
- b) A *fence* shall have galvanized steel support posts spaced at intervals of not more than 3.04 meters (10 feet).
- c) 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*.
- d) The end and corner post shall be a minimum of 4.75 cm (1.875 inches) in diameter.
- e) The intermediate posts shall be a minimum of 3.8 cm (1.5 inches) in diameter.
- f) 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.
- g) 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.
- h) A minimum 9 gauge vinyl coated galvanized steel tension cable may be substituted for the horizontal bottom rail specified in section 3.9.

3.4 Vertical Board Fence

- a) 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).

- b) A *fence* shall have a top and bottom rail of not less the 5.08 cm by 10.1 cm (2 by 4 inches), nominal dimensions.
- c) A *fence* shall be supported by posts of not less than 10.1 by 10.1h cm (4 inch by 4 inch) nominal dimensions, spaced at intervals of not more than 2.43 meters (8 feet).
- d) 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*.
- e) 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.

3.5 Other Types of Fences

- a) 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.
- b) 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*.

3.6 Combination Fences

- a) 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.

Appendix 2

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 ¾ 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.



Community Growth and Planning
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		
Type of Fence				

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 swimming pool fence permit.

Date

Signature of applicant



Community Growth and Planning
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> <div style="text-align: right;"> _____ Issued by: </div>			
The personal information on this permit was collected pursuant to By-law No. 2013-183 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 2013-183

☐ Substantial completion of the construction of a Swimming Pool Fence

Appendix 5

Fees for a Permit to Construct a Swimming Pool Fence

1. Fees Payable

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.

Appendix 6
By-law No. 2013-183
Being a by-law to Regulate Fences

Part 1 – Provincial Offences Act
Set Fines

	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Item No.</u>	<u>Short Form Wording</u>	<u>Provision Creating or Defining Offence</u>	<u>Set Fine</u>
1.	Construct a swimming pool without a valid swimming pool fence permit.	Sch. A Sec. 5.9.2	\$300.00
2.	Place water in a swimming pool without a swimming pool fence.	Sch. A Sec. 5.9.3	\$300.00
3.	Construct a swimming pool without enclosing the area with a temporary swimming pool fence.	Sch. A Sec. 5.9.4	\$300.00

Note: the penalty provision for the offences listed above is Section 9.12 of By-law No. 2013-183, a certified copy of which has been filed.