

Proposed Amendments

Staff recommend the following amendments:

1. To consolidate provisions from the Fence By-law and to defer fence-related requirements or standards in other by-laws to this consolidated Fence By-law.
2. To update and align all definitions and terminology in the new Fence By-law, Fence Apportionment of Cost By-law, Property Standards By-law and Encroachment By-law in line with current regulations and City policies and practices.
3. To require that fence pool enclosures made of solid plexiglass must meet federal Canadian General Standards Board (CAN/CGSB) standards, including CAN/CGSB-12.1-M Glass standards for "Tempered or Laminated Safety Glass" or "Wired Safety Glass."
4. To bring the required vertical board and bar spacing for swimming pool enclosures in line with industry standards, requiring no more than 10 cm (4 in) in spacing between boards and bars.
5. To require that fence height should be measured from the finished grade where the fence is erected, provided that the grade is in line with City standards, and that in instances where the grade is different on two sides of a fence, the higher grade should be used to measure the height of the fence to ensure that both property owners have a minimum standard of privacy.
6. To amend the current definition of open fence construction to mean fence construction that provides motorists and pedestrians with an unobstructed view of people, vehicles and their movements through the entire length of the fence.
7. To amend the by-law with respect to Open-Fence Construction, such that:
 - a. any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent Open-Fence Construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway;
 - b. in the case of a parking lot, any fence shall be an open mesh chain-link fence or of an equivalent Open-Fence Construction anywhere it may otherwise restrict the sight lines of vehicular or pedestrian traffic in the parking lot; and
 - c. vegetation not be permitted to obstruct the view through Open Fence Construction.
8. Create provisions to add additional clarity around permitting, such as instances in which the Director or delegate may refuse or revoke a permit, such as due to false information provided.
9. Create provisions to permit temporary pool enclosure fencing prior to erection of a permanent pool fence enclosure begin constructed, subject to Director approval.

10. To create provisions to include the following conditions with respect to electric fences on agricultural land:
 - a. that they can only be used when land is in actual use for raising livestock;
 - b. that the fence does not carry electricity of more than 12 volts;
 - c. is designed and installed only to contain livestock; and
 - d. has signs installed at not more than twelve-metre intervals along the fence warning that the fence carries electricity.
11. No person shall erect, own or maintain, or cause or permit the erection or maintenance of any fence that uses sheet metal or corrugated panels of any material, or any materials not usually intended for use in permanent fencing, unless specifically permitted by this by-law.
12. Create provisions to advise that if a person is required to erect a specified fence under a site plan agreement, a subdivision agreement, another City by-law or any law, statute or regulation of a provincial or federal authority having jurisdiction, the fence is exempt from the provisions of this chapter with which it does not comply.
13. Create provisions to advise that every person who contravenes the by-law is guilty of an offence and on conviction is liable to pay a fine, exclusive of Expenses, as provided for in the Provincial Offences Act of Ontario, R.S.O. 1990, c. P.33, as amended.
14. Create provisions to grant enforcement officers the right to enter a premise to inspect a fence, and rules with respect to notice delivery.
15. To clarify that any fence or swimming pool enclosures that were lawfully erected prior to the enactment of the by-law is deemed to comply with this by-law until they are replaced, and any replacement fence or swimming pool shall comply with this by-law.