

Corporation of the Town of Renfrew
By-Law Number 2026-01

Being a by-law to regulate the erection and maintenance of fences, including the fencing of privately owned swimming pools.

Whereas the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws respecting the health, safety, and well-being of persons, including the regulation of fences; and

Whereas Section 11(3) paragraph 7 of the *Municipal Act, 2001* provides that a lower-tier municipality may pass by-laws subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction: structures, including fences and signs; and

Whereas Subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

Whereas Subsection 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*; and

Whereas Renfrew Town Council deems it necessary and in the public interest to establish uniform standards for fences and pool enclosures within the Town of Renfrew.

Now therefore the Council of the Corporation of the Town of Renfrew enacts as follows:

1.0 Short Title:

1.1 This by-law may be referred to as the "Fence By-Law".

2.0 Definitions:

For the purpose of this by-law, the following terms shall have the meanings indicated:

- 2.1 "**By-law Enforcement Officer**" means a person appointed by the Town of Renfrew and who is responsible for the enforcement of municipal by-laws.
- 2.2 "**Chief Building Official**" means the person appointed by the Town of Renfrew to such a position pursuant to the *Building Code Act*.
- 2.3 "**Dwelling**" means a building or part of a building used or intended to be used for human habitation and in which all normal domestic functions may be carried on.
- 2.4 "**Fence**" means any barrier, wall or similar structure, including gates, constructed of chain link, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of retaining or enclosing a property or delineating property lines, but does not include a hedge or any other vegetation creating a barrier formed by bushes or small trees growing close together. For greater certainty, a fence-type structure that does not, in the opinion of the By-law Enforcement Officer, delineate or purport to enclose or delineate a property, is not a fence for the purposes of this by-law, and shall be treated as an accessory structure under the applicable zoning by-law.

- 2.5 "**Gate**" means any swinging or sliding barrier used to fill or close an access

and includes a door.

2.6 **“Grade”** means the elevation of the finished ground or surfaces adjoining the fence.

2.7 **“Irregular Lot”** means a lot which is neither square nor rectangular, fronting on two or more streets, having a lot line abutting a street which is not a straight line or any combination thereof.

2.8 **“Lot Line Front”** means the lot line that divides a lot from the street. In the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line, and the longer lot line that abuts a street shall be deemed to be the side lot line of the lot.

2.9 **“Main Wall”** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or a roof.

2.10 **“Non-Residential Property”** is a Property other than a Residential Property.

2.11 **“Pool”** is any privately owned outdoor body of water capable of holding water 60cm or more in depth, used for swimming or bathing.

2.12 **“Property” or “Lot”** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected.

2.13 **“Residential Property”** is a property used primarily for residential purposes.

2.14 **“Swimming Pool”** means an outdoor swimming pool but does not include any pool which is designed to have a maximum holding capacity of water of 2 feet (0.61m) or less in depth, or a swimming pool owned or operated by a public authority.

2.15 **“Swimming Pool Fence”** means a barrier, wall or similar structure around a swimming pool constructed of chain link metal or of wood, stone, metal or material having an equivalent degree of strength.

2.16 **“Town”** shall mean the Corporation of the Town of Renfrew.

2.17 **“Yard”** means an open space on a property with a building or structure or excavation, unoccupied and unobstructed except as for such accessory buildings, structures or uses specifically permitted in the Zoning By-law.

2.18 **“Yard, Front”** means a yard extending across the full width of a lot between the front lot line and the nearest part of any building, structure or excavation on the lot; FRONT YARD DEPTH means the shortest horizontal distance between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot.

2.19 **“Yard, Rear”** means a yard extending across the full width of a lot between the rear lot line and the nearest part of any building, structure or excavation on the lot; REAR YARD DEPTH means the shortest horizontal distance between the rear lot line of the lot and nearest part of any building, structure or excavation on the lot.

2.20 **“Yard, Side”** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on the lot. SIDE YARD WIDTH means the shortest horizontal distance between a side lot line and the nearest part of any building, structure or excavation on the lot.

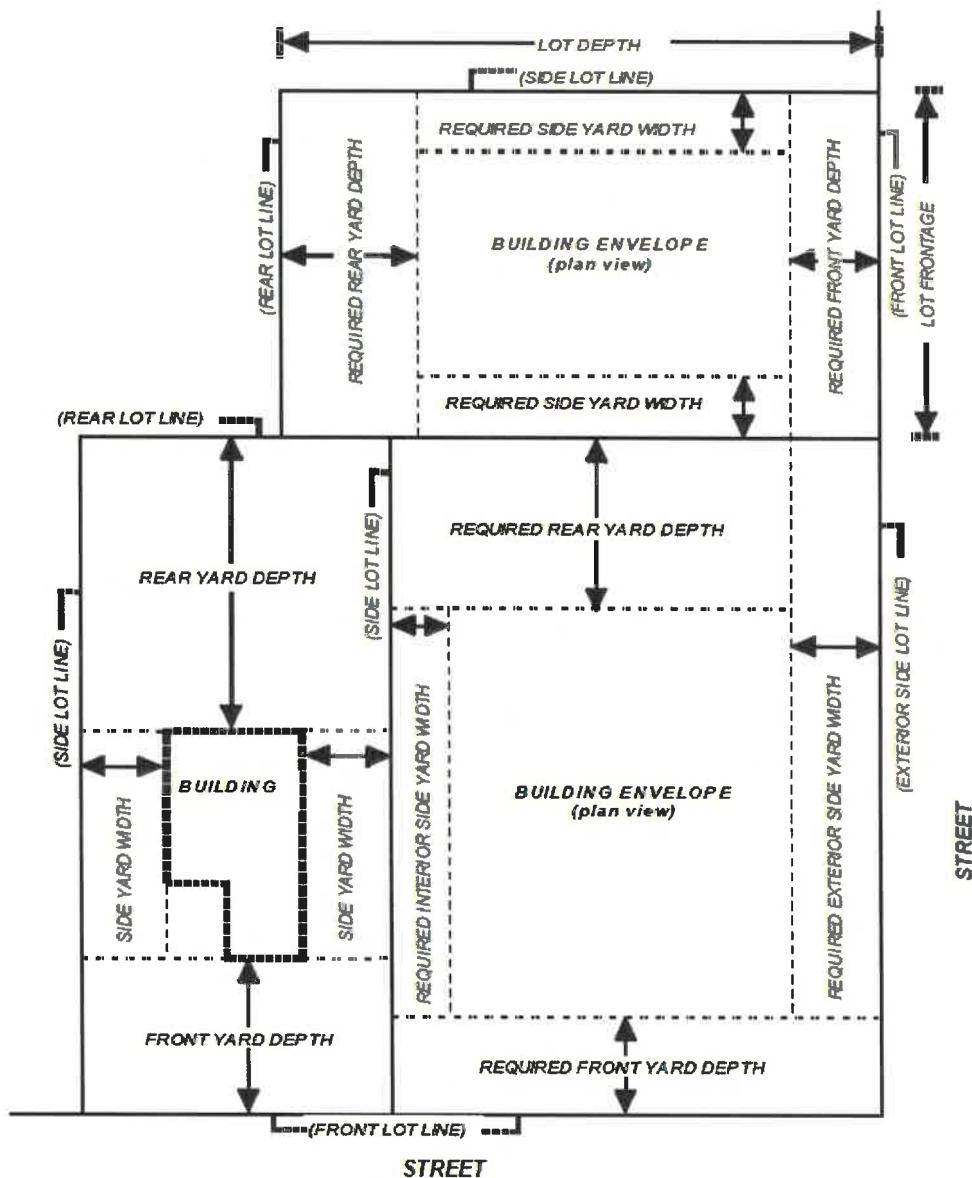
2.21 **"Yard, Exterior Side"** means a yard adjacent to a street between the nearest part of any building, structure or excavation on the lot and a street, a 0.3 metre reserve or a road allowance, extending from the front yard to the rear lot line. **EXTERIOR SIDE YARD WIDTH** means the shortest horizontal distance between a side lot line on the exterior side yard side and the nearest part of any building, structure or excavation on the lot.

2.22 **"Yard, Interior side"** means a side yard other than an exterior side yard.

2.23 **"Yard, Required"** means the portion of a Rear Yard, Side Yard or Front Yard within the minimum depth or width required by the provisions of the Zoning By-Law.

2.24 **"Zoning By-Law"** means By-Law 46-2010 of The Corporation of the Town of Renfrew, as amended or as may be amended or succeeded from time to time.

ILLUSTRATION OF YARDS, REQUIRED YARDS AND RELATED TERMINOLOGY



NOTE: The above illustration is for clarification purposes only. The text of this by-law shall prevail to the extent of any conflict.

3.0 General Provisions

- 3.1 No person shall erect or cause or permit to be erected a fence on a property within the limits of the Town, save and except in compliance with the provisions of this by-law.
- 3.2 This by-Law shall not apply retroactively to require modifications to fences that existed at the date of passage thereof, however where any fence is replaced or modified the modifications or replacements must conform to the requirements of this by-law.
- 3.3 No person shall construct or cause to be constructed any fence on lands, other than their own property, without the express written permission of the landowner.
- 3.4 Without limiting the generality of section 2.3 above, no person shall construct or cause to be constructed any fence that encroaches upon lands or road allowances owned by the Town without the express written permission of the Town.
- 3.5 No person shall construct or cause to be constructed or maintain any fence that, in the opinion of the By-Law Enforcement Officer, constitutes an obstruction of view at street intersections, pedestrian pathways, driveways or other points of access or egress of vehicular or pedestrian traffic.
- 3.6 No person shall construct or cause to be constructed any fence that contravenes the provisions of the Zoning By-Law, including without limitation the provisions of the Zoning By-Law regarding to daylight or sight triangles.
- 3.7 No person shall construct or cause to be constructed any fence or gate which is unstable or structurally unsound. All fences shall be made of materials of good quality and suitable for their intended purpose, arranged and supported in an orderly manner.
- 3.8 The owner of a fence may be required to provide confirmation of its structural stability by a qualified professional, upon request by the By-Law Enforcement Officer.
- 3.9 Except as otherwise provided in this by-law, the height of a fence shall be measured from grade to the top of the fence, including any lattice. In the event of a difference in grade between two sides of the fence, the height of the fence shall be measured from the higher grade to the top of the fence.
- 3.10 No person shall erect or cause to be erected a fence with an electric current which is intended to give an electric shock, except that this prohibition shall not apply to fences intended for the containment of livestock on lands used for agricultural.
- 3.11 No fence shall be erected in a location which may, in the opinion of the Town:
 - a) Adversely affect the safety of the public;
 - b) Affect the safety of vehicular or pedestrian traffic; or
 - c) Constitute an obstruction of view for vehicular or pedestrian traffic.
- 3.12 Notwithstanding any other height restrictions for fences in this by-law, a fence may be constructed, subject to approval by the Town, to whatever height is necessary to ensure public safety in cases involving high-voltage substations, the storage of explosives, or other similarly hazardous materials.
- 3.13 An owner or occupant of land containing a fence shall have the right to enter upon adjoining land for the purpose of maintaining the fence in accordance with the conditions of section 132(2) of the *Municipal Act, 2001*, as amended

from time to time. The owner or occupant shall inform the owner or occupant of the adjoining land of the intention to exercise this right. The adjoining land shall be left in the same condition as it was prior to such entry.

3.14 Every owner or occupant of land containing a fence shall keep such fence in good repair, in a safe and structurally sound condition, free from accident hazards, and protected by paint, preservatives or other weather-resistant material, except for wooden fences made of cedar, redwood or treated wood.

4.0 Residential Uses

4.1 Fence Height

In addition to the provisions of Section 2, the following maximum heights shall apply to fences on all Residential Properties as follows:

- a) Fences in a Side Yard, Rear Yard, or in the Required Front Yard immediately abutting a Rear Yard or Side Yard of an adjacent property: 6 feet (1.83m)
- b) Fences in the Required Front Yard, except where s. 3.1(a) applies: 3 feet (0.91m)
- c) Fences adjoining a Non-Residential property: 8 feet (2.4m)
- d) Fences surrounding tennis courts: 12 feet (3.65m)
- e) Chain link fences (all yards): 6 feet (1.83m)

4.2 Setback to Neighbouring Dwellings

On Residential Properties, the following setbacks shall apply to fences, measured perpendicular to the fence:

- a) For fences having a height of 5 feet (1.52m) or higher, a minimum setback of 5 feet (1.52m) shall be required from the main wall of a neighbouring dwelling.
- b) For fences having a height greater than 3 feet (0.91m) but less than 5 feet (1.52m), the minimum setback to the main wall of a neighbouring dwelling shall be a distance equal to the fence height.
- c) For fences having a height of 3 feet (0.91m) or less, no setback from the main wall of a neighbouring dwelling is required.

4.3 Materials

Fences with barbed wire, sharp projections, or similarly hazardous materials are not permitted on Residential Properties.

5.0 Non-Residential Uses

5.1 Fence Height

In addition to those provisions of subsection 2.0, the following maximum heights shall apply to all Non-Residential Properties:

- a) Any Side Yard, Rear Yard or Front Yard, or the portion of the Required Front Yard that abuts a Rear Yard or Side Yard of an adjacent property: 8 feet (2.4m)
- b) Required Front Yards, except where 4.1(a) applies: 3 feet (0.91m)
- c) Fences surrounding tennis courts: 12 feet (3.65m).
- d) Chain link fences (all yards): 6 feet (1.83m)

6.0 Swimming Pool Fences

6.1 Every swimming pool owner shall install and maintain a swimming pool fence and a gate or gates enclosing the swimming pool, in accordance with the

following requirements:

- a) Every swimming pool fence shall have a minimum height of 4 feet (1.2m).
- b) No barbed wire, sharp projections, or electric fencing shall form part of a swimming pool fence or gate.
- c) Every swimming pool fence shall include one or more gates with a minimum height of 4 feet (1.2m). Each gate must be equipped with self-closing and self-latching mechanisms, located at the top and on the inside of the gate.
- d) Every swimming pool fence shall be so constructed and maintained to allow access to the swimming pool only through a gate or gates.
- e) No swimming pool fence shall have its horizontal members placed in such a way as to facilitate climbing.

6.2 A swimming pool fence is not required if the top of the swimming pool's exterior wall is at least 4 feet (1.2m) above the surrounding ground level, and the pool is constructed and maintained in a manner that allows access only through a gate or gates built in accordance with section 5.1(c) of this by-law.

6.3 When access to a swimming pool is provided by a portable ladder or ladders, they must be removed and kept away from the swimming pool whenever adult supervision is not present.

6.4 When not in use, every swimming pool owner shall ensure that all gates providing access to the pool are securely locked.

6.5 No person shall place water, fill or allow water to remain in a swimming pool unless the required fences and gates have been installed and approved by the Chief Building Official or their designate.

7.0 Enforcement, Orders and Penalty

7.1 This by-law shall be administered and enforced by a By-Law Enforcement Officer.

7.2 No Person shall obstruct or hinder or attempt to obstruct or hinder a By-Law Enforcement Officer or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this by-law.

7.3 Where a By-Law Enforcement Officer has reasonable grounds to believe that an offence under this by-law has been or is being committed on a property, the By-Law Enforcement Officer and any authorized employee or agent of the Town may enter the property at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law is being complied with. For the purposes of an inspection under this section, a By-Law Enforcement Officer may require the name, address and proof of identity from any person concerning a matter related to the inspection.

7.4 Without limiting the generality of section 6.2, failure to provide proof of identification satisfactory to a By-Law Enforcement Officer when requested to do so pursuant to Subsection 6.3 of this by-law shall constitute obstruction of a By-Law Enforcement Officer under Section 6.2 of this by-law.

7.5 Every person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33 as amended, and all offences under this by-law are designated as continuing offences.

7.6 A person who is convicted of a first offence under this by-law is liable, for each day or part of a day that the offence continues, to a maximum fine of no more than \$5,000. The total of all daily fines imposed for the continuing offence may exceed \$100,000.

- 7.7 A person who is convicted of a second or subsequent offence under this by-law is liable, for each day that the second or subsequent offence continues, to a maximum fine of no more than \$10,000. The total of all daily fines imposed for the second or subsequent continuing offence may exceed \$100,000.
- 7.8 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.9 A By-Law Enforcement Officer who finds that a property contravenes any provision of this by-law may make and serve or cause to be served upon or send by prepaid registered mail to the owner or occupant an order containing:
 - a) The municipal address or legal description of such property,
 - b) Reasonable particulars of the contravention and the work that must be done to remedy the contravention, and
 - c) The period in which there must be compliance with the terms and conditions of the order and notice that, if such repairs or work is not done within the time specified in the order, the Town may carry out the repair or clearance at the expense of the owner, and be added to the municipal tax roll.
- 7.10 An order issued under this by-law may require work to be done even though the facts that constitute the contravention of this by-law were present before this by-law came into force.
- 7.11 An order when sent by registered mail shall be sent to the last known address of the party or parties involved.
- 7.12 If the By-Law Enforcement Officer is unable to effect service of an order, they shall place a placard containing the terms of the order in a conspicuous place on the property and placing the placard shall be deemed to be sufficient service of the order on any owner and occupant of the property.
- 7.13 If an order of a By-Law Enforcement Officer under this by-law is not complied with in accordance with the order, the Town may cause the fence to be brought into compliance with this by-law, including, without limitation, repairing, altering or removing the fence.
- 7.14 A By-Law Enforcement Officer acting under this by-law or employees or agents of the Town may and upon producing proper identification enter the property at any reasonable time without a warrant in order to repair the property.
- 7.15 The Town or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its power under this by-law.
- 7.16 The Town shall be entitled to recover the costs for any repairs or maintenance undertaken to bring a fence into compliance with this by-law. The owner to whom an order has been issued shall be required to pay for the costs in like manner as municipal taxes.
- 7.17 A fence or any portion thereof that has been removed from a property and placed in storage by the Town pursuant to its powers under this by-law, and that has not been recovered by the owner within the time period specified (60 days) in accordance with the *Repair and Storage Liens Act*, R.S.O. 1990, shall be disposed of or sold in accordance with that Act.

7.18 Enforcement of this by-law shall not preclude the enforcement of any other provincial statutes or regulations that may be applicable as the case may be.

8.0 Exceptions

8.1 A fence may be erected to a height greater than or a location other than specified by this by-law where in the opinion of the By-Law Enforcement Officer, it is necessary to alter the height or location of said fence because of the presence of physical obstructions such as, but not limited to, stream drainage areas rock or trees.

8.2 Where a dwelling constructed prior to 1952 is uniquely situated such that a reasonable amenity area cannot be accommodated within the side or rear yard of the property, and where the By-Law Enforcement Officer is satisfied that a higher fence will not create a safety issue or result in an over-concentration of street-facing fences, the By-Law Enforcement Officer may at his or her discretion permit a maximum 6 feet (1.83m) enclosure of the dwelling's amenity area, including in a required front yard.

8.3 A determination of the By-Law Enforcement Officer under section 7.1 or 7.2 is final and not subject to review or appeal.

9.0 Interpretation & Validity

9.1 Where a provision of this by-law conflicts with the provisions of another by-law, Act or Regulation in force within the Town, the provision, which establishes the higher standards to protect the health, safety and welfare of the occupants and the public shall prevail.

9.2 If any provision of this by-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the by-law and the remaining provisions or articles shall remain in effect until repealed.

9.3 Repeal: By-Law No. 53-79 and subsequent amendments are hereby repealed in its entirety. However, any legal proceedings or enforcement action related to or commenced under By-Law No. 53-79 or its predecessors continue as if those by-laws were still in effect.

9.4 Effective Date: That this by-law shall come into force and deemed passed as per regulation noted in Part VI.1 of the Municipal Act, 2001, as amended or replaced from time to time. [Strong Mayor Powers]

Read a first and second time this 13 day of January, 2026.

Read a third and final time this 13 day of January, 2026.



Tom Sidney, Mayor



Carolynn Errett, Town Clerk



By signing this by-law on January 13, 2026 Mayor Sidney has granted approval, and will not exercise the power to veto this by-law under the Strong Mayor Powers.