

THE CORPORATION OF THE TOWN OF RENFREW

BY-LAW NO. 53 - 79

Being a by-law of the Corporation of the Town of Renfrew regulating the erection and maintenance of fences and including the fencing of privately owned swimming pools.

WHEREAS Section 354 of the Municipal Act, R.S.O. 1970, Chapter 284 empowers the Council of the Corporation of the Town of Renfrew to pass by-laws in respect to fences; and,

WHEREAS said Council deems it advisable to prescribe the height and description of lawful fences within the Municipality; and,

WHEREAS said Council deems it necessary to regulate the fencing of privately owned swimming pools to protect the health and safety of citizens.

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

SECTION 1 - DEFINITIONS

For the purposes of this By-Law, the definitions and interpretations given in this Section shall govern unless the context requires otherwise.

- 1.1 FENCE FENCE shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines and shall include a hedge, being a barrier formed by bushes or small trees growing close together.
- 1.2 SWIMMING POOL FENCE SWIMMING POOL FENCE shall mean a barrier around a swimming pool constructed of chain link metal or of wood stone, metal or material having an equivalent degree of strength.
- 1.3 GATE GATE shall mean a swinging or sliding barrier or structure used to fill or close an access and includes a door. Requirements for fences in this By-Law shall apply similarly to gates.
- 1.4 ZONING BY-LAW ZONING BY-LAW shall mean By-Law 35-74 of the Corporation of the Town of Renfrew, as amended or as may be amended from time to time;
- 1.5 SWIMMING POOL SWIMMING POOL shall mean a privately owned outdoor swimming pool, and excludes any pool which is designed to have a maximum holding capacity of water of 0.6 metres or less in depth.
- 1.6 MAIN WALL MAIN WALL shall mean 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.
- 1.7 DWELLING DWELLING shall mean a building used or intended to be used for human habitation and in which all normal domestic functions may be carried on.

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- 1.8 BUILDING INSPECTOR BUILDING INSPECTOR shall mean the officer or employees of the Town of Renfrew for the time being charged with the duty of enforcing the provisions of the Building By-Law.
- 1.9 YARD YARD shall mean an open uncovered space appurtenant to a building
- (i) YARD FRONT shall mean a yard extending across the full width of a building lot on which a building is situated, and from the front lot line to the nearest main wall of the building or buildings for which such front yard is required.
 - (ii) YARD REAR shall mean a yard extending across the full width of a building lot on which a building is situated, and from the rear lot line to the nearest main wall of the building or buildings for which such rear yard is required.
 - (iii) YARD SIDE shall mean a yard extending from the front yard to the rear yard and from the side lot line to the nearest main wall of the building or buildings for which such side yard is required. In the absence of front or rear yards, the side yard shall extend for the full depth of the building lot.
- 1.10 LOT LINE FRONT LOT LINE FRONT shall mean the lot line that divides a lot from the street, provided that 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 so abuts shall be deemed to be the side lot line of the lot.
- 1.11 IRREGULAR LOT IRREGULAR LOT shall mean 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.

SECTION 2 - FENCE REQUIREMENTS

- 2.1 ALL USES
- (a) No electric current which is intended to give an electric shock shall be used as a part of or in conjunction with any fences except that this shall not apply to farm fences on lands used for agricultural purposes.
 - (b) No fence shall be erected in a location which will, does or may, in the opinion of the Corporation of the Town of Renfrew, :
 - (i) adversely affect the safety of the public; or
 - (ii) affect the safety of vehicular or pedestrian traffic; or
 - (iii) constitute an obstruction of view for vehicular or pedestrian traffic.

- (c) All fences shall be stable, structurally sound, vertical and shall be made of materials of good quality and suitable for the purpose, arranged and supported in an orderly manner commensurate with the design of the entire fence. Workmanship and maintenance shall be such that no defects are visible from any street or property adjoining the property on which the fence is located.
- (d) Notwithstanding any other height restriction for fences in this By-Law, where it is necessary for the safety of the public in respect to such uses as high voltage substations, storage of explosive materials and similar materials of a hazardous nature, a fence may be permitted to whatever height is necessary to ensure such safety.

.2 RESIDENTIAL USES

In addition to those provisions of subsection 2.1

- (a) No person shall erect, have, permit or maintain upon residential property a fence exceeding 1.9m in height in a yard side or yard rear or a required yard front in that portion only which extends from the yard rear to the lot line front on an irregular lot, and is a natural extension of the yard rear provided that:
- (i) if the height of a fence is greater than or equal to 1.5m, a minimum distance of not less than 1.5m must be maintained between such fence and any main wall of a dwelling situated on an adjoining property; or
 - (ii) if the height of a fence is greater than 1.0m and less than 1.5m, a minimum distance equal to the height of such fence must be maintained between such fence and any main wall of a dwelling situated on the adjoining property; or
 - (iii) if the height of a fence is 1.0m or less, no minimum distance between the main wall of a dwelling situated on the adjoining property need be maintained.
 - (iv) this height restriction shall not apply where such property is abutting and such fence is contiguous to a non-residential property but in no event shall such fence exceed a height of 2.5m.
 - (v) fences around tennis courts may be erected to a height of 3.7m.
 - (vi) the height of a fence shall be measured from the higher grade to the top of the fence where there is a grade difference between the two sides of the fence.
- (b) No person shall erect, have, permit or maintain upon residential property a fence exceeding 1.0m in height in a required yard front (except as provided in subsection 2:2(a) above).
- (c) No barbed wire shall be used as a part of or in conjunction with any fence erected on a residential property under any circumstances.

.3 NON-RESIDENTIAL USES

In addition to those provisions of subsection 2:1:

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- (a) No person shall erect, have, permit or maintain upon non-residential properties a fence exceeding 2.5m in height in a yard other than a required yard front provided that:
- (i) the height of a fence shall be measured from the higher grade to the top of the fence where there is a grade difference between the two sides of the fence.
 - (ii) fences around tennis courts may be erected to a height of 4.3m.
 - (iii) The Council of the Corporation of the Town of Renfrew may approve otherwise under an application for approval pursuant to Section 35(a) of the Planning Act, R.S.O. 1970.
- (b) No person shall erect, have, permit or maintain upon non-residential properties any fence in a required yard front except that:
- (i) where desirable to provide additional protection for adjoining properties, the Council of the Corporation of the Town of Renfrew may approve otherwise under an application for approval pursuant to Section 35(s) of The Planning Act R.S.O. 1970.

SECTION 3 - SWIMMING POOL FENCE REQUIREMENTS

- 3.1 Every owner of a swimming pool shall enclose and maintain around it a swimming pool fence and a gate or gates in accordance with the following requirements:
- (a) Every swimming pool fence shall be of a minimum height extending from the ground or floor of 1.2m and a chain link metal fence shall be supported by iron posts set in concrete spread not more than 3.0 m apart.
 - (b) No barbed wire nor device for projecting an electric current shall form part of a swimming pool fence or gate.
 - (c) Every swimming pool fence shall have a gate or gates of a minimum height extending from the ground or floor of 1.2m, supported by substantial hinges and equipped with self-closing and self-latching devices placed at the top and on the inside of the gate.
 - (d) Every swimming pool fence shall be so constructed and maintained as to provide for access only to the swimming pool by the gate or gates.
 - (e) If a swimming pool fence is constructed of wood, it shall not have its horizontal members placed in such a way as to facilitate climbing.
- 3.2 No swimming pool fence shall be required where the top of the outside wall of the swimming pool is at least 1.2m above the level of the ground abutting the wall and is so constructed and maintained so as to provide for access only by the gate or gates constructed in accordance with Subsection 1(c) of Section 3.

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- 3.3 Where access to a swimming pool is provided by means of a portable ladder or ladders, then in the absence of adult supervision, such ladder or ladders shall be kept away from the swimming pool.
- 3.4 Every owner of a swimming pool shall, in the absence of an adult person supervising the swimming pool, keep every gate securely locked.
- 3.5 That no person shall place water in a privately owned outdoor swimming pool or allow water to remain in a privately owned swimming pool unless the prescribed fences and gates have been erected and approved by the Building Inspector.
- 3.6 That existing pools which are fenced at the passing of this By-Law shall be inspected by the Building Inspector to determine whether the existing fence is adequate to protect the safety and welfare of children who might otherwise gain access to the pool.

SECTION 4 - ENFORCEMENT

- 4.1 This By-Law shall be enforced by the Building Inspector, Property Standards Officer or other persons appointed by the Corporation of the Town of Renfrew.
- 4.2 A fence may be erected to a height greater than or a location other than specified by Section 2 of this By-Law where in the opinion of the Building Inspector, Property Standards Officer or other persons appointed by the Corporation of the Town of Renfrew, 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, streams drainage areas rock or trees.

SECTION 5 - AREA AFFECTED

- 5.1 The area affected by this By-Law shall be the area affected by By-Law 35-74 of the Corporation of the Town of Renfrew.

SECTION 6 - GENERAL

- 6.1 The Corporation of the Town of Renfrew By-Law No. 17-74 shall hereby be rescinded.
- 6.2 Every person who contravenes any of the provisions of this By-Law shall upon conviction thereof be liable to a fine not exceeding One Thousand (\$1,000.00) Dollars exclusive of costs for each offence.
- 6.3 This By-Law may be cited as the "Fencing By-Law".
- 6.4 Wherever a standard established by this By-Law differs from a standard in relation to the same matter established by any other

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6.4 Cont'd

item of legislation in force in the Town of Renfrew, Ontario, the standard which provides the higher degree of protection for the health, safety and welfare of the citizens of the municipality and the general public shall prevail.

6.5 This By-Law shall take effect upon the passing thereof.

Read a first and second time this¹¹.....day of *June* 1979 A.D.

Read a third and final time this¹¹.....day of *June* 1979 A.D.

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