

Fences

An Information Package for the erection and installation of Fences in the City of Thorold



----- DISCLAIMER -----

This information package is provided by the City of Thorold Building and By-law Divisions for information purposes only. It presents various requirements from the applicable by-law. In any case where there exists a discrepancy between the information in this document and the City of Thorold By-law, the requirements established by the By-law shall prevail. This information package is intended to assist residents in making educated decisions when planning the erection or installation of a fence. The individual property owner / applicant is solely responsible to ensure that all required by-laws, codes and regulations are met and all projects are maintained to the requirements established by the Municipality through it's by-laws.

1.1 Permits to Construct a Fence

While the City of Thorold Fence By-law regulates the erection of fences in the City of Thorold, there is no requirement for a property owner to obtain a permit from the City prior to the erection of a fence. It is the owner's responsibility to ensure the deck is constructed in accordance with all applicable by-laws and regulations.

1.2 Definitions

The Fence By-law provides definitions for the terms below for clarification when applying the By-law.

- ▶ **"division fence"** means a fence build on a property line marking the boundary between abutting parcels of land
- ▶ **"fence"** means a vertical structure, including a railing, hedge, line of posts, shrubs, wire, gate, boards or pickets or other similar substances used to enclose or divide in whole or in part a yard or other land or to establish a property boundary line, but does not mean a privacy screen
- ▶ **"hedge"** means a closely planted row of bushes, shrubs or low trees forming a fence or boundary, but shall not include trees having a caliper dimension of 5cm [2 in.] or greater
- ▶ **"privacy screen"** means a visual barrier used to shield any part of a yard from view from any adjacent land or highway

1.3 Exemptions

Subsection 1.5 of the Fence By-law exempts the following from complying with the provisions of the by-law:

- ▶ acoustical barriers
- ▶ fences erected to temporarily enclose excavations, construction sites or an emergency or hazardous situation
- ▶ a fence constructed to comply with an approved Site Plan agreement
- ▶ properties owned by the City of Thorold
- ▶ properties owned by the Region of Niagara
- ▶ properties owned by the Utility services (telecommunications, gas, electric or water)
- ▶ properties owned by the Seaway Authority
- ▶ properties owned by the Federal or Provincial Governments & Agencies
- ▶ properties owned by a School Board

1.4 Prohibited Materials

Section 2 of the Fence By-law prohibits the use of the following materials in the construction of fencing:

- ▶ electric fences, *except on a farm*
- ▶ barbed wire, *except on a farm and in an industrial zone*
- ▶ used vehicle tires
- ▶ corrugated metal / corrugated metal panels

2.1 Prior to Fence Installation

It is the responsibility of the Property Owner to:

- ▶ verify the boundaries of their property
- ▶ ensure that the fence will not be constructed on lands owned by the City or on any highway or road allowance
- ▶ ensure that the fence will not be constructed on lands or property not owned by the property installing the fence
- ▶ call for locates for any services on the property
- ▶ consult with neighbour(s) when installing a division fence

For Utility Locates Call

| | | |
|-----------------------------|----------------------------|--------------|
| Water Service & Sewer | Thorold Public Works | 905 227 3521 |
| Electricity | Hydro One | 888 664 9376 |
| Natural Gas | Enbridge Gas | 800 263 3688 |
| Telephone | Bell Canada | 905 310 2355 |
| Cable Television | Cogeco Cable | 866 427 7451 |
| Locate before you Dig | Ontario One Call | 800 400 2255 |

underground utilities other than those listed above may exist

2.2 During Fence Installation

It is the responsibility of the Property Owner to:

- ▶ ensure that the fence is not constructed using prohibited materials
- ▶ ensure that the fence is not constructed on lands or property not owned by the property installing the fence
- ▶ ensure the fence is constructed in accordance with the provisions of the Fence By-law (refer to Section 4.0)
- ▶ ensure that any fence constructed as a swimming pool enclosure complies with the requirements of the City of Thorold Pool By-law

2.3 After Fence Installation

It is the responsibility of the Property Owner to:

- ▶ ensure that the fence is maintained in a good state of repair
- ▶ ensure that the fence is maintained free of prohibited materials
- ▶ each shared owner of a division fence is responsible for the maintenance and repair of a just portion of the fence which divides their properties

3.0

Enforcement

3.1 Removal of Non-compliant Fences

Article 2.1.7 of the Fence By-law requires that fences or privacy screens erected using in whole or in part any of the prohibited materials described in the Fence By-law, whether in existence prior to the passing of the By-law or not, shall be removed within 90 days of the date of receiving a notice from the municipality to remove it.

3.2 Removal of Fences

Article 2.1.2 of the Fence By-law states that where fences are constructed on lands owned by the City or on any highway or road allowance without authority to do so, the fence shall be removed within 2 weeks of being notified in writing of the infraction. Where the fence is not removed within the specified time, the City may take actions to remove the fence at the Owner's expense.

3.3 Penalty

Every person who contravenes any provision of the Fence By-law is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33

4.0

Fence Construction

4.1 Fence Height

The Fence By-law regulates fence heights depending on the Zone in which they are erected. The maximum heights for fences are listed below:

- ▶ residential zone 2m [6.5 ft.] high
- ▶ institutional zone 2.4m [8 ft.] high
- ▶ commercial zone 2.4m [8 ft.] high
- ▶ industrial zone 3.0m [9.8 ft.] high
- ▶ hedges in any zone 3.0m [9.8 ft.] high

4.2 Fences in Front Yards

The Fence By-law provides specific regulations for fences which are constructed in front yards. The By-law states that no person shall erect a fence in a front yard within 4.5m [14.75 ft.] of the nearest street line which is greater than the following heights:

- ▶ fence or hedge 0.9m [3 ft.] high
- ▶ fence of open construction (chain link) 1.2m [4 ft.] high

This provision does not apply to properties in an industrial zone provided the fence is of open construction.

4.3 Fences in Sight Triangles

The Fence By-law prohibits the erection of any fence within a sight triangle unless the fence:

- ▶ is a fence of open construction (chain link)
- ▶ does not obstruct the visibility through the sight triangle, and
- ▶ is not greater than 0.9m [3 ft.] in height

Refer to the diagram in Section 5.2 for illustration of a sight triangle.

4.4 Division Fences

Subsection 2.5 of the Fence By-law specifically addresses the matter of division fences. The key elements of this subsection are summarized below.

- ▶ The owners of the adjoining occupied lands are responsible for a just portion of cost for the erection, repair, replacement or maintenance of any division fence which marks the boundary of their respective properties.
- ▶ Where owners of adjoining land cannot agree on type or kind of fence to be erected between them, no contribution to the cost of the fence shall be payable unless the fence constructed is a chain link fence with a height of 1.2m [4 ft.].
- ▶ Where an owner desires to enforce the provisions of articles 2.5.1 and 2.5.2 of the Fence By-law as summarized above, they shall deliver to the owner or occupant of the adjoining occupied land a notice of such intent by registered mail requiring compliance with the provisions of the Fence By-law. Where compliance is not achieved within 30 days of the service of the letter, the work authorized by the Fence By-law may be conducted. Subsequently the OWNER may take legal action to recover the just portion of the cost from the neighbouring property owner(s).

..... **WARNING**

THE MATTER OF DIVISION FENCE COST RECOVERY IS A CIVIL LEGAL MATTER BETWEEN THE ADJOINING PROPERTY OWNERS. IN THESE MATTERS, THE INVOLVEMENT OF THE CITY IS LIMITED TO THE ENFORCEMENT OF THE REMAINING PROVISIONS OF THE FENCE BY-LAW.

5.0

Privacy Screen Construction

5.1 Privacy Screen Height & Location

The Fence By-law states that the maximum height of a privacy screen is 3m [9.8 ft.].

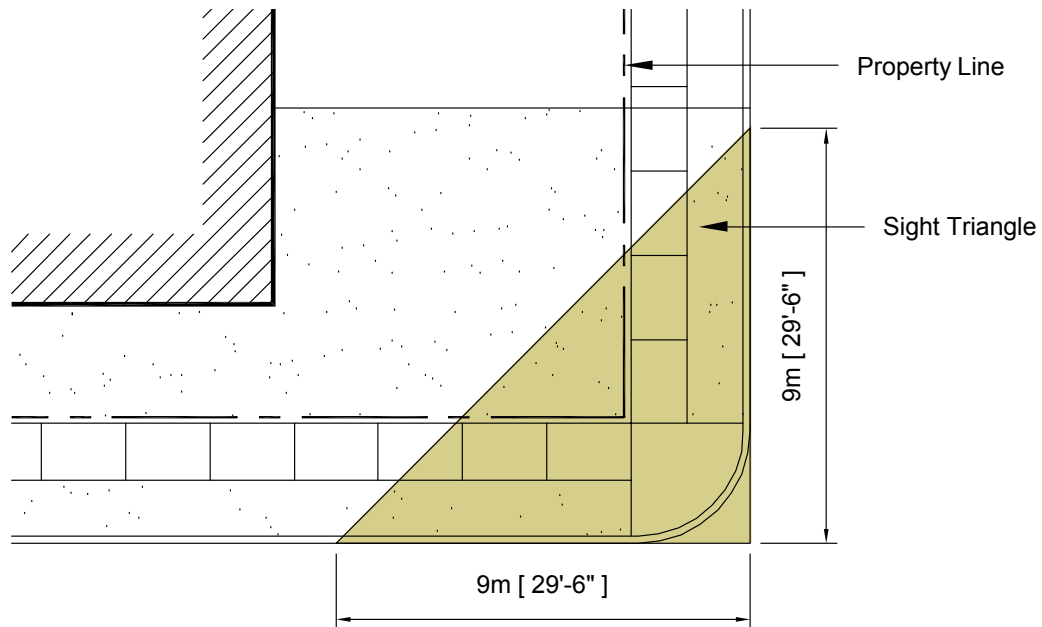
Unlike fences, the Fence By-law also prescribes acceptable locations for the erect of a privacy screen. Subsection 3.4 of the Fence By-law dictates that no person shall erect a privacy screen in any side or rear yard which is:

- ▶ less than 4.5m [14.75 ft.] from any street line (exterior side lot line)
- ▶ less than 1.2m [4 ft.] from the rear lot line, and
- ▶ less than 1.2m [4 ft.] from any interior side lot line, provided however that where the privacy screen is located so as to provide a visual barrier between dwelling units divided by a common wall, a privacy screen may be placed closer to the common interior side lot line.

5.2 Privacy Screens in Front Yards & Sight Triangles

The Fence By-law prohibits the erection of privacy screens in any front yard or sight triangle.

Sight Triangle Diagram



6.0

Contact Information

6.1 Planning and Building Services • By-Law Enforcement Division

To Inquire about Fence Issues, please contact a:

By-Law Enforcement Officer
905 227 6613