

## OFFICE CONSOLIDATION

*This is a consolidation of the Town's by-law to prescribe the height and description of lawful fences being By-law 2005-36 as amended by By-law 2006-77 and 2006-122. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Legislative Services section by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2005-36, 2006-77 and 2006-122 the By-laws shall prevail.*

## THE CORPORATION OF THE TOWN OF CALEDON

### BY-LAW NO. 2005-36

Being a by-law to prescribe the height and description of lawful fences in the Town of Caledon and to exempt the Town of Caledon from the *Line Fences Act*, R.S.O. 1990, c. L.17 and to repeal By-law 84-155

**WHEREAS** section 11 of the *Municipal Act*, S.O. 2001, c. 25, as amended authorizes municipalities to enact by-laws pertaining to fences

**AND WHEREAS** section 98 of the *Municipal Act*, S.O. 2001, c. 25, as amended authorizes municipalities to enact by-laws providing that the *Line Fences Act*, R.S.O. 1990, c. L.17, does not apply to all or any part of the municipality

**AND WHEREAS** the Council of the Corporation of the Town of Caledon deems it necessary to regulate the building and maintenance of fences within the Town of Caledon

**NOW THEREFORE**, the Town Council of the Corporation of the Town of Caledon ENACTS AS FOLLOWS:

### DEFINITIONS

1. In this By-law:

“agricultural property” means land used for the commercial production of crops or raising of livestock and includes cultivation, seeding, and harvesting

“construct” shall include reconstruct, erect and install and “reconstructed”, “constructed” and “construction” shall have like meaning

“fence” includes a railing, wall, hedge, line of posts, shrubs, wire, gate, boards or pickets or other similar materials, or masonry or other similar materials used to enclose or divide in whole or in part a yard or other land, or to provide privacy but does not include a retaining wall

“flank yard” has the same meaning as in By-law 87-250, as amended

“front yard” has the same meaning as in By-law 87-250, as amended

“height” means the vertical distance measured between the finished grade at the base of the fence and the highest top rail of the fence. In the case of a fence located on top of a retaining wall, height means the vertical distance between the top of the retaining wall and the highest top rail of the fence

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for passage of vehicles and includes the area between the lateral property lines thereof under the jurisdiction of either the Town of Caledon or the Regional Municipality of Peel

“lot line” means any boundary of a lot or the vertical projection thereof

“person” includes an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with *The Interpretation Act*, R.S.O. 1990 c. I.11, as amended

“rear yard” has the same meaning as in By-law 87-250, as amended

“residential property” means land used for residential purposes in accordance with By-law 87-250, as amended

“retaining wall” means a wall designed to contain and support fill which has a finished grade higher than that of the adjacent land

“side yard” has the same meaning as in By-law 87-250, as amended

“Town” means The Corporation of the Town of Caledon

## Application

2. (1) This by-law applies to all fences constructed in the Town of Caledon other than:
  - (a) fences constructed for a kennel licensed by the Town,
  - (b) fences constructed for a privately owned outdoor tennis court, provided the fence is of chain link construction,
  - (c) fences that are constructed in accordance with a site plan or plan of subdivision approved by the Town,
  - (d) fences that are constructed to enclose swimming pools, and
  - (e) fences on lands owned or used by the Town of Caledon for generally accepted public or government purposes.
- (2) Notwithstanding the provisions of this by-law, any fence that was in lawful existence prior to the effective date of this by-law shall be deemed to comply with this by-law and may be repaired to the same location, height and dimensions as previously existed.
- (3) Any exemption granted by Council pursuant to any preceding fence by-law is hereby continued and may be repaired to the same location, height and dimensions as previously approved.

## General Fence Provisions

### Side Yard and Rear Yard

3. No person shall construct or reconstruct or cause or permit to be constructed or reconstructed a fence or any part thereof in a side yard or rear yard with a height greater than 1.83 metres (6 feet), other than a fence constructed on an agricultural property.

### Front yard and Flank Yard

4. Subject to section 5, no person shall construct or reconstruct or cause or permit to be constructed or reconstructed a fence or any part thereof, in a front yard or flank yard with a height greater than 1.5 metres (5 feet), other than a fence constructed on an agricultural property.

5. No person shall construct or cause or permit to be constructed a fence in excess of 1 metre (3 feet) in a front yard or flank yard of a registered plan of subdivision unless approved by the Town.

[By-law 2006-77 effective May 16/06] 5A.

Notwithstanding the provisions of section 5, a fence may be constructed to a maximum height of 1.83 metres (6 feet) along the flank yard (abutting Nunnville Road) and along the front yard (abutting Hubert Corless Drive) from the northeast corner lot line for a distance of 14.3 metres west, on the lands and premises municipally known as 52 Hubert Corless Drive, legally described as Lot 45, Plan 43M-1304.

### **Town of Caledon Lands**

6. No person shall construct or cause to be constructed, any fence on any lands owned by the Town of Caledon or on any highway or road allowance, opened or unopened, or on any Town right-of-way, or Town easement, without first having received written permission of the Town.
7. No person shall install a gate within a portion of a fence that abuts land owned by the Town.

### **Fences with Barbed Wire**

8. No person shall use or cause or permit to be used any barbed wire or other barbed or sharp materials in the construction, reconstruction or repair of any fence on lands abutting residential property.

### **Electrical Fences**

9. (1) Except as provided in subsection 2 of this section, no person shall construct, or cause or permit to be constructed, an electrical fence on any land.
- (2) An electrical fence using direct current may be constructed or caused to be constructed on agricultural property, provided such fence:
  - (a) has a maximum 12 volt charge,
  - (b) is designed and constructed solely to contain animals,
  - (c) has attached thereto at approximately 15 metre (49 foot) intervals, a sign warning that the fence carries electricity, and
  - (d) is located 0.3 metres (one foot) inside of the lot line.

### **Maintenance**

10. (1) Fences shall be maintained in accordance with the provisions of By-law 98-155, as amended (Property Standards By-law).
- (2) Where a fence has deteriorated to the extent of 50% of its material content, the fence shall be repaired in accordance with the provisions of this By-law.
- (3) Where the provisions of this By-law conflict with By-law 98-155, as amended (Property Standards By-law), the more restrictive provisions shall prevail.

## Validity

11. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible by law.

## Applicability of *Line Fences Act*

12. The *Line Fences Act* shall not apply in any part of the Town of Caledon.

## Penalty

13. Every person who contravenes the provisions of this by-law is guilty of an offence.

## Administration

14. This by-law shall be administered by the Director of the Building and Enforcement Department.

## Short Title

15. This by-law may be referred to as the Fence By-law.

## Transition

16. The provisions of the *Line Fences Act* shall apply to any proceeding commenced under that Act prior to the effective date of this by-law.
17. (a) By-law 2001-15 shall be repealed.  
(b) Notwithstanding the repeal of By-law 2001-15, the appointment of the Fenceviewers set out therein shall remain in effect, at the remuneration provided, until such time as any proceeding commenced under the Line Fences Act prior to the passage of this By-law has been decided and finally disposed of.

## Repeal

18. By-law 84-155 shall be repealed.

## Effective Date

19. This By-law shall take effect upon its passage by the Council of the Corporation of the Town of Caledon.

By-law read three times and finally  
passed in Open Council  
this 22<sup>nd</sup> day of March 2005.

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Marolyn Morrison, Mayor

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Cheri Cowan, Clerk