

# THE TOWN OF VAUGHAN BY-LAW

## BY-LAW NUMBER 80-90

A By-law for prescribing the height and description of lawful fences in the Town of Vaughan and for establishing minimum standards for swimming pool fences.

WHEREAS the Municipal Act R.S.O. 1980, Chapter 302, Section 210, Paragraph 18, authorizes the passing of a By-law for prescribing the height and description of lawful fences:

NOW THEREFORE the Town Council of The Corporation of the Town of Vaughan, hereby ENACTS AS FOLLOWS:

### PART 1 GENERAL

#### SECTION 1.0 TITLE AND SCOPE

1.1 This By-law may be cited as the Fence By-law.

#### SECTION 2.0 DEFINITIONS

In this By-law:

- 2.1 Depth when used in relation to swimming pools, means the distance from the bottom of the pool at its lowest point to the top edge of the pool.
- 2.2 Division Fence means a fence marking the boundary between abutting parcels of land.
- 2.3 Fence means a structure located at grade erected as a physical barrier.
- 2.4 Height means the vertical distance measured between the finished grade and the highest point of the fence. In the case of a fence located on top of a retaining wall means the vertical distance between the top of the retaining wall and the highest point of the fence.
- 2.5 Multiple Residential Property means a property used for or permitted to be used for multiple dwelling units and includes hotels and motels.
- 2.6 Non Residential Property means a property used for uses other than residential or multiple residential uses and includes schools and other institutional uses but does not include public highways or walkways.
- 2.7 Owner means an owner, lessee, tenant, mortgagee in possession and the person in charge of any property.

BY-LAW 80-90, CONTINUED

- 2.8 Person means an individual, firm, corporation, association or partnership.
- 2.9 Pool means a privately owned outdoor swimming pool which includes any body of water or pool located outdoors on privately owned property contained in part or in whole by artificial means and used or intended for swimming, diving or bathing but does not include:
- a) a farm pond
  - b) a body of water or pool that is less than 30 inches in height or depth, or a combination thereof.
- 2.10 Service Entrance means that entrance into a building which is normally used by persons entering such building for the purposes of delivering goods or rendering maintenance service as opposed to the main or principal entrance and shall include a door giving access to a garage.
- 2.11 Single Family Residential means any property or portion thereof serving a single dwelling unit.
- 2.12 Yard means an uncovered space on a lot lying between the lot line and the nearest part of any building or structure on the lot.
- 2.13 Yard, Exterior Side means a side yard immediately adjacent to a street or a reserve abutting a street, extending from the front yard to the rear yard of any lot.
- 2.14 Yard, Front means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the nearest building or structure on the lot. For the purposes of this paragraph, "front lot line" means the lot line directly opposite the wall containing the main entrance of the building on the lot.
- 2.15 Yard, Interior Side means the yard between the side lot line and the nearest part of any building or structure extending from the front yard to the rear yard of a lot.
- 2.16 Yard, Rear means the yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the nearest building or structure on the lot.
- 2.17 Yard, Side means the yard between the side lot line and the nearest part of any building or structure extending from the front yard to the rear yard of a lot.
- 2.18 Zone means a zone designation in a By-law enacted pursuant to Section 34 of the Planning Act, 1983, or a predecessor of that section.

SECTION 3.0 FENCES IN RESIDENTIAL ZONES

3.1 Fences in Rear Yards

- a) No fence erected in a rear yard shall exceed 1.80 metres (6 feet) in height.
- b) Notwithstanding Section 3.2, in the case of corner lots, where a rear yard abuts a front yard of an adjacent lot no person shall construct a fence that exceeds 1.8 metres (6 feet) in height.

BY-LAW 80-90, CONTINUED

- c) Notwithstanding anything in this Section, a fence located in a rear yard exceeding 1.80 metres (6 feet) in height but not exceeding 4.5 metres (15 feet) in height, shall be permitted when such a fence is normally required as part of a private outdoor recreation facility provided that such a fence shall not be constructed within 2.40 metres (8 feet) of a property boundary.

3.2 Fences in Front Yards

No fence erected in a front yard shall exceed 1.20 metres (4 feet) in height.

3.3 Fences in Interior Side Yards

- a) No fence erected in an interior side yard shall exceed 1.80 metres (6 feet) in height.
- b) If the fence is located in the interior side yard between two properties, the subject fence shall not exceed 1.80 metres (6 feet) in height and may be erected to a point opposite the front corner of the building nearer the road.

3.4 Fences in Exterior Side Yards

No fence erected in an exterior side yard shall exceed 1.8 metres (6 feet) in height.

3.5 EXEMPTIONS FROM HEIGHT RESTRICTIONS

COUNCIL MAY, UPON APPLICATION BY AN OWNER OF LAND, ENACT A RESOLUTION TO GRANT AN EXEMPTION FROM THE HEIGHT RESTRICTIONS SET OUT IN THIS SECTION.

4.0 SECTION 4.0 FENCES IN COMMERCIAL AND INDUSTRIAL ZONES

- 4.1 No fence erected in a Commercial or Industrial Zone shall exceed 3.04 metres (10 feet) in height.

SECTION 5.0 RESTRICTIONS ON FENCES

- 5.1 No person shall use any barbed wire or other barbed or sharp materials in the construction of, or in connection with, any fence in the Town of Vaughan, except where such a fence is located within an industrial zone and provided that such materials are used at a height of at least 1.80 metres (6 feet) above the finished grade.
- 5.2 No person shall permit a fence or any attachment to a fence to be used as a conductor of an electrical current.
- 5.3 No person shall construct a fence upon a property boundary at a location where a maintenance easement exists unless the fence contains a gate within the limits of the easement at least 0.9 metres (3 feet) in width providing access to the easement lands.
- 5.4 No person shall construct a fence over a drainage easement or watercourse without constructing a watergate sufficient to ensure adequate drainage. All watergates on fences shall at all times be kept free from obstructions.

BY-LAW 80-90, CONTINUED

5.5 No person shall construct a division fence that is greater than 20 centimetres wide where such fence straddles a property boundary.

SECTION 6.0 CONSTRUCTION AND MAINTENANCE

6.1 Every fence shall be designed and installed in such a manner as to meet its intended function.

6.2 All surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration.

6.3 Every fence shall be maintained in a structurally sound condition and in good repair.

SECTION 7.0 SWIMMING POOL FENCES

7.1 The owner of a pool shall erect and maintain around the pool a fence or wall, or combination thereof, which shall meet the following criteria:

- a) A wall including the outside wall of a building may be used as one or more sides of a fence provided that the main entrance to the building shall not be located in such wall. If a service entrance is located in such a wall it shall have a self-closing door equipped with a self-latch device located not less than 1.22 metres (4 feet) above the bottom of the door;
- b) The fence and/or wall shall be a minimum of 1.22 metres (4 feet) in height above the grade of the lands. The grade of the lands for the purpose of this section shall mean the grade of the lands located on the outside of the fence located within 0.9 metres (3 feet) of the fence. Notwithstanding this section, if a fence is erected in compliance with this provision and the grade of the lands that are adjacent to the lot on which the pool is erected is raised, the fence shall be deemed to remain in compliance;
- c) The fence shall be substantially supported to provide stability, safety and strength;
- d)
  - (i) A CHAIN LINK FENCE MAY BE ERECTED PROVIDED THAT SUCH FENCE SHALL NOT BE LESS THAN 12 GAUGE WIRE WITH NOT MORE THAN 3.7 CENTIMETRES MESH, OR OTHER CHAIN LINK OF EQUIVALENT STRENGTH WITH MESH NOT EXCEEDING 3.7 CENTIMETRES;
  - (ii) A WOOD BOARD FENCE OR WROUGHT IRON FENCE MAY BE ERECTED PROVIDED THAT SUCH FENCE SHALL MEET THE FOLLOWING CRITERIA:
    - (a) VERTICAL BOARDS OR IRON BARS SHALL BE PLACED NOT MORE THAN 3.8 CM (1 1/2 INCHES) APART WHERE RAILS ARE SPACED CLOSER THAN 1.2m (4 FEET) AND NOT MORE THAN 7.5 CM (3 INCHES) WHERE RAILS ARE SPACED AT LEAST 1.2m (4 FEET) APART.

BY-LAW 80-90, CONTINUED

- (b) VERTICAL BOARD SHALL BE OF NOT LESS THAN 1.9 cm X 8.9 cm (1 INCH X 4 INCH NOMINAL) LUMBER AND SHALL BE ATTACHED TO RAILS THAT ARE NOT LESS THAN 3.8 cm X 8.9 cm (2 INCH X 4 INCH NOMINAL) IN SIZE. THE RAILS SHALL BE SUPPORTED ON SUBSTANTIAL POSTS WITH A MINIMUM DIMENSION OF 10.2 cm (4 INCH NOMINAL) SPACED NOT MORE THAN 2.4m (8 FEET) APART AND IMBEDDED TO A MINIMUM DEPTH OF .6m (2 FEET) BELOW GRADE, OR
- (iii) OTHER FORMS OF FENCE MAY BE ERECTED PROVIDED THAT THEY ARE CONSTRUCTED AS TO PROVIDE AN EQUIVALENT DEGREE OF SAFETY.
- e) Any gate in the fence or wall shall meet the following requirements:
- 1) it shall be of similar chain link fencing or of material of not less than equivalent strength as that of the supporting fence;
  - 2) have not more than 3.7 centimetre mesh;
  - 3) have an equivalent degree of safety as the supporting fence;
  - 4) shall comply with the height requirements for the fence;
  - 5) shall be supported by hinges and be equipped with self-closing and self-latching devices on the inside of the gate at a point not less than 1.22 metres (4 feet) in height;
- f) All fences, walls and gates shall be constructed so that there shall not be a projection, rail, attachment or bracing that will facilitate the climbing thereof from the outside;
- g) Every gate shall be kept closed and locked at all times;
- h) All fences, walls and gates shall be located not more than 5 centimetres above the ground level at any point.
- 7.2 No person shall place water in a pool or allow water to remain therein unless the prescribed fencing or walls have been erected.
- 7.3 The provisions of this section shall apply to all pools regardless of the date of construction of the pool.

SECTION 8.0 NOISE ATTENUATED BARRIERS

- 8.1 This by-law shall not apply to noise attenuation fences, walls or barriers.

SECTION 9.0 PENALTIES

- 9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000.00, exclusive of costs.


BY-LAW 80-90, CONTINUED

SECTION 10.0

10.1 THAT By-law 164-88 and By-law 238-88 are hereby repealed.


10.2 This By-law shall come into force upon the date of its final passing.

READ a FIRST and SECOND time this 6th day of March, 1990.

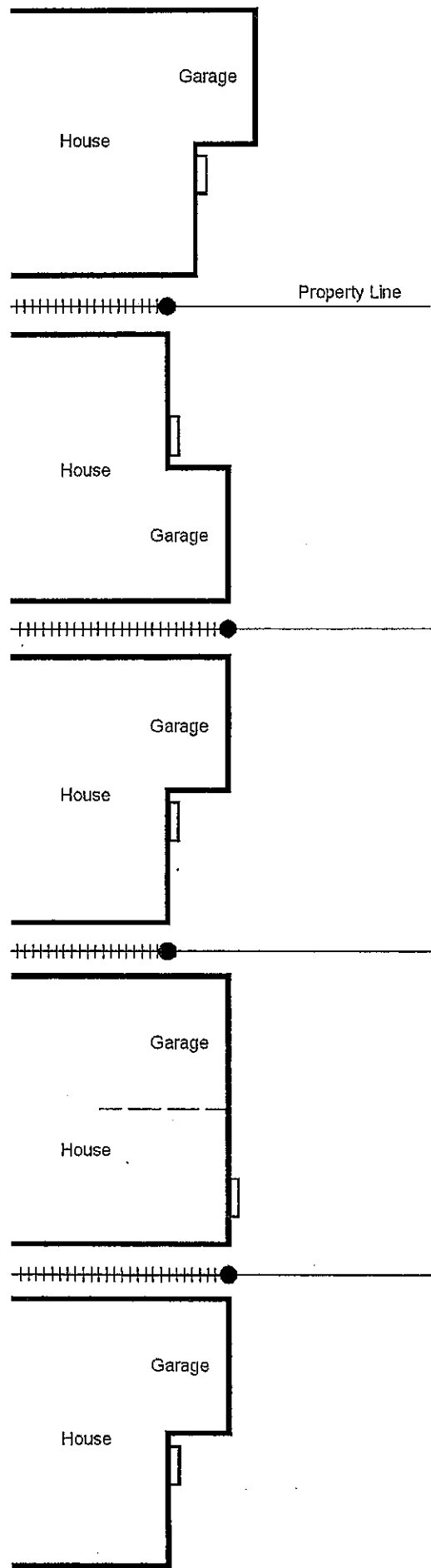
  
\_\_\_\_\_  
L.D. Jackson, Mayor

  
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R.A. [unclear], Town Clerk

READ a THIRD time and finally passed this 6th day of March, 1990.

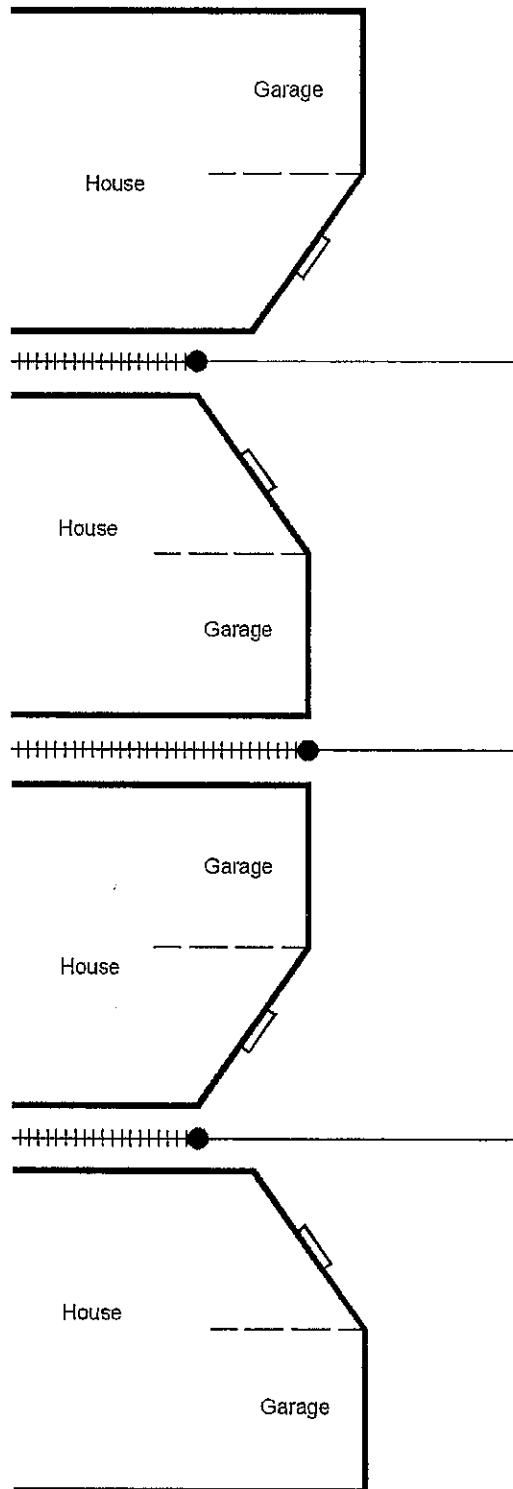
  
\_\_\_\_\_  
L.D. Jackson, Mayor

  
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R.A. [unclear], Town Clerk



**LEGEND**

- Point opposite corner of front wall
- +++++ Side yard fence
- ▭ Front door



NOT TO SCALE

**THIS IS SCHEDULE 'A'  
TO BY-LAW 80-90  
AS AMENDED**

SIDE YARD FENCES (INTERIOR)  
SECTION 3.3 c) ILLUSTRATION  
CITY OF VAUGHAN

SIGNING OFFICERS  
*W. B. ...*  
MAYOR  
*S. Fernandes*  
CLERK