

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL  
BY-LAW NO. 2003-54**

**“A BY-LAW TO REGULATE AND CONTROL THE ERECTION OF FENCES”**

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c. 25 as amended authorizes a council of any municipality to pass by-laws respecting structures, including fences;

AND WHEREAS Section 130 of the Municipal Act 2001, S.O. 2001, c. 25 as amended authorizes a council of any municipality to regulate matters related to the health, safety and well-being of its inhabitants;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. Definitions

- a) Chief Building Official means the Chief Building Official for the Township as appointed by Council.
- b) Door means a door in a house, garage, carport, boathouse or other similar building used as access to an enclosure or part thereof.
- c) Enclosure means a fence, wall or other structure, including doors and gates enclosing a swimming pool and approved under the provisions of this by-law.
- d) Fence means any barrier or structure other than a building, erected at grade, which is erected for the purpose of screening, safeguarding, encasing property or delineating property lines.
- e) Gate means a swinging or sliding barrier used to fill or close any access in an enclosure.
- f) Pool means a privately owned outdoor swimming pool (above-ground or in-ground), Jacuzzi, hot tub, or constructed body of water, but shall not include any pool that has a holding capacity of 0.46 m (18 inches) and less in depth.
- g) Responsible person means the owner of the premises or other adult person authorized by the owner to supervise the use of the pool on the premises.

2. For the purposes of this by-law, a permit shall be obtained prior to erection of fences.

3. Fences – Residential Uses

- a) Fences or walls constructed in any side or rear yard in any residential use property shall be no higher than 1.83 meters (6 feet).
- b) Fences or walls constructed in any front yard in any residential use property shall be no higher than 0.91 meters (3 feet).

- c) No barbed wire, spire tips, sharp objects or electrically charged fences shall be erected in any residential area.

4. Fences – Commercial & Industrial Uses

- a) All security fences on any commercial or industrial use properties shall be erected in accordance to the provisions of the Township of Edwardsburgh Zoning Bylaw 97-30 as amended or the Village of Cardinal Zoning Bylaw 94-11 as amended, as applicable.
- b) Barbed wire may be used on security fences in commercial and industrial areas, but shall be limited to three (3) strands, shall not overhang the fence in the direction of the lot line, and may not be used less than 1.83 meters (6 feet) from grade.

5. Fences – Private Outdoor Swimming Pools

- a) Every swimming pool shall be totally enclosed by a fence not less than 1.22 meters (4 feet) high, and shall have a gate equipped with a self-closing and latching device.
- b) Any above ground pool that exceeds 1.22 meters (4 feet) of clear height around the pool is exempt of the requirement to be totally enclosed by a fence, except for the area where the ladder or other means of access for the pool are normally located. Such area shall be enclosed with a fence not less than 1.22 meters (4 feet) high with a gate equipped with a self-closing and latching device.
  - i) All entrances to the swimming pool area which form part of the enclosure, including windows, doors and gates, shall be kept latched at all times except when a responsible person is supervising the pool area.
  - ii) No part of the enclosure or entrances to any buildings shall be located closer than 1.22 meters (4 feet) to the pool.
  - iii) All gates leading into the pool area shall be kept locked at all times when not in use.
- c) No swimming pool or fence shall be constructed or erected until such time as a permit has been issued.
- d) Drawings indicating the location and design of any proposed private outdoor swimming pool shall be submitted for approval prior to the issuing of a permit.
- e) All fences required by this section of the bylaw shall be constructed and maintained as per Schedule “A” attached to this bylaw.
- f) A certificate of approval must be obtained from the Chief Building Official before any outdoor private swimming pool can be filled with water.

6. Fences – Other Uses
  - a) All fences except those described above shall be no higher than 1.83 meters (6 feet).
  - b) Fencing for the purposes of agricultural related uses are exempt of the requirement to obtain a permit.
7. The permit fee for the erection of a fence shall be fifteen dollars (\$15.00).
8. Penalties
  - a) Every person who violates any provision of this by-law or who causes or permits a violation shall be guilty of an offence and, upon conviction therefore, shall forfeit and pay a penalty not exceeding one thousand dollars (\$1,000.00), exclusive of costs, for each offence and every penalty shall be recoverable under the Municipal Act 2001, SO 2001 as amended and the Provincial Offences Act.
  - b) Set fines may be established for certain offences contained in this by-law. Such set fines shall be established pursuant to the Provincial Offences Act and shall become effective upon the approval of same by the Senior Judge of the Ontario Court of Justice, Provincial Division.
  - c) If deemed an unsafe situation or an emergency, the Township may cause the pool to be temporarily fenced or drained of all water until such time as the required fence has been complete. The cost of such work shall be borne by the property owner and may be collected in a like manner as taxes according to Section 427(3) of the Municipal Act 2001.
9. By-law 2002-35 is hereby repealed.

Read a first and second time in open Council this 1<sup>st</sup> day of December, 2003.

Read a third and final time, passed, signed and sealed in open Council this 15<sup>th</sup> day of December, 2003.

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**Mayor**

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**Clerk**

SCHEDULE "A"  
TO  
BY-LAW 2003-54

SPECIFICATION OF FENCES

A fence required by Section 4 of this bylaw shall be constructed and maintained as follows:

a) If of Chain Link Construction

- i) be of not greater than 3.81 cm (1-1/2 inch) mesh;
- ii) be constructed of galvanized wire not less than No. 12 gauge diameter, or of minimum No. 14 gauge steel wire covered with vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;
- iii) be supported by a rigid metal bar at the top and a stiffener for the bottom of the fencing; and
- iv) be supported on substantial steel posts not more than 3.05 meters (10 feet) apart.

b) If of Vertical Board or Metal Picket Construction

- i) be of not less than 2.54 x 7.62 cm (1 inch x 3 inch) (nominal) vertical wooden boards or metal pickets, spaced not more than 3.81 cm (1-1/2 inch) apart, when such boards or pickets are placed on the same side of the fence;
- ii) be of not less than 2.54 x 7.62 cm (1 inch x 3 inch) (nominal) vertical boards or metal pickets placed alternately on either side of the fence spaced not more than the width of such vertical boards apart and attached to horizontal supports spaced vertically at a distance of not more than 106.68 cm (42 inches) on center;
- iii) be supported on substantial posts placed not more than 2.44 meters (8 feet) apart and installed in accordance with good construction practice.

c) If of Chain Link Construction with Wooden Framework

- i) be of not greater than 3.81 cm (1-1/2 inch) mesh;
- ii) be constructed of galvanized wire not less than No. 12 gauge diameter, or of minimum No. 14 gauge steel wire covered with vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;
- iii) be supported on substantial wood posts not less than 10.16 cm (4 inches) square or 12.70 cm (5 inches) in diameter placed not more than 2.44 meters (8 feet) apart; and
- iv) be supported by a horizontal stringer at the top and at the bottom, each being not less than 5.08 x 10.16 cm (2 inch x 4 inch) (nominal) lumber.

d) Hedges Adjacent to Pool Fences

- i) Notwithstanding the requirements for fences around outdoor private swimming pools, a hedge is permitted adjacent to a required fence; and must be maintained at no higher than 1.83 meters (6 feet).