



**THE CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 13-4720**

**Being a By-Law to provide for regulating and governing of
property boundary fences in the Town of Ingersoll.**

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS paragraph 10 of subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting structures, including fences;

AND WHEREAS paragraph 11 of subsection 3 (7) of the *Municipal Act, 2001* provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting fences and signs.

NOW THEREFORE the Council of the Corporation of the Town of Ingersoll enacts as follows;

1.0 DEFINITIONS AND INTERPRETATIONS

1.1 Definitions and Interpretations in this by-law,

“Building” means any structure used or intended for supporting or sheltering any use or occupancy;

“Corner Lot” means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than 135 degrees;

“Corner Visibility Triangle” means a triangular area formed within a corner lot by the intersecting lot line abutting the streets or the projections thereof and a straight line connecting them 9.0 metres (29.5 feet) from their point of intersection;

“Driveway Visibility Triangle” means a triangular area formed at the intersection of the driveway and the lot line abutting a street;

“Electric Fence” means an above ground barrier that uses electric shocks to deter animals or people from crossing a boundary but excludes a buried electronic system designated to contain pets;

“Fence” means any structure, except a structural part of a building, used to wholly or partially screen from view, enclose or divide a yard or other land, or mark or substantially mark the boundary between adjoining land;

“Front Yard” means an area extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation or main building on the lot;

“Grade” means the elevation of the finished level of the ground adjoining the fence exclusive of any artificial embankments or berms;

“Height” means the distance measured from the grade to the highest point of the fence exclusive of the posts;

“Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;

“Maintained” means preserve from failure or decline;

“Officer” means a law enforcement employee of the Town of Ingersoll, charged with the enforcement of non-criminal by-laws, rules, laws, codes or regulations enacted by the Council of the Town of Ingersoll;

“Owner” means the registered owner of any property; the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would so receive the rent if such land and premises were let; and a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of the property;

“Person” means an owner, occupant or adult responsible for the property pertaining to the location where a fence is located;

“Rear Yard” means an area extending from the required interior side yard to the required exterior side yard between the rear lot line of the lot and the nearest part of any excavation or main building on the lot;

“Residential Zone” means land used or intended to be used for residential purposes and includes vacant land abutting residential property;

“Side Yard” means an area extending from the front yard to the rear lot line and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard;

“Site Triangle” means the triangular space formed by the intersecting *street lines* of a *corner lot* and a line drawn from a point on the said *street lines* to a point on the other said *street line*, each said point being measured a specific distance from the point of intersection of the said *street lines*;

“Town” means the Corporation of the Town of Ingersoll;

“Line Fence” means any fence constructed on a property line so as to be owned by the parties owning and occupying the lands immediately adjoining and divided by such fence.

2.0 GENERAL PROVISIONS

- 2.1 No person shall erect or permit to be erected any fence that does not conform to the requirements of this by-law.
- 2.2 No owner shall have, allow to remain or fail to remove a fence that does not comply with this by-law.
- 2.3 No person shall erect or maintain any fence that:
 - a) Is located closer than 2 metres (6.6 feet) from a fire hydrant, except that a fence may be located no closer than 0.6 metres (2 feet) to the rear of a fire hydrant as viewed from the centre of a municipal road allowance; encroaches onto Town owned or public lands or sight triangles.

- b) Interferes with the natural or engineered drainage of the property on which it is erected or any adjacent property.
- c) Is erected in such a manner as to obstruct visibility to drivers or pedestrians entering, exiting, crossing or approaching a driveway, roadway, laneway or walkway.
- d) Is in contravention of Section 5.24 of the Town of Ingersoll Zoning By-Law No. 04-4160, as amended ("Zoning By-law").
- e) Blocks access to a parking space as required by the Zoning By law unless such fence is constructed with a gate at least 2.59 metres (8.5 feet) wide giving access to such parking space.

2.4 Every person shall ensure that the subject fences meet the following requirements :

- a) Has a surface that is painted, stained, varnished or protected with a similar protective finish, unless the material itself possess characteristics that offer protection against deterioration; and,
- b) Is maintained in a safe condition without visible or structural deterioration; and,
- c) Is constructed following the on-site review of an existing registered survey or completion of a survey to appropriately delineate the property boundary(ies) and/or set the distance from the property boundary(ies) to ensure construction of the fence on the appropriate property or boundary line.

3.0 **LINE FENCE – APPEARANCE AND SHARING OF COSTS**

- 3.1 The top, bottom and intermediate rails of any fence on a property boundary shall be covered such that the rails have equal or lesser exposure on the adjoining property side as compared to the fence owner's side of the fence. All materials used in the construction of a fence that is connected to the top, intermediate or bottom rails shall be installed in a similar manner on both sides of the fence.
- 3.2 Each of the owners of adjoining occupied land where a fence is on a property boundary shall repair, replace or maintain just proportions of any property fence heretofore or hereafter erected which marks the boundary of their respective properties, or shall bear a just proportion of the cost of any work of erection, repair, replacement or maintenance which has been carried out.
- 3.3 The minimum cost, should a fence be cost-shared, shall be for a black chainlink fence meeting the height and other standards of this by-law. Any additional costs, for materials of a higher expense, are the responsibility of the owner who wishes to construct the property fence unless otherwise agreed upon by the adjacent landowner.
- 3.4 Should an adjacent landowner not want to participate in the erection of a property boundary fence, the landowner wishing to construct the property fence must do so within their own property meeting all standards of this by-law.
- 3.5 Any differences of opinion regarding the sharing of costs on a fence are the responsibility of the landowners. It will not be the responsibility of Town staff to mediate a dispute between adjacent landowners. There is no obligation for an adjacent neighbour to pay for a fence which is not constructed on a property boundary.

RESIDENTIAL FENCES

3.6 Interior Lot

No person shall erect or maintain a fence on an interior lot in a residential zone that:

- a) Is made of sheet metal or corrugated metal panels or is of any similar material that is sharp or protruding such as barbed wire;
- b) Is made of tarpaulin materials, including but not limited to plastic or canvas;
- c) Exceeds 2.13 metres (7 feet) including any lattice in height in the side or rear yard of a property, or exceed 0.6 metres (2 feet) in height in the front yard which starts at the front wall of the main building.

3.7 Corner Lot

No person shall erect or maintain a fence on a corner lot in a residential zone that:

- a) Is made of sheet metal or corrugated metal panels or is of any similar material that is sharp or protruding such as barbed wire;
- b) Is made of tarpaulin materials, including but not limited to plastic or canvas;
- c) Exceeds 0.6 metres (2 feet) in height within a front yard;
- d) Exceeds 2.13 metres (7 feet) in height within a interior side yard;
- e) Exceeds 2.13 metres (7 feet) in height in the rear yard;
- f) Exceeds 0.6 metres (2 feet) if less than 1.5 metres (5 feet) from the exterior side lot line;
- g) Exceeds 0.6 metres (2 feet) if less than the minimum 4 metres (13 feet) from the nearest edge of the highway;
- h) Exceeds 1.82 metres (6 feet) if at least 1.5 metres (5 feet) from the exterior side lot line but less than 4.57 metres (15 feet) from the exterior side lot line, or 2.13 metres (7 feet) if at least 4.57 metres (15 feet) from the exterior side lot line;
- i) Exceeds 0.6 metres (2 feet) in height within a corner visibility triangle or driveway visibility triangle;
- j) Blocks access to parking space required by the Zoning By-law unless such fence is constructed with a gate at least 2.6 metres (8.5 feet) wide giving access to such parking space.

4.0 INDUSTRIAL AND COMMERCIAL FENCES

4.1 A person may have, erect, construct, maintain or permit to be erected, constructed or maintained a fence to enclose a front or rear yard of a lot used primarily for industrial or commercial purposes, provided that such fence shall:

- a) Not exceed 2.13 meters (7 feet) in height;
- b) Be set back from the front lot line a minimum of 7.62 m (25 feet);
- c) If on a corner lot, not be within any site triangle.

5.0 **BARBED WIRE FENCES**

- 5.1 No person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any barbed wire fence, except that barbed wire is permitted:
- a) on a fence erected on land used for agricultural purposes for the keeping of livestock;
 - b) on the top of a fence erected on a lot used for commercial or industrial uses provided that it projects inwards to the area enclosed by the fence, and;
 - c) on the top of a fence erected for security reasons around any facility owned, operated or maintained by any level of government or a utility provider.

6.0 **ELECTRIC FENCES**

- 6.1 No person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any fence with a device for transmitting an electric current thereon, except on agriculturally-zoned land used for the purposes of keeping livestock provided that the maximum electrical current does not exceed 120 volts at 0.4 amps and complies with all other applicable legislation.

7.0 **FENCES ON OR ABUTTING TOWN PROPERTY**

- 7.1 No fence shall be located or allowed to remain on property of the Town:
- a) unless such fence conforms to all requirements as prescribed herein;
 - b) no gates are included in the fence to access Town property is permitted;
 - c) where the fence is not being installed by the Town, its employees, or agents, unless written permission of the Corporation has been obtained.
- 7.2 Where a person obtains written permission of the Town to install a fence on Town property, such permission is conditional upon the person:
- a) meeting the requirements of this by-law respecting the fence;
 - b) agreeing to remove the fence from property of the Town at their own expense within 10 days after the sending by registered mail of written notice to do so by the Town to the address last known to the Town;
 - c) agreeing that if they fail to remove the fencing when the Town has sent notice to do so, that the Town may remove the fencing at that person's expense and shall be entitled to dispose of any materials removed from the Town's property at the expense of that person: and
 - d) producing a copy of such written permission upon the request of an officer.

8.0 **EXEMPTIONS AND TRANSITION**

- 8.1 This by-law shall not apply to fences erected by the County, the Town, or Provincial or Federal governments on land owned by those entities.
- 8.2 Swimming pool fences are regulated in the Town of Ingersoll's Swimming Pool Fence By-Law.

8.3 The height restriction set out in this by-law shall not apply to any fence constructed as a sound barrier as part of a Subdivision or Site Plan Control Approval.

8.4 Notwithstanding the provisions of this by-law, any fence that is in existence prior to the date of the enactment of this by-law and in compliance with other applicable regulations including Town of Ingersoll by-laws, the proof of which shall lie with the owner of a property, shall be deemed to comply with this by-law and may be maintained with the same material, height and dimensions as previously existed including any repair work that may be done to such fence.

9.0 OFFENCE AND PENALTY

9.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, exclusive of costs.

10.0 ENFORCEMENT

10.1 The enforcement of the provisions of this by-law shall be conducted by a Municipal Law Enforcement Officer ("Officer") as appointed by the Town of Ingersoll.

10.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with. Entry to any place actually being used as a dwelling unit shall be subject to the requirements of the *Municipal Act, 2001*.

10.3 For the purposes of an inspection pursuant to this by-law, an Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection, and;
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

10.4 The Owner of the property, upon written notice by the Town delivered by registered mail, shall comply with the notice within 14 days of receiving the notice.

10.5 Where any matter or thing required to be done in accordance with this by-law is not done, the Town or a person or persons designated by the Town may upon such notice as deemed suitable, enter upon private land at any reasonable time to do such matter or thing, at the expense of the person required to do it and in addition may charge an administration fee up to 10% of the cost of such expense. The Town may recover all costs and fees for doing the matter or thing from the person directed or required to do it by action or by adding the costs and fee to the tax roll and collecting these costs and fee in the same manner as property taxes.

11.0 SHORT TITLE

11.1 This by-law may be referred to as the "Property Boundary Fence By-Law".

12.0 **VALIDITY**

12.1 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.

13.0 **ENACTMENT**

13.1 This by-law shall come into effect on the day it is passed.

READ a first and second time in Open Council this 8th day of July, 2013.

READ a third time in Open Council and passed this 8th day of July, 2013.

Edward (Ted) J. Comiskey, Mayor

Marsha Paley, Clerk/ Deputy CAO

Building a Fence

If you live in the Town of Ingersoll and you would like to construct a fence on your property, it is important to understand the Town's by-law with respect to fences. By-law No. 13-4720 is the Town's Property Boundary Fence By-law. Please note that you do not need a permit to construct a fence on your property unless a swimming pool is involved. It is recommended that you review your property survey before you start building your new fence to make sure it is properly located.

What happens if my fence does not conform to the Town's Fence By-law?

If a Town Law Enforcement Officer receives a complaint regarding a fence violation on your property, you may be served with a notice to make modifications to your fence to bring it into compliance. This can result in you having to undo work that you have already paid to have done. In addition, anyone who is in violation of the by-law who does not comply with a issued Notice may be subject to legal action. The maximum fine for non-compliance with the Fence By-law is \$5,000.

If you have any questions about the Property Boundary Fence By-Law please refer to the by-Law which can be found on the Town website or you may call the Building Department at the Town Centre at 519-485-0120.

Please note: This pamphlet is only an overview of the Property Boundary Fence By-law and should not be mistaken for the Property Boundary Fence By-law. Copies of the By-law are available at the Town Centre or on the Town's website at www.ingersoll.ca



Town of Ingersoll Property Boundary Fence By-Law Information

Town Centre
130 Oxford St., 2nd Floor
Ingersoll, ON N5C 2V5

For More Information:
Phone : 519-485-0120
Email: building@ingersoll.ca
www.ingersoll.ca



Building a Fence

Questions & Answers
Regarding the Property
Boundary Fence By-Law



For More Information Call
The Town Centre
Building Department
519-485-0120

Building a Fence

Definitions:

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Height means the distance measured from the grade to the highest point of the fence exclusive of the posts

Rear Yard means an area extending from the required interior side yard to the required exterior side yard between the rear lot line of the lot and the nearest part of any excavation or main building on the lot

Side Yard means an area extending from the front yard to the rear lot line and from the side lot line of the lot to the nearest part of any excavation or main building on the lot. In case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.

Site Triangle means the triangular space formed by the intersecting street lines of a corner lot and a line drawn from a point on the said street lines to a point on the other said street line, each said point being measured a specific distance from the point of intersection of the said street lines.

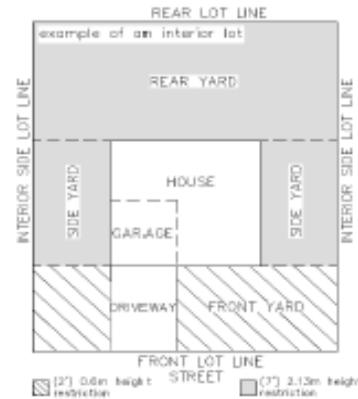
Interior Lot means any lot that is not a corner lot.

Corner Lot means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than 135 degrees.

Interior Lots

Interior Lot fences can be a maximum of:

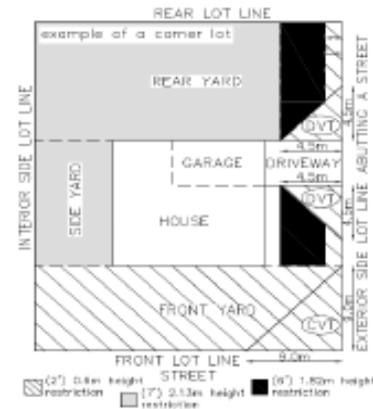
- 2.13 metres (7ft.) high in the side and rear yards
- 0.6 metres (2ft.) high in the front yard



Corner Lots

Corner Lot fences can be a maximum of:

- 0.6 m (2ft.) high
 - in the front yard
 - if less than 1.5 m (5ft.) from the side lot line abutting a street, and
 - Within any driveway or corner visibility triangle including a neighbor's driveway.
- 1.82 m (6ft.) high:
 - Provided they are set back a minimum of 1.5 m (5ft.) from the side lot line abutting a street
- 2.13 m (7ft.) high:
 - Provided they are set back a minimum of 4.5 m (15ft.) from the side lot line abutting a street
 - In the rear yard, and
 - The interior side yard



Please Note: That the lot lines on the diagrams represent the property boundary lines. The sidewalk is not necessarily the lot line, as the Town may own some landscaped area between your lot line and the sidewalk. Please consult your survey for the location of the lot lines.

