



By-Law 5136

Consolidated Fences By-Law

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**Consolidated Version** revised and verified June 30, 2020

Revision History:

By-Law 5475 – Passed on November 5, 1996

By-Law 5763 – Passed on August 18, 1998

Consolidated for Convenience Only

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**THE CORPORATION OF THE TOWN OF LASALLE**

**BY-LAW NO: 5136**

**A By-law to prescribe the type and description of lawful fences within the Town of LaSalle.**

**WHEREAS** pursuant to the Municipal Act, R.S.O. 1990 Chapter M.45, section 210, paragraphs 25 to 30, both inclusive, Council may pass By-laws dealing with fences;

**AND WHEREAS** it is deemed expedient and desirable to pass such a By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LASALLE ENACTS AS FOLLOWS:**

**DEFINITIONS**

- 1 For the purpose of this By-law, the following definitions shall apply:
- (1) **"BERM"** a mound of earth;
  - (2) **"CORNER LOT"** means a lot located at the intersection of two or more streets having an angle of intersection of not more than 135 degrees;
  - (3) **"COUNCIL"** means the Council of The Corporation of the Town of LaSalle;
  - (4) **"DAYLIGHT TRIANGLE"** means that portion of the corner lot within the triangular space formed by the street lines and a straight line drawn from a point in one street line to a point in the other street line, each such point being 9.1m (30 ft) measured along each street line from the point of intersection of the street lines, or as otherwise identified in any agreement entered into by the Town of LaSalle pursuant to the provisions of the Planning Act, the Municipal Act, or any other general or special Act;
  - (5) **"DRIVEWAY"** means a vehicle access provided between a street and a parking area/space or a loading space;
  - (6) **"EFFECTIVE GROUND LEVEL"** shall mean the lowest level of two (2) or more adjoining properties measured at a distance of 3 ft. on each side of the boundary line for the distance of the entire length of the boundary line;
  - (7) **"ELECTRICAL FENCE"** means a fence through which electricity passes;
  - (8) **"ERECT"** includes alter, construct, plant, grow, place and relocate;
  - (9) **"FENCE"** includes a railing, wall, berm, hedge, shrubs, line of posts, wire, masonry, gate, boards or pickets or other barrier of similar construction or substances or any combination thereof, used to enclose a yard or any part thereof, or to delineate the boundary limit of a property;
  - (10) **"FENCE-OPEN TYPE CONSTRUCTION"** means a fence constructed so that its vertical surface area is unobstructed, enabling motorists and pedestrians to have a clear view through such fence (e.g. a fence of chain-link construction);
  - (11) **"FENCE-SOLID TYPE CONSTRUCTION"** means a fence constructed so that its vertical surface is obstructed, preventing motorists and pedestrians from having a clear view through such fence;
  - (12) **"GRADE LEVEL OF HIGHWAY"** shall mean the grade level of the center of the travel portion of the nearest highway;
  - (13) **"HIGHWAY"** shall mean and include a common and public highway, street, avenue, parkway, driveway, square or place designated and intended for or used by the general public for the passage of vehicles, but shall not include an alley;
  - (14) **"INSPECTOR"** shall mean the building inspector of the Town of LaSalle or such other person so designated by By-law to administer this By-law;

- (15) **“LOT”** means any parcel of land which can be occupied or used or otherwise disposed of separately and apart from any abutting lands, whether or not such parcel is described in a registered deed or shown on a registered Plan of Subdivision;
- (16) **“PRIVATELY OWNED OUTDOOR SWIMMING POOL”** means any privately owned body of water located outdoors which is contained wholly or partly by artificial means and which can hold water exceeding 60.96 centimeters (24”) in depth at any point, and exceeding 4546 litres (1000 gallons) in volume and which is used or capable of being used for swimming and includes appurtenances thereto but does not include a swimming pool owned by a public or a governmental body, agency or authority and does not include water bodies used solely for ornamental purposes;
- (17) **“STREET”** shall mean a public highway which provides the principle means of the vehicular access to abutting lots and includes its sidewalks and boulevards;
- (18) **“STREET LINE”** means the boundary between the street and the lot separating the lot from the abutting street;
- (19) **“SWIMMING POOL ENCLOSURE”** means a fence or wall or combination thereof including any doors or gates surrounding a privately owned outdoor swimming pool and restricting access thereto;
- (20) **“YARD”** shall mean an open space on the same lot with a main building or structure, unoccupied and unobstructed. In determining yard measurements the minimum horizontal distance between the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:
- (a) Front Yard shall mean a yard extending across the full width of a lot between the front line and the nearest wall of the main building or structure on the lot;
  - (b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;
  - (c) Side Yard shall mean a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).

## APPLICATION

- 2 No person shall, erect, maintain or keep or cause to be erected maintained or kept within the Town of LaSalle any fence in contravention of the provisions of this By-law, unless such fence was erected in compliance with any predecessor of this By-law or has been exempted under section 3 of this By-law.
- 3 (1) Fences legally erected prior to the date of the passing of this By-law are exempt from the provisions of this By-law.  
 (2) The provisions of this By-law shall not apply to the fencing of wrecking yards within the Town of LaSalle.  
 (3) The provisions of any agreement entered into by the Town of LaSalle pursuant to the provisions of the Planning Act, the Municipal Act or any other general or special Act shall take precedence over any provisions of this By-law.
- 4 No person shall erect or maintain or cause to be erected or maintained any fence adjacent to a municipal sidewalk and a driveway within those areas as illustrated on Schedule “A” attached hereto unless such fence is of open type construction and does not obstruct the visibility of motorists or pedestrians.
- 5 No person shall erect or maintain or cause to be erected or maintained any fence within any daylight triangle.
- 6 (1) Unless otherwise provided herein, no person shall erect or maintain or cause to be erected or maintained in any side or rear yard of any lot any fence of a greater height than 1.8 metres (6 ft) above the effective ground level, which fence may be of solid type construction.  
 (2) Unless otherwise provided herein, no person shall erect or maintain or cause to be erected or maintained in any front yard of any lot any fence of a greater height than 1.2 metres (4 ft) above the effective ground level, which fence shall be of open type construction, and which fence shall be constructed no closer to any street or highway in the Town of LaSalle than the front boundary line of the lot.

- 7 Notwithstanding the provisions of Section 6 herein, no person shall erect or maintain or cause to be erected or maintained any railing of a greater height than 1.2 metres (4 feet) on any deck constructed on the property.
- 8 (1) This By-law shall not apply to fences or other enclosures erected within the interior of a lot for the purpose of sporting activities, and without limiting the generality of the foregoing shall include such sporting activities as tennis, volleyball, etc.
- (2) No person shall erect or maintain or cause to be erected or maintained any fence or other enclosure within the interior of a lot for the purpose of sporting activities unless such fence or other enclosure is set back from the boundary lines of the lot a distance at least equal to the height of the said interior fence or other enclosure.
- 9 No person shall, without having statutory authority so to do, erect or maintain or cause to be erected or maintained in or upon any street or highway in the Town of LaSalle any fence of any type of construction whatsoever.

#### **FENCES WITH BARBED MATERIAL**

- 10 No person shall erect or maintain or cause to be erected or maintained, on any land a fence which either contains, or is constructed, in whole or in part, of barbed wire or other barbed or sharp material.

Notwithstanding the provisions of the foregoing section of this By-law, barbed wire or other barbed or sharp mater may be erected or used on the top of any fence lawfully erected pursuant to the provisions of this bylaw for any lot which meets all of the following conditions:

- The lot is zoned Agricultural, Industrial or Commercial in the applicable zoning by-law; and
- The lot is occupied by either and Agricultural, Industrial or Commercial use in compliance with the applicable zoning by-law; and
- That portion of a fence containing such barbed or sharp material does not abut any lands zoned Residential, Recreational or Institutional in the applicable zoning by-law; and
- The barbed wire or other barbed or sharp material is located not less than seven feet above the effective ground level; and
- The barbed wire or other barbed or sharp material is not cantilevered from the top of such fence in a direction towarded abutting lands.

#### **ELECTRICAL FENCES**

- 11 Except as otherwise provided herein, no person shall erect or maintain or cause to be erected or maintained an electrical fence on any lands within the Town of LaSalle.

#### **POOL FENCES**

- 12 (1) The owner or occupant any land on which a privately owned outdoor swimming pool is located or erected or is proposed to be located or erected shall erect and maintain in good repair an enclosure around the entire swimming pool area, which enclosure is sufficient to render the pool area reasonably inaccessible to children.
- (2) No person shall place water in any privately owned outdoor swimming pool or allow water to remain therein unless the enclosure require under subsection (1) herein has been provided.
- (3) The pool enclosure required under this By-law shall extend from the effective ground level to a minimum vertical height, measured on the outside of the enclosure, of not less than 1.2 metres (4 feet).
- (4) The require swimming pool enclosure shall have no attachments on the exterior face thereof including:
- (a) horizontal or diagonal bracing;
  - or
  - (b) horizontal rails;
  - or
  - (c) any other members whether structural or otherwise that enable or facilitate climbing by any person.

- (5) All swimming pool enclosures shall be at least 1 metre (3.2 feet) distant from the inside wetted wall of the pool.
- (6)(a) a fence or its equivalent that forms a swimming pool enclosure or part thereof shall be composed of:
- i) chain link construction; or
  - (ii) vertical board construction; or
  - (iii) other materials and construction as provided for in section 12 of this by-law.
- (b) A fence of chain link construction that forms a swimming pool enclosure or part thereof shall:
- (i) have a mesh not greater than 1 ½"; and
  - (ii) be constructed of galvanized steel wire not less than 12ga. or of minimum 14 ga. steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12. galvanized steel wire; and
  - (iii) be supported by minimum 3.81 centimeters (1 ½") galvanized steel posts space not more than 2.4 metres (8 feet) apart, at least .9 metres (3 feet) below the effective ground level and be encased in concrete at least 5 centimeters (2") thick all around; and
  - (iv) have top and bottom rails firmly fastened to the upright posts, made of minimum 3.17 centimeters (1 ¼" galvanized steel pipe. A galvanized steel tension rod .63 centimeters (1/4") diameter may be substituted for the bottom rail.
- (7) A fence of wood construction that forms a swimming pool enclosure or part thereof shall:
- (a) have vertical boarding not less than 2.5 centimeters x 10 centimeters (1" x 4") nominal and shall have no openings with a dimension greater than 10 centimeters (4"); and
  - (b) be supported by posts at least 10 centimeters x 10 centimeters (4" x 4") square or 10 centimeters (4") in diameter, nominal dimensions, spaced not more than 8 feet on centers. Such posts shall extend at least 9 centimeters (3") into the ground and that portion of the post below the effective ground level shall be treated with a wood preservative; and
  - (c) have top and bottom rails with at least 5 centimeters x 10 centimeters (2" x 4") nominal dimensions, and spaced at least 1.07 metres (3'6") apart in such a manner as to not facilitate climbing from the outside.
- (8) A fence of any other construction that may provide an equivalent or greater degree of safety to that specified in subsections 6 and 7 of this section may be approved by the Inspector upon receipt of complete plans and specifications for such fence.
- (9) Fences, when forming part of the require swimming pool enclosure shall contain no barbed wire, electrical wiring, sharp projections or any other dangerous characteristics.

## **GATES AND ENTRANCES**

- 13 Gates that form a part of the swimming pool enclosure shall be:
- (1) of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence; and
  - (2) supported on substantial hinges; and
  - (3) self-closing and self-latching with the latching advice at the top of and on the inside of the gate.

## **GUARD/RAILS FOR ABOVE GROUND POOLS**

- 14 All above ground privately owned outdoor swimming pools with walkways higher than 60.96 centimeters (24") above the effective ground level shall be provided with guard-rails at least 1 metre (3.2 feet) in height measured from the walkway level. The required swimming pool enclosure may form part of the required guard-rail.
- 15 The provision of this By-law requiring the erection of a privately owned outdoor swimming pool enclosure shall not apply if the outside wall of the swimming pool is elevated at least 121.9 centimeters (48") above the grade level of the ground abutting such wall and each entrance of the pool, sun-deck or walkway is protected by a gate of at least 121.9 centimeters (48") high and having a self enclosing, self-latching device as provided herein.
- 16 Sun-decks or walkways may be allowed to effectively enclose any privately owned outdoor swimming pool provided that they are so constructed that they cannot be used in the manner similar to a ladder and are a minimum of 121.9 centimeters (48") in height above the effective ground level.

**GENERAL**

17 (1) This By-law shall be administered by the Clerk of the Town of LaSalle and shall be enforced by the By-Law Enforcement Officer of said Town of LaSalle as appointed from time to time.

(2) In this By-law, unless the context otherwise requires, words that in part of the singular number shall include the plural, and words that in part of the feminine gender shall include the masculine  
and further, the converse of the foregoing also applies if the context so requires.

18 Schedule "A" attached hereto shall form a part of this By-law.

**PENALTY**

19 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is subject to a fine not exceeding \$2,000.00 recoverable under the Provincial Offences Act, as amended.

**SEVERABILITY**

20 If a Court of competent jurisdiction declares any section or subsection of this By-law invalid, the remainder of this By-law shall continue in force and effect until such Court makes an Order to the contrary.

21 This By-law comes in full force and effect on the day of final passing thereof.

**READ a first and second time and FINALLY passed this 8th day of November, 1994.**

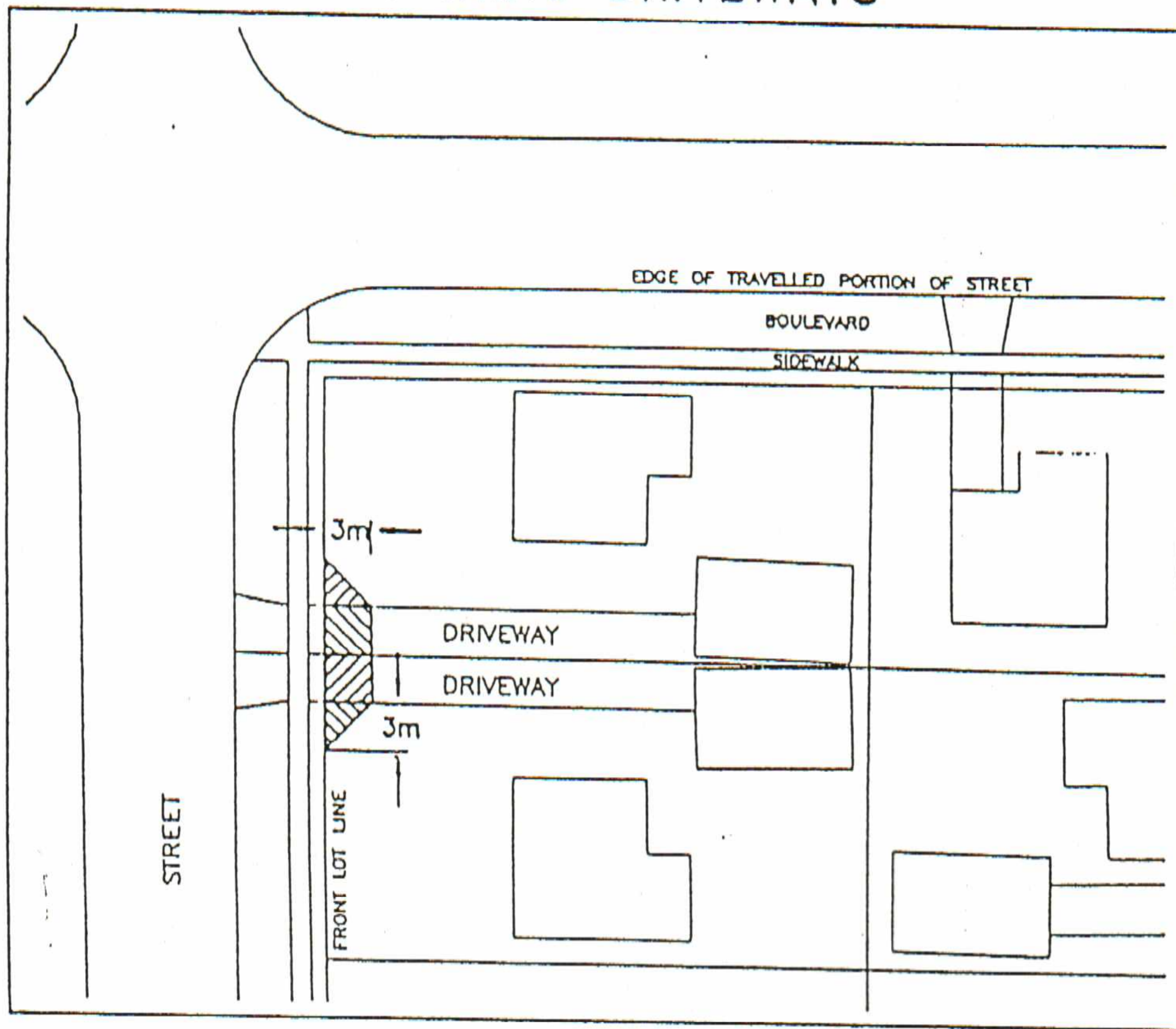
1st Reading – November 8, 1994.

2nd Reading – November 8, 1994.

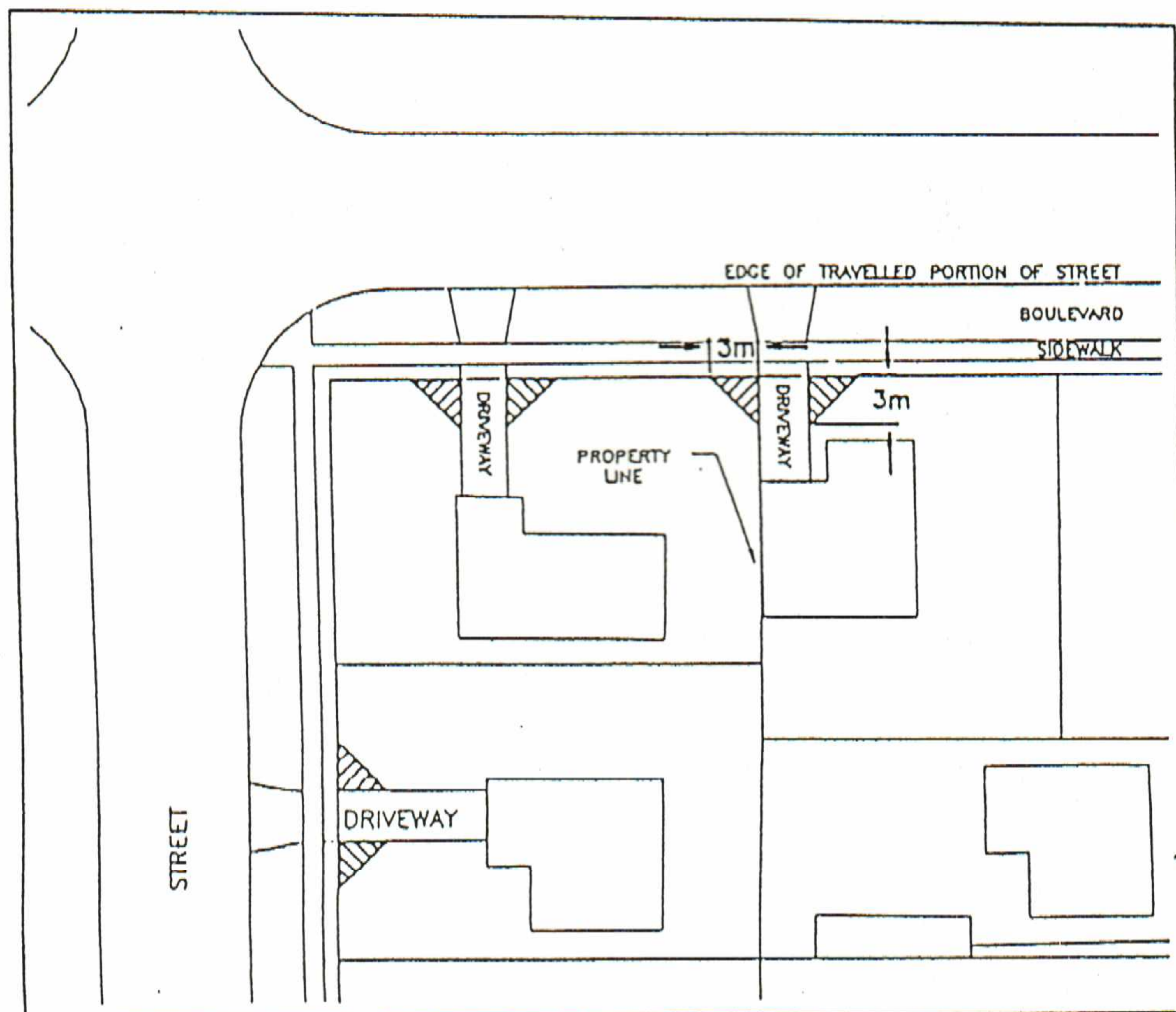
3rd Reading – November 8, 1994.

# SCHEDULE "A"

## ADJOINING DRIVEWAYS



## SINGLE DRIVEWAYS



 NO FENCE HIGHER THAN 75CM UNLESS FENCE IS OF OPEN CONSTRUCTION

NOT TO SCALE.