

## The Corporation of the Township of Centre Wellington

### By-law 2018-34

A By-law to regulate fences in the Township of Centre Wellington  
and to Repeal By-law 2002-30

**Whereas** section 11 (2), paragraph 6 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons;

**And Whereas** section 11 (3), paragraph 7 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a By-law respecting structures including fences;

**And Whereas** section 8 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to regulate or prohibit in respect of matters within their jurisdiction and to provide for a system of obtaining permits in relation to those matters;

**And Whereas** section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties to a body;

**And Whereas** the Council of the Corporation of the Township of Centre Wellington deems it necessary and expedient to regulate the height, type of fences and outdoor swimming pool enclosures in the Township of Centre Wellington;

**Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:**

#### 1. DEFINITIONS

1.1 In this By-law:

**"Agricultural Property"** means any lands designated as an agricultural zone under the provisions of the **Township's Zoning By-law** and any **Lot** where the predominant use is for agricultural purposes.

**"Building"** means a building as defined in the Building Code Act, as amended or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy.

**"Commercial Property"** means any lands designated as a commercial zone under the provisions of the **Township's Zoning By-law** and any **Lot** where the predominant use is for commercial purposes.

**"Committee"** means the Committee of Adjustment for the **Township** or other Committee appointed pursuant to this By-law.

**"Corner Lot"** means a **lot** situated at the intersection of and abutting upon two or more **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. In the case of a curved corner, the corner of the **lot** shall be deemed to be the point of the **street line** nearest the point of intersection of the said tangents.

**"Driveway Sight Triangle"** means an area of land contained within and determined by measuring from the point of intersection of a **street line** and a driveway, a distance of 4 metres (13.1 feet) along such **street line** and 6 metres (19.7 feet) along such driveway, joining such points with a straight line to form a triangle.

**"Exterior Side Lot Line"** means a side lot line that abuts a **street**.

**"Exterior Side Yard"** shall mean the **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between the exterior side **lot line** and the nearest wall of the principal **building** or structure on the **lot**.

**"Finished Grade"** means the existing ground level upon which the **fence, outdoor swimming pool or outdoor swimming pool enclosure** is erected on or to be erected upon.

**"fence"** means a structure, wall or barrier, erected at **finished grade** for the purpose of defining

boundaries of a **lot**, separating open space, restricting ingress to or egress from a **lot**, providing security or protection to a **lot** or acting as a visual or acoustic or **privacy screen**, used to enclose or divide in whole or in part of a **lot** and includes a hedge or grouping of shrubs.

“**Front Lot Line**” means in the case of an **interior lot**, the line that divides the **lot** from the **street**. In the case of a **corner lot**, the shorter **lot line** abutting a **street** shall be deemed to be the front lot line and the longer line abutting the **street** shall be deemed to be the **exterior side lot line**. In the case of a **through lot**, the **lot line** where the principal access to the **lot** is provided shall be deemed the front lot line.

“**Front Yard**” shall mean a **yard** extending across the full width of the lot between the **front lot line** and the nearest wall of the principal **building** or structure on the **lot**.

“**Height**” means the distance measured from the **finished grade** where the **fence** posts are embedded to the top 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 the passage of vehicles and includes the area between the lateral **lot lines** thereof;

“**Industrial Property**” means any lands designated as an Industrial zone under the provisions of the **Township’s Zoning By-law** and any **Lot** where the predominant use is for Industrial purposes.

“**Interior Lot**” means a **lot** other than a **corner lot**.

“**Interior Side Yard**” shall mean a **yard** other than an exterior side yard that extends from the **front yard** to the **rear yard** between the interior side **lot line** and the nearest wall of the principal **building** or structure on the **lot**.

“**Lot**” means a parcel of land which is capable of being legally conveyed.

“**Lot Line**” means any boundary of a **lot** or its vertical projection.

“**Officer**” means a police officer, municipal law enforcement officer, building inspector or other **person** appointed by By-law to enforce the provisions of this By-law.

“**Owner**” includes,

- (a) the **person** for the time being managing or receiving the rent of the land, **lot** 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 receive the rent if the land, **lot** and premises were let; and
- (b) a lessee or **occupant** of the **lot** who, under the terms of a lease, is required to **repair** and maintain the **lot** in accordance with the standards for the maintenance and occupancy of **lot**;

“**Outdoor Swimming Pool**” means a body of water, exceeding 0.91 metres (3 feet) in depth at any point, located outdoors on a private **lot** contained by artificial means and used or maintained for the purpose of swimming, wading, diving or bathing and includes a hot tub, whirlpool or spa but does not include:

- (a) a storm water management pond;
- (b) a natural or man-made pond, lagoon, water reservoir or a manure storage facility located on **agricultural property**.
- (c) a public swimming pool which is subject to the regulations made pursuant to the *Building Code Act, S.O. 1992, c. 23*, as amended and the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, as amended.

“**Outdoor swimming pool enclosure**” means a **fence**, wall, **building** or other structure, together with any included door or gate completely surrounding an **outdoor swimming pool**, but shall not include a hedge or a grouping of shrubs.

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

“**Permit**” means a permit issued pursuant to this By-law by the **Township**.

“**Privacy screen**” means a visual barrier used to shield any part of a **Lot** from any adjacent **Lot** or **Highway**.

“**Rear Yard**” shall mean a **yard** extending across the full width of the **lot** between the rear **lot line** and the nearest wall of the principal **building** or structure on the **lot**.

“**Repair**” includes the making of additions or alterations or the taking of such action as may be required to conform to the standards established in this By-law.

“**Residential Property**” means any lands designated as a residential zone under the provisions of the **Township’s Zoning By-law** and any **Lot** where the predominant use is for residential purposes.

“**Salvage/Wrecking Yard**” means land or a **building** or structure used for the wrecking, dismantling, storing or selling of used vehicles, equipment, goods, wares or materials.

“**Sight Triangle**” on every **corner lot**, except within a C1 zone identified in the **Township’s Zoning By-law**, a sight triangle shall be in accordance with the following:

- (a) The sight triangle is an area of land contained within and determined by measuring the following distances in each direction from the intersection of the **front** and **exterior side lot lines** and connecting these points to form a triangle:
  - i) 9.0 metres (29.5 feet) along an arterial or collector **highway**;
  - ii) 7.5 metres (24.6 feet) along a local **street**.

“**Street**” means a **Highway**.

“**Street Line**” means the boundary between a **Highway** and a **Lot** which separates the **Lot** from the **Highway**.

“**Through Lot**” shall mean a **lot** bounded on opposite sides by a **street**. However, if the **lot** qualifies as being both a **corner lot** and a **through lot**, such **lot** is deemed to be a **corner lot**.

“**Township**” means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires.

“**Yard**” shall mean a space appurtenant to a **building** or structure, located on the same **lot** as the **building** or structure, which is open, uncovered and unoccupied by any **building** or structure. In determining yard measurements the minimum horizontal distance from the respective **lot lines** shall be used.

“**Zoning By-law**” means any By-law administered by the **Township** passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

## **2. APPLICATION**

2.1 This By-law shall apply throughout the whole of the **Township**.

2.2 A **fence** which is required and approved by the **Township** as a condition of development or redevelopment of land pursuant to Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended shall be deemed to be legal non-complying with the provisions of this By-law.

2.3 A **fence** which is required and approved by the **Township** as a condition of development or redevelopment of land pursuant to Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended is subject to the maintenance and **repair** provisions of this By-law.

2.4 Notwithstanding any other provisions of this By-law, a **fence** legally established prior to and existing as of the date of passing of this By-law shall be deemed to be legal non-complying with the provisions of this by-law provided the **fence** is maintained in good **repair** and is not located within a **sight triangle** or **driveway sight triangle**.

- 2.5 The replacement of a **fence** is subject to the provisions and requirements of this By-law.
- 2.6 An **outdoor swimming pool enclosure** approved by the **Township** by a **Permit** issued prior to the passing of this By-law shall be deemed to be legal non-complying provided the **outdoor swimming pool enclosure** is maintained in good **repair**.
- 2.7 The replacement of an **outdoor swimming pool enclosure** is subject to the provisions and **Permit** requirements outlined in this By-law.

### 3. GENERAL PROVISIONS

- 3.1 No **person** shall erect, own or maintain, or cause or permit the erection or maintenance of any **fence** on lands within the **Township** except in conformity with the provisions of this By-law.
- 3.2 Notwithstanding any other provision of this By-law, no **person** shall on any **Lot** erect, cause to be erected, or maintain or permit a **Fence** that obstructs the view of a motorist or pedestrian or is determined to be a safety hazard.
- 3.3 No **person** shall erect a **fence** on a **highway** or right of way unless such **fence** has been so authorized by an encroachment agreement with the **Township**.
- 3.4 The **Owner** of a **fence** shall maintain the **fence** in good **repair** and in compliance with the requirements of this By-law.
- 3.5 No **Person** shall own, install, excavate, construct or maintain, or cause or permit the installation, excavation or construction of an **outdoor swimming pool** without an **outdoor swimming pool enclosure permit**.
- 3.6 No **Person** shall own, place, cause or permit to be placed water in an **outdoor swimming pool** unless a final inspection has been completed under an **outdoor swimming pool enclosure permit**.
- 3.7 No **Person** shall own, erect, cause or permit to be erected an **outdoor swimming pool enclosure** other than in accordance with this By-law and the **outdoor swimming pool enclosure permit** and the approved plans.
- 3.8 The **Owner** of an **outdoor swimming pool** shall maintain an **outdoor swimming pool enclosure** in good **repair** and in compliance with the requirements of this By-law.
- 3.9 The **Owner** of an **outdoor swimming pool** shall ensure that a gate or a door of a **building** that forms part of the **outdoor swimming pool enclosure** is locked when the area is not in active use or no responsible person is in attendance.
- 3.10 The **Owner** of an **outdoor swimming pool** that is a hot tub, whirlpool or spa shall ensure that the lid is closed and locked when not in active use or no responsible person is in attendance.

### 4. FENCES - RESTRICTED

- 4.1 Except for an invisible **fence** no **fence** or attachment to a **fence** shall be used as a conductor of electricity unless the **fence** is located on **agricultural property** that is in actual use for raising livestock and the **fence** or attachment:
- (a) carries electricity of not more than 12 volts;
  - (b) is designed and installed only to contain livestock; and
  - (c) a sign is installed that is clearly visible and legible at the intersection of a **fence** line adjacent to a public **highway** or other place to which the public has access warning that the **fence** carries electricity.
- 4.2 No barbed wire or other barbed or sharp material shall be used in a **fence** except in accordance with the following:
- (a) on **agricultural property** and for the purpose of containing livestock;



- (b) on the top of a **fence** on **commercial or industrial property** having a minimum **height** of 2.4 metres (7.9 feet), provided that it projects inwards to the area enclosed at a 45 degree angle; or,
- (c) on the top of a **fence** erected for security purposes around any recreational, operational or storage facility owned and operated by the **Township**.

## 5. FENCES - HEIGHT AND LOCATION

5.1 The maximum **height** of a **fence** shall be in accordance with the following table:

<b>TABLE A MAXIMUM FENCE HEIGHT</b>				
	<b>Location</b>	<b>Single / Semi Detached Residential Property</b>	<b>Multiple Residential Property</b>	<b>Non-Residential Property</b>
1	<b>Exterior Side Yard</b> within 4 metres of <b>Front Lot / Street Line</b> from the rear of the <b>building</b> to the <b>Rear Lot Line</b>	2 m (1)	2 m (1)	2 m (1)
2	<b>Interior Side Yard</b> between <b>buildings</b>	2 m	2 m	2.5m
3	<b>Rear Yard</b> not within 4 metres of <b>lot / street line</b>	2.5 m (2)	2.5 m (2)	2.5 m
4	<b>Front Yard</b> and remainder of <b>Exterior Side Yard</b>	1.2 m (3)	1.2 m (3)	1.2 m (3)
5	<b>Sight Triangle/ – Driveway Sight Triangle</b>	0.8m Solid <b>fence</b> 1.2 m chain link <b>fence</b>	0.8m Solid <b>fence</b> 1.2 m chain link <b>fence</b>	0.8m Solid <b>fence</b> 1.2 m chain link <b>fence</b>
6	Unroofed deck in <b>Rear Yard</b>	2 m above surface of deck	2 m above surface of deck	2 m above surface of deck
7	Abutting Multiple <b>Residential Property</b>	2.5 m	2.5 m	2.5 m
8	Abutting a <b>Highway</b> or walkway but not in a <b>front</b> or <b>exterior side yard</b>	2.5 m	2.5 m	2.5 m
9	Tennis court baseball diamond or other recreational facility	3 m	3 m	3 m
10	Any other <b>fence</b>	2 m	2 m	2.5 m

Notes:

- (1) 50% of **fence** to be open over 1.5 metres (5 feet) in **height**.
- (2) 50% of **fence** to be open over 2 metres (6.6 feet) in **height**.
- (3) See restriction in **height** to 0.8 metres (2.6 feet) in **Sight Triangle** and **Driveway Sight Triangle**.
- (4) For a Typical Lot Plan and Typical Fence Illustrations refer to Schedule A – Drawing No.'s A1 to A7 of this By-law.

- 5.2 A **fence** shall be constructed of durable materials, suitable for its intended use and be capable of supporting the intended structural loads.
- 5.3 Snow fencing or plastic mesh fencing shall not be used as a permanent **fence**
- 5.4 A **fence** comprised in whole or in part of hedges or shrubs shall be pruned and trimmed to ensure the hedges or shrubs do not contravene any provisions of this By-law.
- 5.5 A **fence** shall not be constructed or located so as to block access to a parking space as required by the **Township's Zoning By-law** unless the **fence** is constructed with a gate at least 2.59 metres (8.5 feet) wide that provides access to the parking space.
- 5.6 An outdoor storage facility for a lawfully existing or proposed **salvage / wrecking yard** shall be:
- (a) enclosed with a solid **fence**; and
  - (b) a minimum **height** of 2.5 metres (8.2 feet).
- 5.7 Where more than one description in the Table A applies to a **fence**, each part that corresponds to a single description shall be deemed to be a separate **fence** for the purpose of determining maximum **height** for that part.

## 6. OUTDOOR SWIMMING POOL ENCLOSURE – PERMIT AND STANDARDS

- 6.1 A **Person** making an application for a **Permit** for an **Outdoor Swimming Pool Enclosure** shall:
- (a) submit a complete application in the form provided by the **Township**;
  - (b) submit plans showing the location of **buildings**, structures, septic system, tile bed, well, **outdoor swimming pool, outdoor swimming pool enclosure** including gate and door locations in relation to **lot lines**;
  - (c) submit conservation authority clearance letter or permit, if applicable;
  - (d) submit storm water and/or grading control plan as required and to the satisfaction of the **Township**;
  - (e) provide details on materials and **height** of the **outdoor swimming pool enclosure**;
  - (g) submit any other documents as may be required by the **Township**;
  - (h) submit the required **permit** fee.

- 6.2 An **outdoor swimming pool enclosure** shall be constructed in compliance with the minimum standards outlined in Table B, Table C or Table D of this By-law or such other equivalent alternative approved by the **Township's** Chief Building Official:

Table B Minimum Chain Link <b>Fence</b> Construction Standards			
	<b>Fence</b> Components	Single Family <b>Residential Property</b>	Multiple <b>Residential Property</b> or non – <b>Residential Property</b>
1	MESH SIZE	38 mm Maximum	38 mm Maximum
2	MESH GAUGE	14 gauge galvanized wire & 2 Gauge vinyl for 12 gauge total thickness	11 gauge galvanized wire & 2 Gauge vinyl for 9 gauge total thickness
3	GATE & END POSTS DIAMETER DEPTH OF EMBEDMENT	38 mm 760 mm	60 mm 760 mm in 200 mm dia. Concrete
4	INTERIOR POSTS DIAMETER DEPTH OF EMBEDMENT	32 mm 760 mm	48 mm 760 mm
5	Minimum Diameter TOP RAIL BOTTOM WIRE RAIL  GATE FRAME	32 mm gauge galvanized, threaded through the mesh and looped and fastened to each post 32 mm	32 mm gauge galvanized, threaded through the mesh and looped and fastened to each post 32 mm
6	POST SPACING	2.4 m Maximum	2.4 m Maximum

Note: For Typical Fence Illustrations refer to Schedule A – Drawing No.'s A2 to A7 of this By-law.

Table C Minimum Wood <b>Fence</b> Construction Standards			
	<b>Fence</b> Components	Single Family <b>Residential Property</b>	Multiple <b>Residential Property</b> or non – <b>Residential Property</b>
1	VERTICAL BOARD SIZE SPACING	19 mm X 89 MM Maximum 38 mm max. where Horizontal Rails are spaced less than 1.1 apart 100 mm max. where Horizontal Rails are spaced more than 1.1 apart	19 mm X 89 MM Maximum 38 mm max. where Horizontal Rails are spaced less than 1.1 apart 100 mm max. where Horizontal Rails are spaced more than 1.1 apart
2	HORIZONTAL RAILS SIZE	38 mm X 89 mm	38 mm X 89 mm
3	SPACE BETWEEN BOTTOM of <b>FENCE</b> and <b>FINISHED GRADE</b>	100 mm Maximum	100 mm Maximum
4	POSTS SIZE SPACING EMBEDMENT	89 X 89 mm 2.4 metres 900 mm min. below grade	89 X 89 mm 2.4 metres 900 mm min. below grade

Note: For Typical Fence Illustrations refer to Schedules A2 to A7 of this By-law.

Table D Minimum Metal Picket Fence Construction Standards			
	Fence Components	Single Family Residential Property	Multiple Residential Property or non-Residential Property
1	VERTICAL PICKETS SPACING	38 mm max. where Horizontal Rails are spaced less than 1.1 apart 100 mm max. where Horizontal Rails are spaced more than 1.1 apart	38 mm max. where Horizontal Rails are spaced less than 1.1 apart 100 mm max. where Horizontal Rails are spaced more than 1.1 apart
2	HORIZONTAL RAILS SIZE	38 mm X 89 mm	38 mm X 89 mm
3	POSTS SPACING EMBEDMENT	2.4 metres In concrete a 900 mm min. below grade	2.4 metres in concrete a 900 mm min. below grade

Note: For Typical Fence Illustrations refer to Schedule A – Drawing No.’s A2 to A7 of this By-law.

6.3 The minimum **height** of an **outdoor swimming pool enclosure** is as outlined in Table E:

Table E Minimum Height of Outdoor Swimming Pool Enclosure				
	Enclosure Type	Single Family Residential Property	Multiple Residential Property	Non Residential Property
1	All Fences	1.5 m	1.8 m	1.8 m

Note: For Typical Fence Illustrations refer to Schedule A – Drawing No.’s A2 to A7 of this By-law.

6.4 An **outdoor swimming pool enclosure** shall:

- (a) not use or incorporate barbed wire, electrification, or other features designed to cause injury;
- (b) not be directly accessible from a door of a **building** unless the door is equipped with a lockable device in accordance with Section 8 of this By-law;
- (c) be located a minimum of 1.0 metre (3.3 feet) from any other **fence**, wall or structure which may facilitate climbing over the **outdoor swimming pool enclosure**;
- (d) be located at least 1.2 metres (3.9 feet) from the edge of the water of the **outdoor swimming pool**.

6.5 In accordance with the **Township’s** Zoning By-law, an **outdoor swimming pool** shall not be closer than 1.2 metres (3.9 feet) to a **lot line**.

## 7. OUTDOOR SWIMMING POOL ENCLOSURE - GATES

7.1 A gate that forms part of an **outdoor swimming pool enclosure** shall:

- (a) be self-closing, and equipped with a self-latching and locking device placed at the top and on the inside of the gate so the device latches when the gate is in the closed position;
- (b) operate on hinges sufficient to support the gate either open and unlatched or closed and latched; and

- (c) be of such construction and height that complies with the **outdoor swimming pool enclosure** requirements of this By-law.

## 8. OUTDOOR SWIMMING POOL ENCLOSURE – BUILDING ENTRANCEWAYS

8.1 Where a **building** forms part of an **outdoor swimming pool enclosure**, no entranceway to the **outdoor swimming pool** shall be permitted unless:

- (a) the entranceway door is equipped with a bolt or a chain latch a minimum height of 1.83 metres (6 feet) above the inside floor level; and
- (b) the bolt or chain latch is maintained in good **repair**.

## 9. OUTDOOR SWIMMING POOL ENCLOSURE – ABOVE GROUND OUTDOOR SWIMMING POOL

9.1 Notwithstanding Sections 6.2 and 6.3 of this By-law, an **outdoor swimming pool enclosure** for an above ground **outdoor swimming pool** may consist of the vertical sides of the above ground **outdoor swimming pool** or any deck or other assembly forming part of the above ground **outdoor swimming pool** provided the following requirements are met:

- (a) such vertical sides and assemblies including a guard are constructed and maintained in such a manner to prevent the climbing thereof; and
- (b) any ladder or stair assemble providing access to the above ground **outdoor swimming pool** or to any deck of other assembly forming part of the above ground **outdoor swimming pool** is hinged and constructed in a manner so as to be latched in an upright position or gated, thereby preventing entry to the above ground **outdoor swimming pool**; and
- (c) a guard not less than 1.07 metres (3.5 feet) in height is provided around any platform;
- (d) the combined height of the above ground **outdoor swimming pool** and any guard is not less than 1.5 metres (5 feet).

## 10. OUTDOOR SWIMMING POOL ENCLOSURE – HOT TUB, WHIRLPOOL OR SPA

10.1 Notwithstanding Sections 6.2 and 6.3 of this By-law, an **outdoor swimming pool** that is a hot tub, whirlpool or spa may be equipped with a substantial cover, capable of holding 90.72 kg (200 lbs), which is fitted to the hot tub, whirlpool or spa with a lockable cover.

## 11. OUTDOOR SWIMMING POOL ENCLOSURE – TEMPORARY DURING CONSTRUCTION

11.1 During the construction of an **outdoor swimming pool** a temporary fence shall be installed. Upon substantial completion of the **outdoor swimming pool**, the **outdoor swimming pool enclosure** shall be erected in accordance with the approved **Permit** and the provisions of this By-law.

11.2 A temporary fence erected in accordance with this section shall:

- (a) be erected in a good workmanship manner;
- (b) consist of steel “T” posts spaces at not more than 1.2 metres (3.9 feet) on centre embedded at least 600 mm into the ground;
- (c) consist of 38 mm plastic mesh fencing at least 1.2 metres (3.9 feet) in **height** and securely fastened to the posts at 200 mm on center vertically and at the top and bottom by 11 gauge steel lacing cable threaded through the mesh and looped and fastened to each post or equal.

## 12. VARIANCE FROM BY-LAW

12.1 A **Person** making an application for a variance from the requirements of this By-law shall:

- (a) submit a complete application in the form provided by the **Township**;
- (b) submit plans showing the location of the **fence, buildings**, structures, septic system, tile bed, well, **outdoor swimming pool, outdoor swimming pool enclosure**

including gate and door locations, as applicable and in relation to **lot lines**;

- (c) provide details regarding the variance including why it is desired;
- (d) submit any other documents as may be required by the **Township**;
- (e) submit the required application fee.

### **13. ESTABLISHMENT OF A VARIANCE COMMITTEE**

13.1 The **Committee** shall hear applications for variances to the provisions of this By-law.

### **14. POWERS OF THE COMMITTEE**

14.1 The **Committee** is delegated authority by Council to hear and render decisions regarding an application for a variance to this By-law.

14.2 The **Committee**, upon application of the **Owner** of any **lot** affected by this By-law, or any **person** authorized in writing by the **Owner**, may authorize a variance from the provisions of this By-law.

14.3 The **Committee**, upon receiving an application for a variance, shall consider:

- (a) whether the request is minor in nature;
- (b) whether the proposed variance is desirable and in keeping with **fences** in the area; and
- (c) whether the proposed variance effects safety of sight lines;
- (d) whether the proposed **outdoor swimming pool enclosure** meets the intent of the safety and construction standards established by this By-law.

14.4 The **Committee**, upon hearing an application for a variance shall render a decision.

14.5 The decision of the **Committee** regarding an application for a variance shall be final and binding.

### **15. APPLICATION AND HEARING PROCESS**

15.1 The hearing on any application for a variance shall be held within forty (40) days after the application is received by the Planning and Development Department for the **Township**.

15.2 The **Township**, before the **Committee** hears an application, shall give notice of the application in a manner and containing the information set out in section 15.5.

15.3 The **Owner** shall:

- (a) post a notice containing the information set out in section 15.5, clearly visible and legible from a public **Highway** or other place to which the public has access at least ten (10) days before the day of the hearing on an application for a variance to this by-law; and
- (b) provide to the **Township's** satisfaction proof of posting of the notice ten (10) days before the day of the hearing of the application.

15.4 Notice of a hearing on an application for a variance shall be circulated by the Planning and Development Department at least ten (10) days before the day of the hearing on an application for a variance to this By-law to the following:

- (a) Building Department and the Public Works and Engineering Department for the purpose of providing comments or concerns with the variance request; and
- (b) By personal service or ordinary mail to every owner of land within 60 metres of the subject **lot**.

15.5 The posted Notice of hearing shall include the following:

- (a) The date, time and location of the hearing

- (b) An explanation of the purpose and effect of the proposed variance
  - (c) A description of the subject land or the municipal address
  - (d) How to obtain additional information regarding the application
  - (e) How to obtain a copy of the decision
- 15.6 The hearing of every application shall be held in public, and the **Committee** shall hear the applicant and every other **person** who desires to be heard in favour of or against the application, and the **Committee** may adjourn the hearing or reserve its decision.
- 15.7 No decision of the **Committee** on an application is valid unless it is concurred in by the majority of the members of the **Committee** that heard the application, and the decision of the **Committee**, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- 15.8 Any authority or permission granted by the **Committee** may be for such time and subject to such terms and conditions as the **Committee** considers advisable and as are set out in the decision.
- 15.9 The Planning and Development Department shall no later than ten (10) days from the making of the decision send one (1) copy of the decision:
- (a) to the applicant;
  - (b) to each **person** who appeared in **person** or by Counsel or by Agent at the hearing and who filed with the Planning and Development Department a written request for notice of the decision; and
  - (c) to the Building Department and Public Works and Engineering Department.

## 16. FEES

- 16.1. The fee for an **outdoor swimming pool enclosure permit** or a variance to this By-law shall be as prescribed in the **Township's** Fees and Charges By-law and is payable upon submission of an application.

## 17. ENFORCEMENT AND PENALTY PROVISIONS

- 17.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 17.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 17.3 Every **person** who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, to a fine not more than \$50,000.00; and
  - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 17.4 Every **person** who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 17.5 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 17.6 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

17.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

**18. SEVERABILITY**

18.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Township** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

**19. SINGULAR AND PLURAL USE**

19.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

**20. REPEAL**

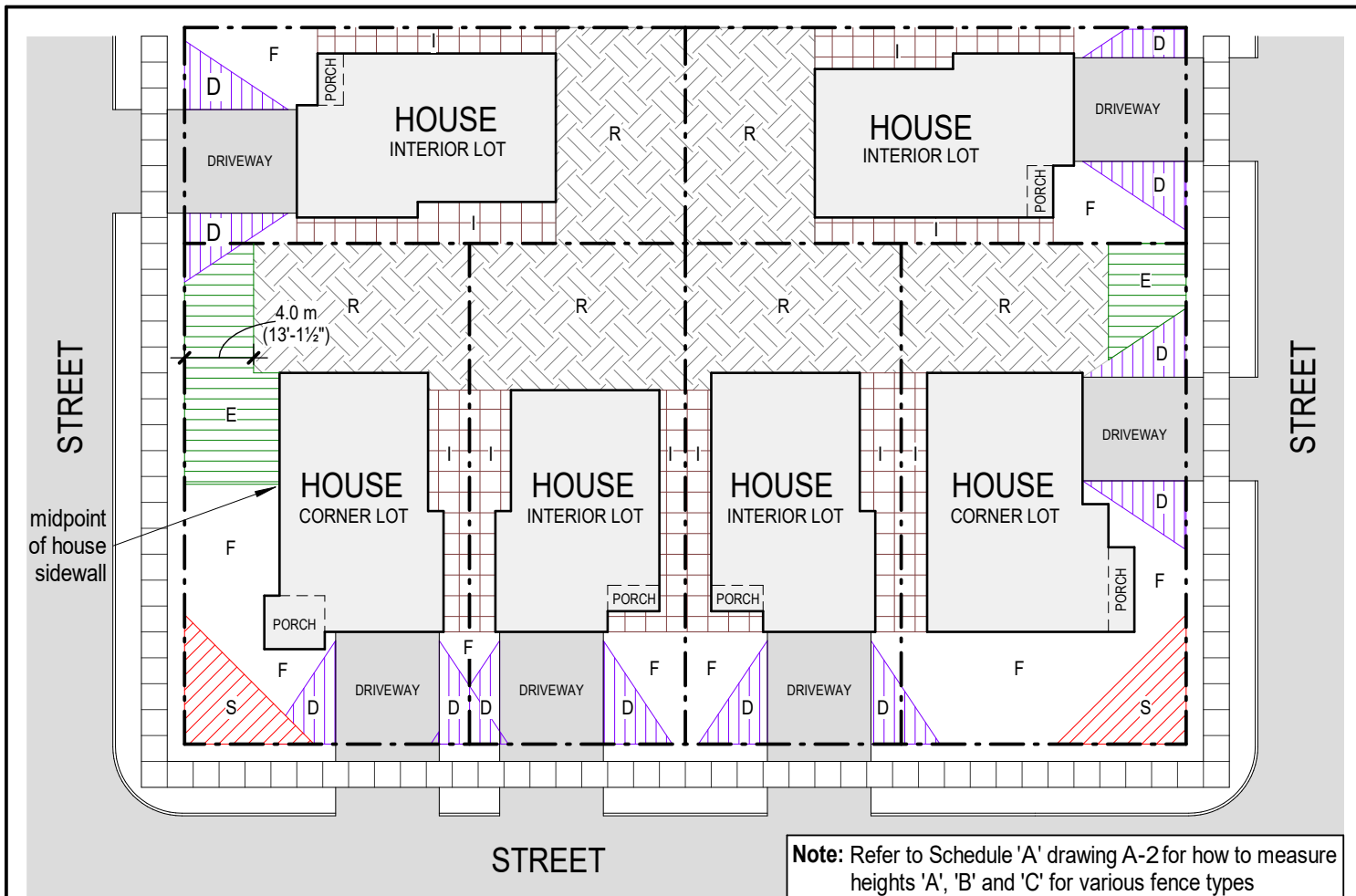
20.1 That By-law 2002-30 and all amendments thereto are hereby repealed.

**Read a first, second and third time and finally passed** this 25<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Mayor – Kelly Linton

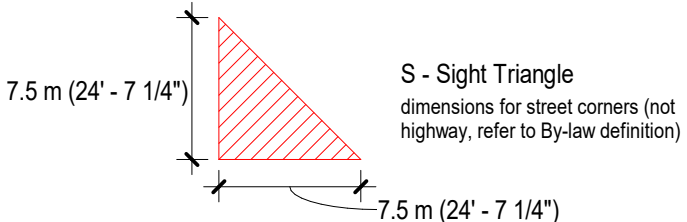
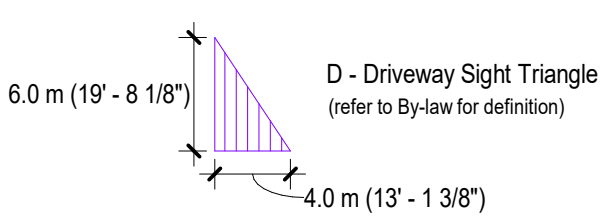
  
\_\_\_\_\_  
Clerk – Kerri O'Kane





**Note:** Refer to Schedule 'A' drawing A-2 for how to measure heights 'A', 'B' and 'C' for various fence types

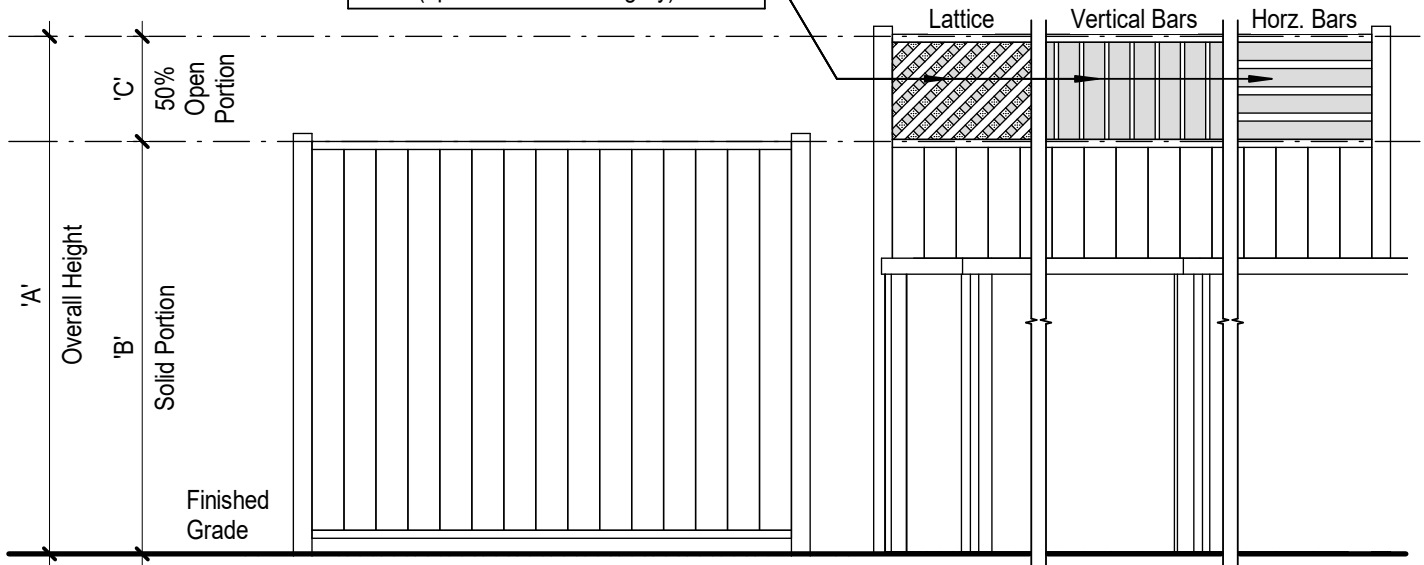
Hatch	Label	Area	Maximum Fence Height in Meters (Feet/Inches)		
			'A' Overall Height	'B' Solid Portion	'C' 50% Open Portion
	D	Driveway Sight Triangle	1.2 m (3'-11 1/4")	0.8 m (2'-7 1/2")	Chain Link Only
	E	Exterior Side Yard	2.0 m (6'-6 3/4")	1.5 m (4'-11")	0.5 m (1'-7 7/8")
	F	Front Yard	1.2 m (3'-11 1/4")	1.2 m (3'-11 1/4")	Not Permitted
	I	Interior Side Yard	2.0 m (6'-6 3/4")	2.0 m (6'-6 3/4")	Not Permitted
	R	Rear Yard	2.5 m (8'-2 3/8")	2.0 m (6'-6 3/4")	0.5 m (1'-7 7/8")
	S	Sight Triangle	1.2 m (3'-11 1/4")	0.8 m (2'-7 1/2")	Chain Link Only



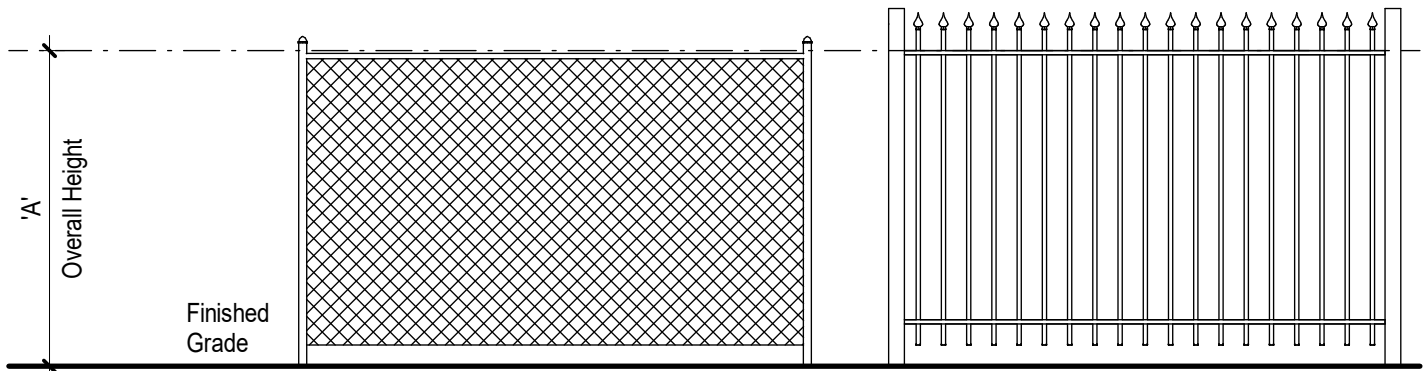
**Note:** These requirements are for general fences only. Refer to By-law and remainder of Schedule 'A' for additional requirements for fence enclosures required around swimming pools

	<b>SCHEDULE 'A'</b> Attached to and forming part of By-law 2018-34 <b>TYPICAL FENCE ILLUSTRATIONS</b>	<b>Maximum Fence Heights          Typical Lot Plans (Res.)</b>	
	Drawn By:	Township of Centre Wellington	Drawing No.
	Scale	N.T.S.	<b>A-1</b>

**Note:** the 50% open portion must be evenly distributed along the fence (open area shown in gray)



Heights for Wood Fences (Solid or Shadow/"Good Neighbor")



Heights for Metal Fences (Chain Link and Iron Bar)

**Note:** Refer to Schedule 'A' drawing A-1 and Table A in the By-law to determine the maximum heights for 'A', 'B' and 'C' based on the location of the proposed fence on the property

**Note:** These requirements are for general fences only. Refer to By-law and remainder of Schedule 'A' for additional requirements for fence enclosures required around swimming pools



**SCHEDULE 'A'**

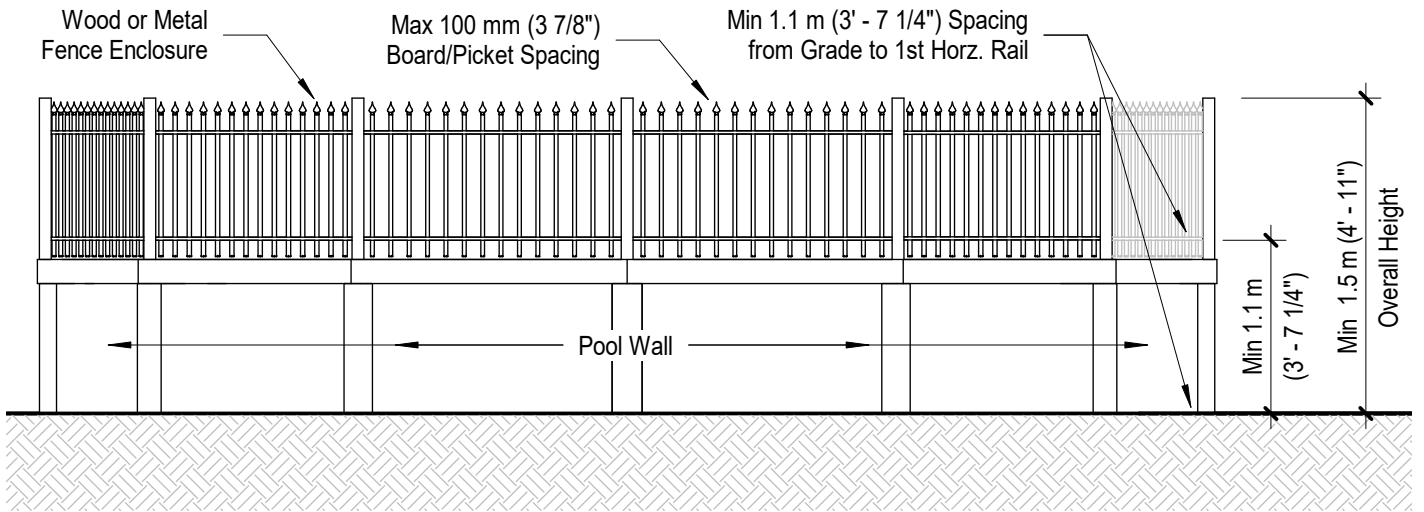
Attached to and forming part of By-law 2018-34

**TYPICAL FENCE ILLUSTRATIONS**

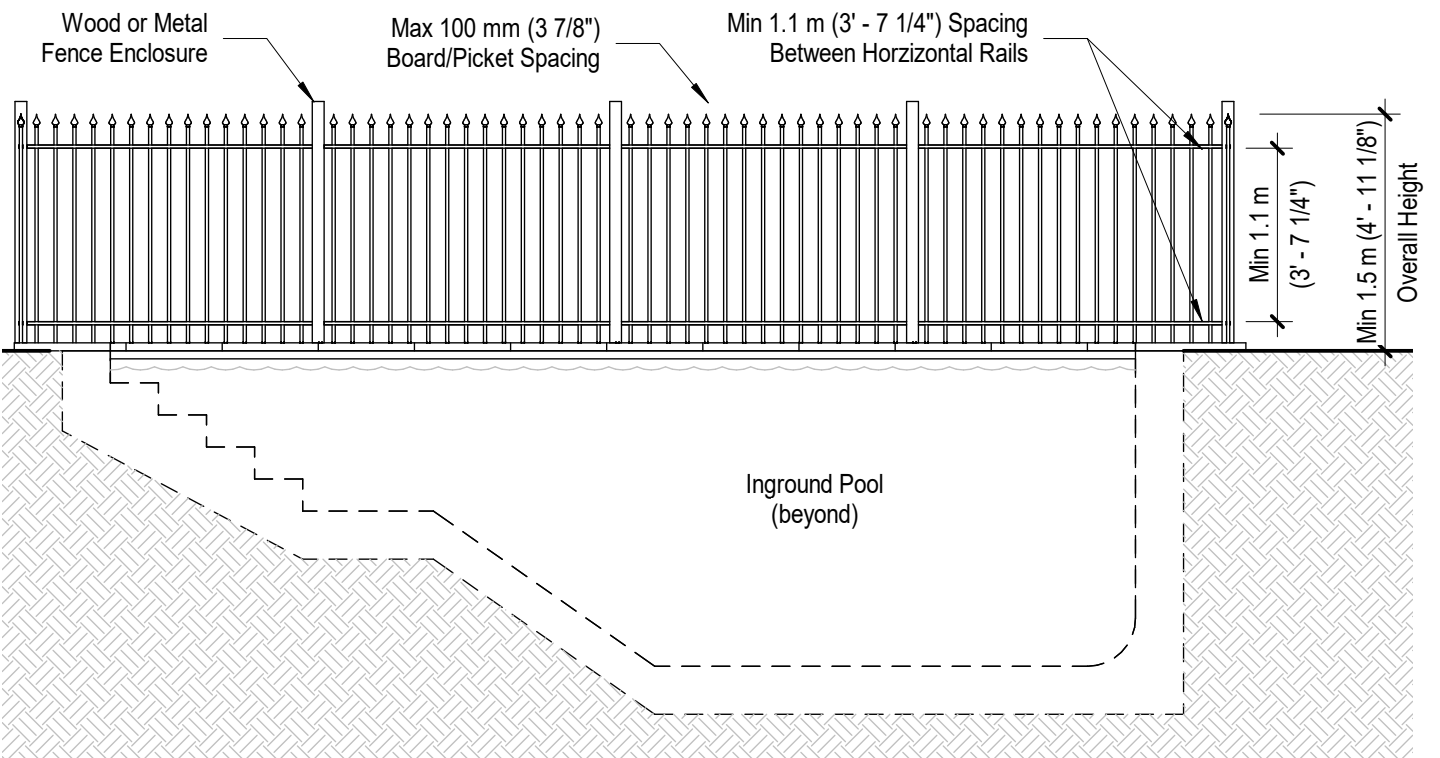
**Measuring Heights for Various Fence Types**

Drawn By: \_\_\_\_\_ Township of Centre Wellington  
 Scale \_\_\_\_\_ N.T.S.

Drawing No.  
**A-2**



**Above Ground Pool (Fence Enclosure Mounted on Top of Pool Sidewalls)**



**Inground Pool (Fence Enclosure Mounted on Pool Deck or in Ground)**

**Note:** All horizontal rails must face towards the pool side of the fence enclosure



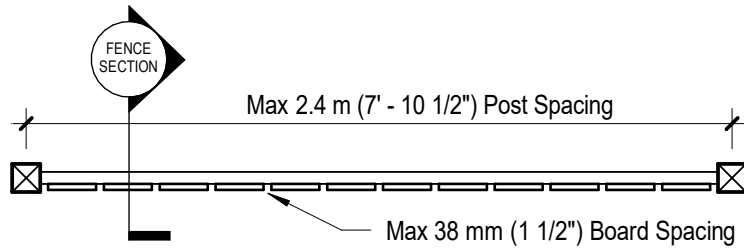
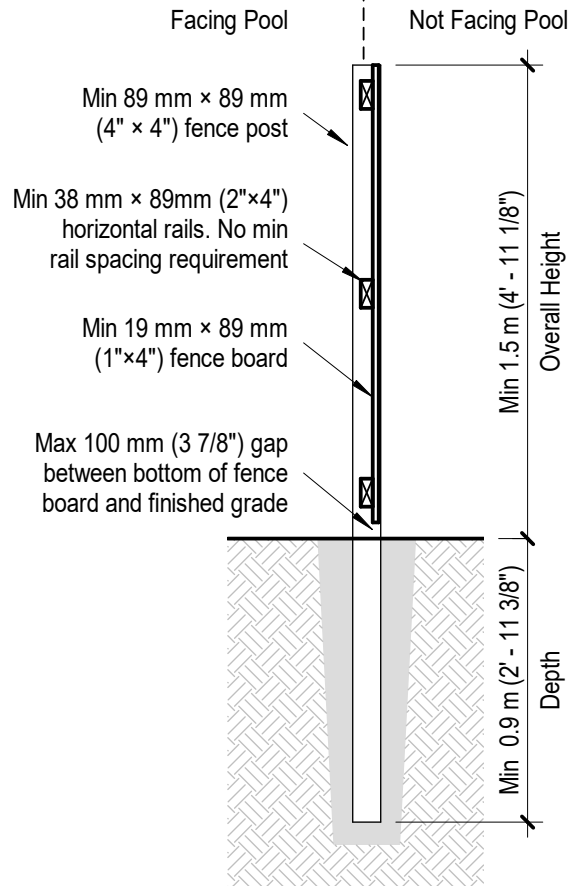
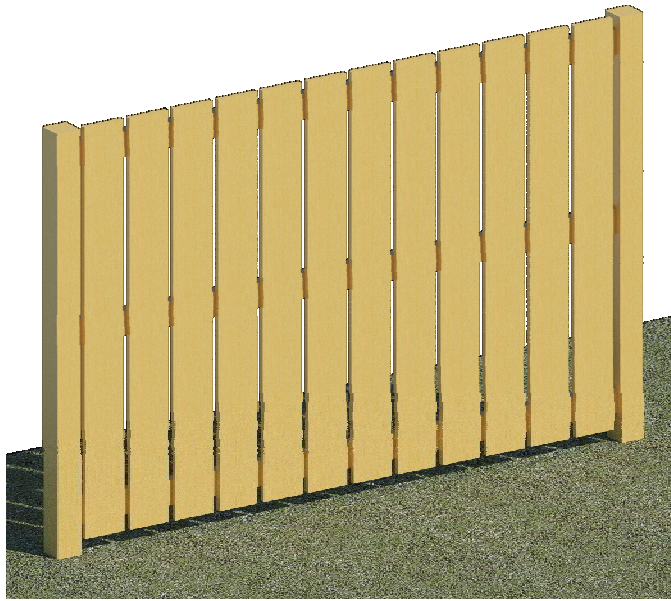
**SCHEDULE 'A'**  
Attached to and forming part of By-law 2018-34  
**TYPICAL FENCE ILLUSTRATIONS**

**Measuring Heights for Various Fence Enclosures**

Drawn By:	Township of Centre Wellington	Drawing No.
Scale	N.T.S.	<b>A-3</b>

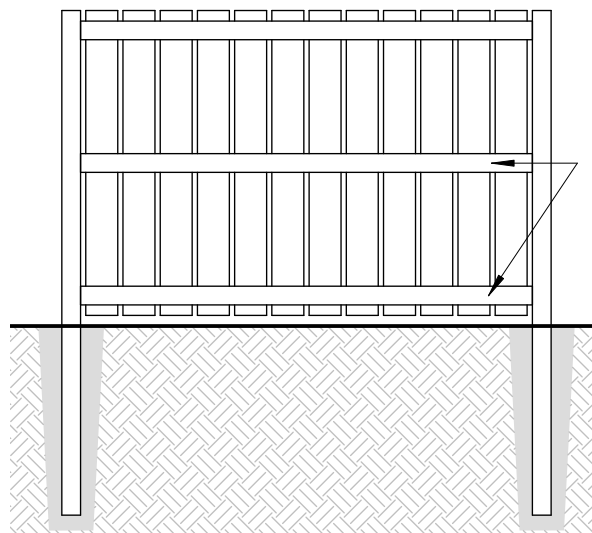
**Note:** This fence style cannot be used when properties on both sides of the fence have swimming pools

**Note:** Refer to Schedule 'C' drawings C-1 and C2 to determine the maximum height for fence enclosures based on the location on the property



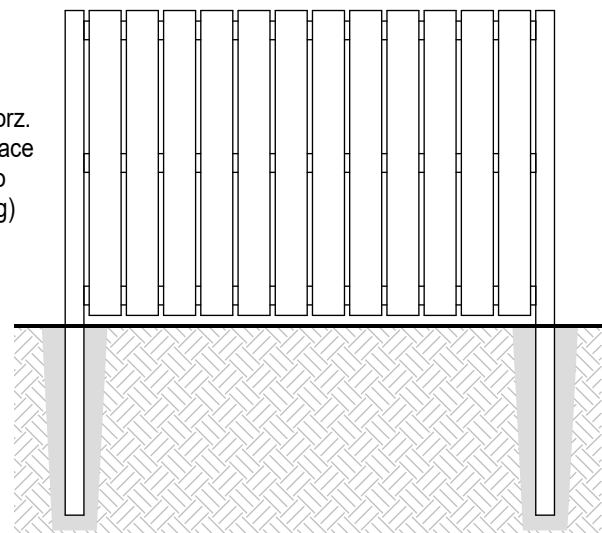
Plan (Overhead) View

Fence Section



Inside Elevation (Facing the Pool)

Exposed horz. rails must face the pool (no min spacing)



Outside Elevation (Not Facing the Pool)



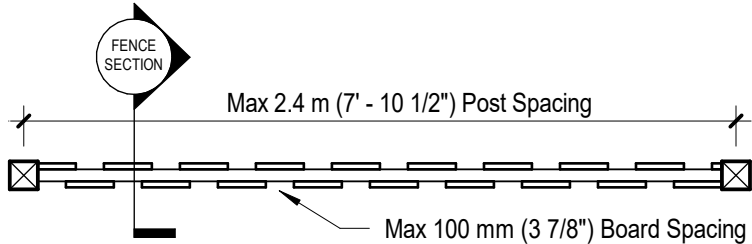
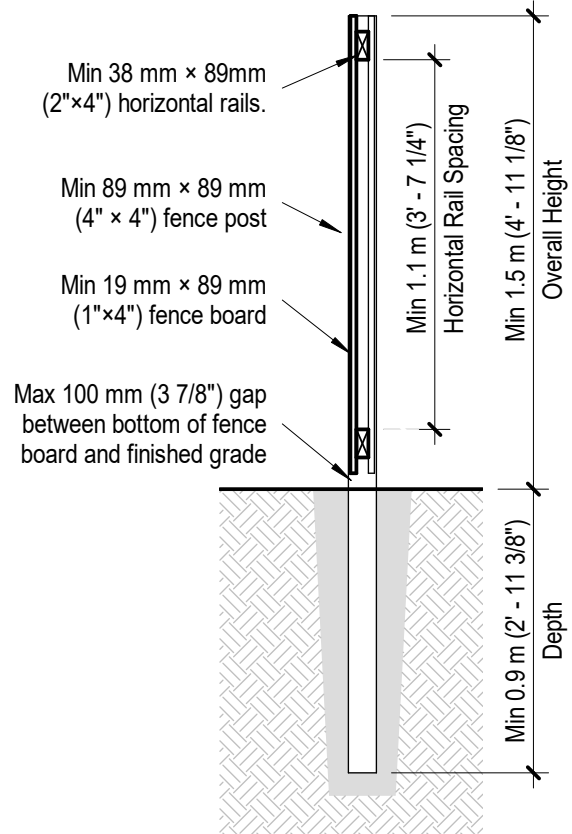
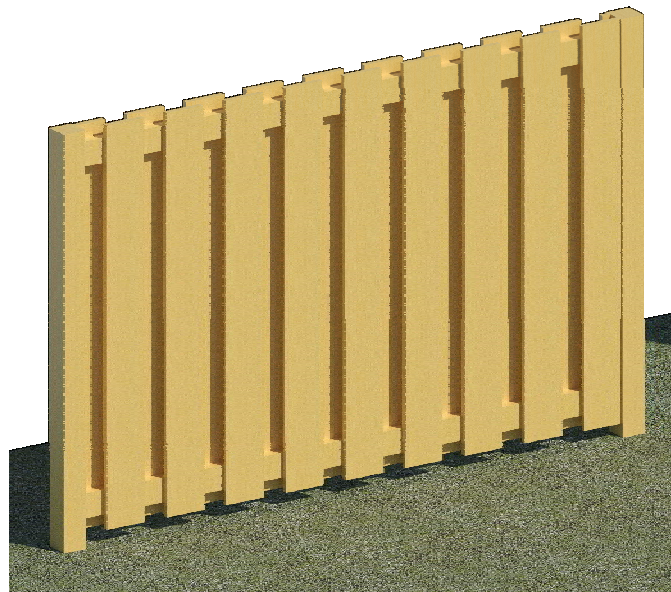
**SCHEDULE 'A'**  
Attached to and forming part of By-law 2018-34  
**TYPICAL FENCE ILLUSTRATIONS**

**Wood Fence Enclosure  
Solid Board**

Drawn By: \_\_\_\_\_ Township of Centre Wellington  
Scale: \_\_\_\_\_ N.T.S.

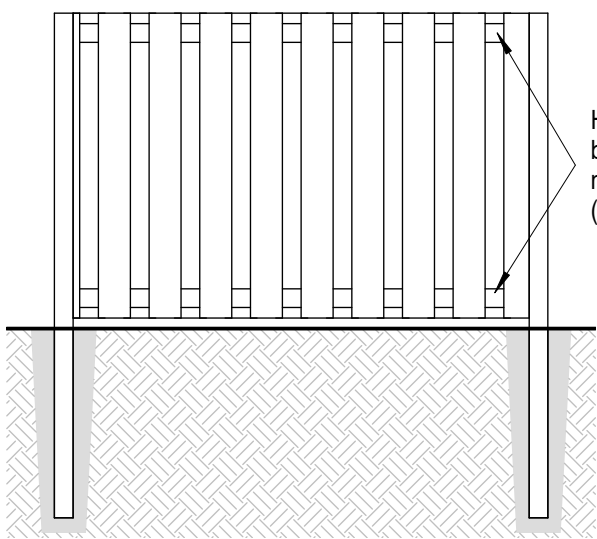
Drawing No.  
**A-4**

**Note:** Refer to Schedule 'A' drawings A-1 and A2 to determine the maximum height for fence enclosures based on the location on the property

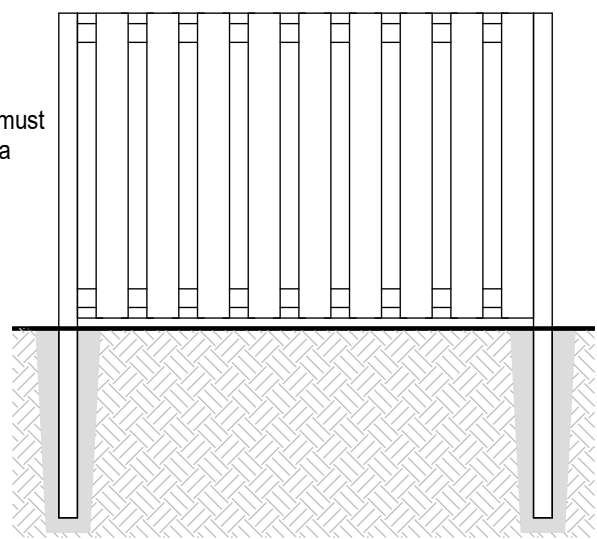


**Plan (Overhead) View**

**Fence Section**



**Inside Elevation (Facing the Pool)**



**Outside Elevation (Not Facing the Pool)**



**SCHEDULE 'A'**  
Attached to and forming part of By-law 2018-34  
**TYPICAL FENCE ILLUSTRATIONS**

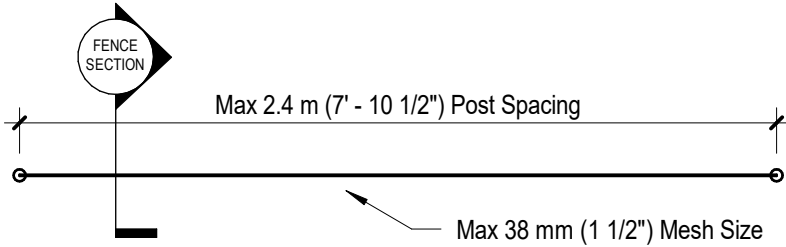
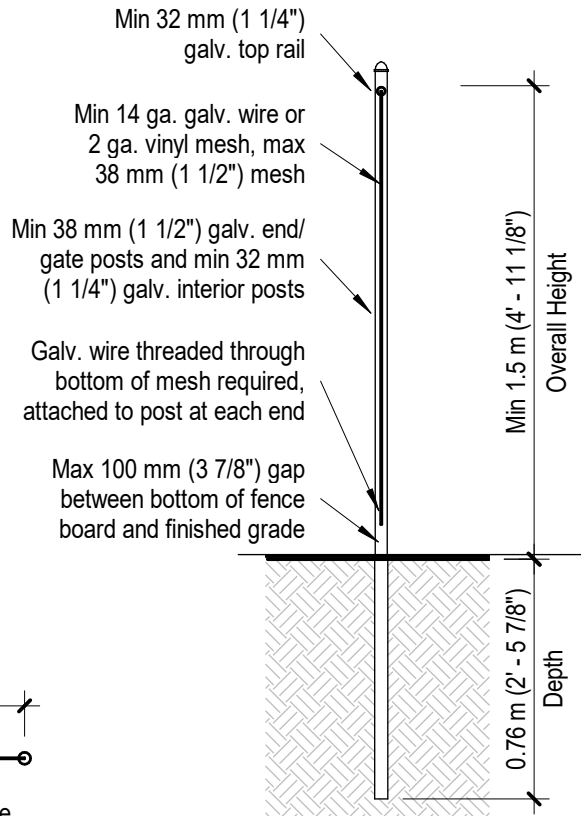
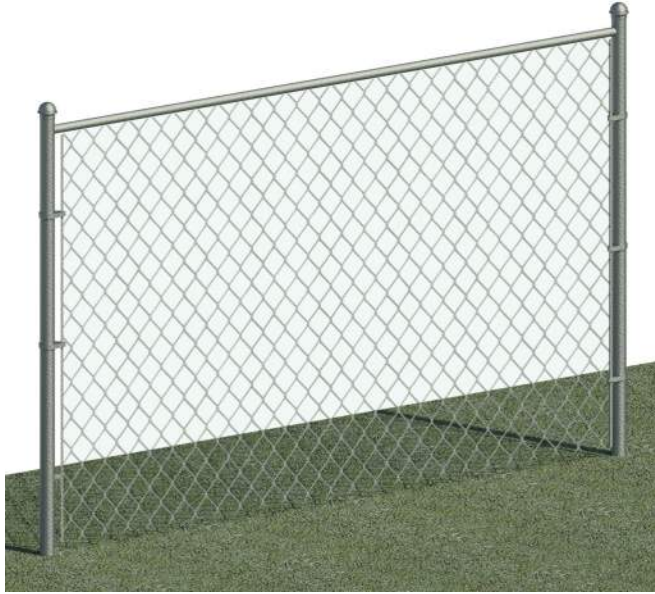
**Wood Fence Enclosure  
Shadow/'Good'Neighbor'**

Drawn By: Township of  
Centre Wellington  
Scale: N.T.S.

Drawing No.  
**A-5**

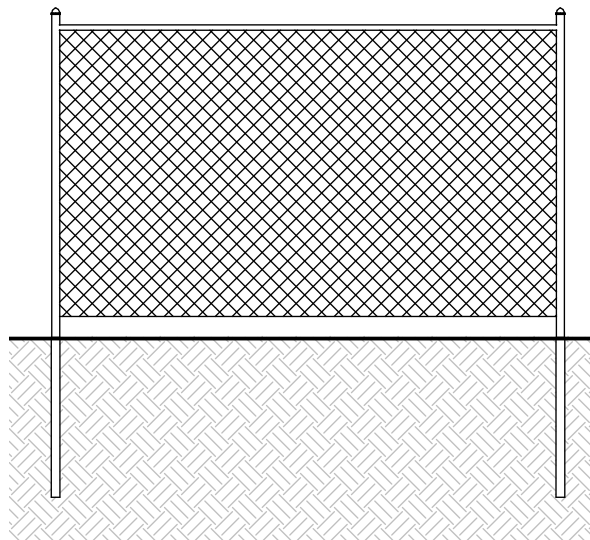


**Note:** Refer to Schedule 'A' drawings A-1 and A2 to determine the maximum height for fence enclosures based on the location on the property

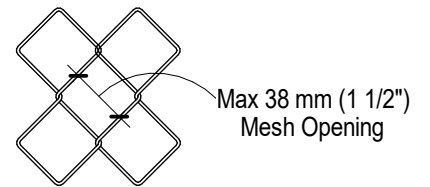


Plan (Overhead) View

Fence Section



'A' Elevation



**SCHEDULE 'A'**

Attached to and forming part of By-law 2018-34

**TYPICAL FENCE ILLUSTRATIONS**

**Metal Fence Enclosure  
Chain Link**

Drawn By:

Township of  
Centre Wellington

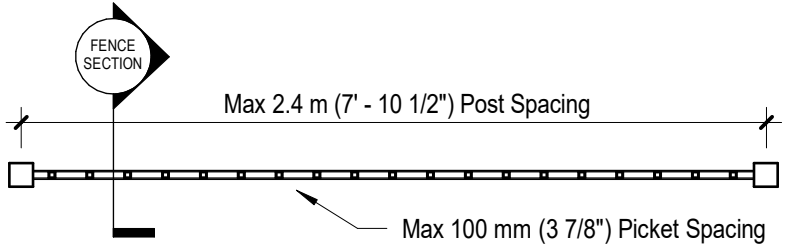
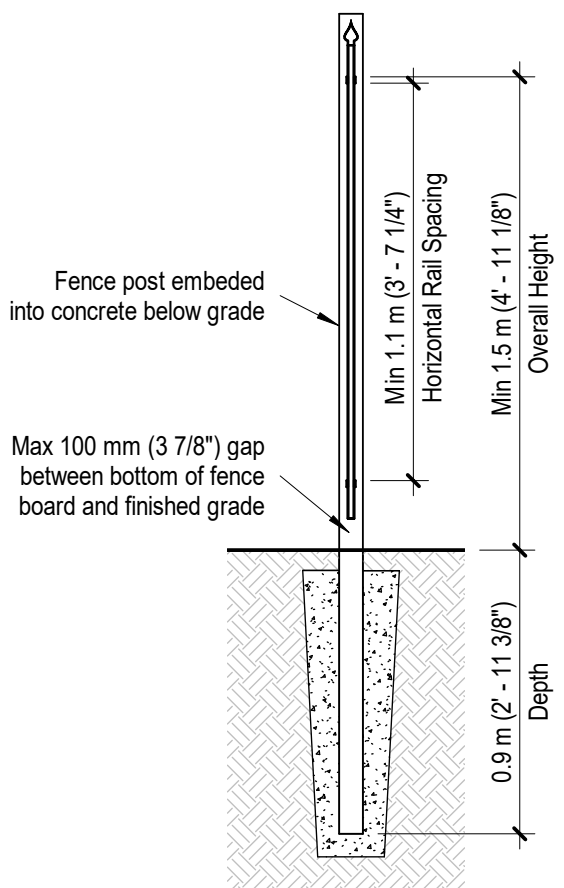
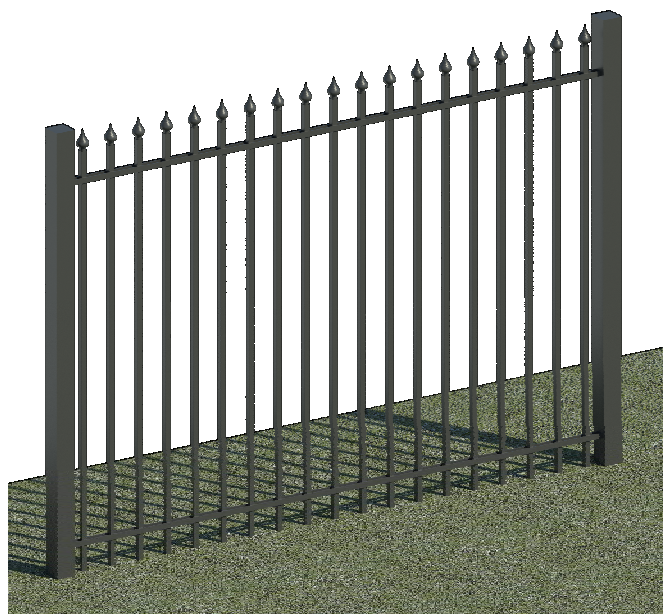
Drawing No.

Scale

N.T.S.

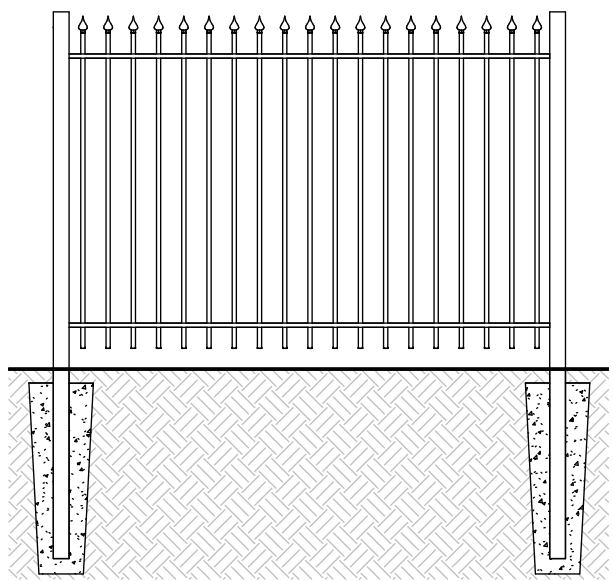
**A-6**

**Note:** Refer to Schedule 'A' drawings A-1 and A2 to determine the maximum height for fence enclosures based on the location on the property



Plan (Overhead) View

Fence Section



'A' Elevation



**SCHEDULE 'A'**  
 Attached to and forming part of By-law 2018-34  
**TYPICAL FENCE ILLUSTRATIONS**

<b>Metal Fence Enclosure Iron Bar</b>		Drawing No. <b>A-7</b>
Drawn By:	Township of Centre Wellington	
Scale	N.T.S.	