

AMENDED BY
BY-LAW NO. 94-10

BY-LAW NO. 86- 34

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF LAWFUL FENCES ON RESIDENTIAL PROPERTIES AND TO REQUIRE THE OWNERS OF PRIVATELY-OWNED OUTDOOR SWIMMING POOLS TO ERECT AND MAINTAIN SUCH FENCES AND GATES AROUND SUCH SWIMMING POOLS.

CERTIFIED TRUE COPY

 CLERK
TOWNSHIP OF UXBRIDGE

WHEREAS Sub-Section 210 (18) of the Municipal Act, R.S.O. 1980, c. 302 provides that by-laws may be passed by Councils for prescribing the height and description of lawful fences;

AND WHEREAS Sub-Section 210 (23) of the Municipal Act, R.S.O. 1980, c. 302 provides that by-laws may be passed by Councils for requiring the owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining such fences and gates, and for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge considers it desirable to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Township of Uxbridge enacts as a By-law as follows:

DEFINITIONS

1. In this By-law,
 - (a) "Fence" means any structure constructed of posts, boards, paling, rails, wire, masonry or other similar materials or any combination thereof used to define a property boundary or to delineate or enclose any outdoor area and includes a hedge;
 - (b) "Fence Height" means the vertical distance between the finished grade of the ground and the top of the fence;
 - (c) "Hedge" means a fence of closely-planted bushes or shrubs;
 - (d) "Main Building" means the structure in which is carried on the principal purpose for which the property is used;
 - (e) "Owner" includes a lessee, tenant or such other person in charge or possession of property on which is located a privately-owned outdoor swimming pool;
 - (f) "Person" includes a Corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
 - (g) "Privately-Owned Outdoor Swimming Pool" means any body of water in or above the ground located outdoors on privately-owned property, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing but does not include an above ground wading pool having a depth of one half (1/2) metre or less;
 - (h) "Residential Property" means land primarily used or intended to be primarily used for human habitation;

- (1) ~~"Yard, Front" means the yard extending across the full width of a property between the street line and the front wall of the main building and where a property has frontage on two or more streets, the front yard means the yard adjacent to the main front entrance to the main building.~~

FENCING ON RESIDENTIAL PROPERTY

2. (a) No person shall erect, have, permit or maintain on any residential property a fence greater than two (2) metres in height, save and except a fence which is adjacent to a non-residential property.
- (b) No person shall erect, have, permit or maintain on any residential property a fence greater than 1.2 metres, in height in any front yard.
- (c) No person shall erect, have, permit or maintain on any residential property a fence located a distance closer than three (3) metres to an intersection. For purposes of this subsection, intersection shall mean the point of intersection of two or more street lines.
- (d) No person shall erect, have, permit or maintain on any residential property a fence which has an inferior appearance or quality on that side of the fence which faces adjoining property.
- (e) Fences shall be constructed of structurally sound material and erected in a workmanlike manner.

FENCING OF PRIVATELY-OWNED OUTDOOR SWIMMING POOLS

3. (a) Every owner of a privately-owned outdoor swimming pool shall erect and maintain a fence completely around the swimming pool, which fence,
- (i) shall not be less than one and two tenths (1.2) metres in height;
- (ii) shall be constructed of chain-link galvanized eleven (11) gauge five (5) centimetres diamond mesh wire or such other material, design or construction as will provide an equivalent degree of safety and which is approved, in writing, by the Chief Building Official of the Township of Uxbridge;
- (iii) may incorporate one or more gates of equivalent material and construction as the fence and every such gate shall,
- (A) be of the same height as the fence, supported by substantial hinges and equipped with self-closing, self-latching devices placed at the top and on the inside of the gate so that the gate is locked when it is closed;
- (B) be kept closed and locked at all times when an adult person is not present and supervising the swimming pool and,
- (iv) save and except as otherwise approved in writing by the Chief Building Official for the Township of Uxbridge, shall be supported by iron posts, and spaced not more than 2.43 metres (8 feet) apart. Alternatively, the iron posts may be spaced at intervals up to 3.04 metres (10 feet) provided top rails are installed between the posts.
- (b) The wall of a building may be used in the place of any portion of a fence required around a privately-owned outdoor swimming pool provided the principal entrance to the building is not located in the part of the wall so used.
- (c) The fencing provisions of this By-law relating to privately-owned outdoor swimming pools shall not apply if the outside wall of the

swimming pool is elevated to a height of at least one and two-tenths (1.2) metres and every entrance to the elevated pool is protected by a gate at least one and two-tenths (1.2) metres in height and having self-closing, self-latching devices placed at the top and on the inside of the gate so that the gate is locked when it is closed.

- (d) Where by reason of the nature of construction of a privately-owned outdoor swimming pool, it is necessary to fill the swimming pool with water during the construction of the swimming pool, the owner shall erect and maintain a temporary fence not less than one and two-tenths (1.2) metres in height completely around the swimming pool until construction is completed and upon the completion of such construction, the owner shall immediately replace the temporary fence with a permanent fence in accordance with the provisions of this By-law.

EXCEPTIONS

4. (a) The provisions of this By-law relating to the erection of fences shall not apply to fences lawfully erected prior to the passing of this By-law.
- (b) The provisions of this By-law shall not apply to accoustical fences or other similar fences which may be required by the Ministry of the Environment from time to time.
- (c) Despite any other provisions of this By-law, no person shall erect, have, permit or maintain a fence which, by reason of location or design, obstructs the vision of drivers, either when leaving a roadway or when entering a roadway from another roadway or driveway, or which obstructs or detracts from the visibility or effectiveness of any traffic sign or control device on public streets or which, for any other reason, constitutes a hazard.
- ~~(d) The provisions of this By-law relating to the fencing of privately-owned outdoor swimming pools shall not apply to owners of land which is zoned RU (Rural).~~

PENALTIES

5. Any person convicted of a breach of this By-law is guilty of an offence and is liable to pay a penalty of not more than \$2,000.00 for each offence, exclusive of costs, as provided by the Municipal Act, or such other penalties as the Municipal Act or any other Act may permit from time to time, which penalties shall be recoverable under the provisions of the Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this By-law.

SEVERABILITY

6. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra-vires of the jurisdiction of the Council of the Corporation of the Township of Uxbridge to pass or are invalid for any other reason, such provisions shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.

SHORT TITLE

7. This By-law may be referred to as the Fencing By-law.

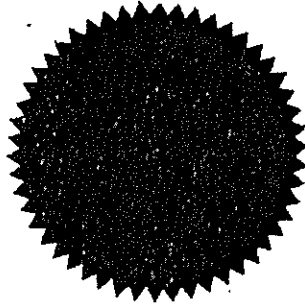
REPEAL OF EXISTING BY-LAWS

8. By-law No. 84-57 is hereby repealed in its entirety.

EFFECTIVE DATE

9. This By-law shall come into force and effect when it is finally passed.

THIS By-law read a first, second and third time and finally passed this 26th day of JUNE, 1986.



CORPORATION OF THE TOWNSHIP OF UXBRIDGE


MAYOR


DEPUTY-CLERK