

PROPERTY MAINTENANCE

Chapter 668 FENCES

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Article 1
INTERPRETATION

668.1.1 Alley – defined

“alley” means a public right-of-way which affords a secondary means of access to the abutting lots.

668.1.2 Building – defined

“building” means any permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons, animals or goods, but shall not include a lawful boundary wall or fence.

668.1.3 Chief Building Official – defined

“Chief Building Official” means the officer or employee of the Town of Petrolia appointed to the position of Chief Building Official and By-law Enforcement Officer

668.1.4 Corner lot – defined

“corner lot” means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same streets, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents of the street extremities of the side lot line) contain an angle of not more than 135 degrees. In the case of the curved corner, the corner of the building lot shall be that point on the street line nearest to the point of intersection of the said tangents.

668.1.5 Fence – defined

“fence” means a wall, structure or other barrier of any construction or kind whatsoever which separates or divides any parcel of land or part thereof from any other parcel of land or part thereof.

668.1.6 Height – defined

“height” means the distance measured from the grade where the fence posts are embedded or other supporting structures are located to the top of said fence.

668.1.7 Interior lot – defined

“interior lot” means a lot other than an corner lot.

668.1.8 Non-residential lot – defined

“non-residential lot” means any lot not zoned as residential in the Zoning By-law of the Town of Petrolia and includes but is not restricted to industrial zones, commercial zones and institutional zones.

668.1.9 Residential lot – defined

“residential lot” means any lot zoned as a residential zone in the Zoning By-law of the Town of Petrolia.

668.1.10 Sight triangle – defined

“sight triangle” means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres or 30 feet from the point of intersection of the street lines (measured along the street line). Where the two street lines do not intersect as a point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines; the intersection of an alley and a street, or two alleys and a straight line connecting them 10 feet (3.05 metres) from their point of intersection.

668.1.11 Yard – front - defined

“yard – front” means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of the main building on the lot. Where a lot is a corner lot, the shortest lot line abutting the street is the front lot line.

668.1.12 Yard – rear - defined

“yard – rear” means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of the main building on the lot.

668.1.13 Yard – side - defined

“yard – side” means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of the main building on the lot.

668.1.14 Yard – side – exterior - defined

“yard – side, exterior” means a side yard immediately adjoining a public street.

668.1.15 Yard – side – interior - defined

“yard – side - interior” means a side yard other than an exterior side yard.

668.1.16 Zoning By-law – defined

“Zoning By-law” means any by-law administered by the Town of Petrolia passed pursuant to the provisions of the *Planning Act* or predecessor or successor thereof, as may be amended from time to time.

Article 2
GENERAL PROVISIONS

668.2.1 Erection – fence – non-compliance – prohibited

No person shall erect, construct or permit to be erected or constructed, any fence in the Town of Petrolia that does not comply with the provisions of this Chapter, unless such fence was erected in compliance with the predecessor of this Chapter and is not moved, altered or enlarged in any way.

668.2.2 Fence – condition of – development – redevelopment

Despite any other provision in this Chapter, a fence which is required and approved as a condition of development or redevelopment of land shall be deemed to be in conformance with the provisions of this Chapter.

668.2.3 Exemption – Corporation – boards – P.U.C. – Gas

The provisions of this Chapter shall not apply to the erection of fences by The Corporation of the Town of Petrolia or any local boards thereof, any Public Utilities Commission, Union Gas and all Boards of Education.

668.2.4 Administration - enforcement - authority

This Chapter shall be administered and enforced by the Chief Building Official or the By-law Enforcement Officer.

Article 3
RESIDENTIAL LOTS

668.3.1 Regulation – construction – erection

No person shall erect, construct or permit to be erected or constructed, a fence on a residential lot except in accordance with the regulations set out in Sections 668.3.2 through 668.3.5 inclusive.

668.3.2 Front yard – maximum height

A fence within a front yard shall not exceed a height of 2.5 feet (0.76 metres).

668.3.3 Rear – side yard – maximum height

A fence within any rear yard or side yard shall not exceed a height of 6 feet 5 inches (1.96 metres).

668.3.4 Within visibility triangle – maximum height

No fence exceeding a height of 2.5 feet (.76 metres) may be erected within any visibility triangle.

668.3.5 Front yard – abutting – corner lot – requirements

Despite Section 668.3.2 where a front yard abuts a rear yard of an adjacent corner lot, a fence not exceeding a height of 6 feet 5 inches (1.96 metres) may be erected along that portion of the lot line between said lots having regard to the visibility triangle requirements of Section 668.3.4.

Article 4**NON-RESIDENTIAL LOTS****668.4.1 Regulations – construction – erection**

No person shall erect, construct or permit to be erected or constructed, a fence on a non-residential lot except in accordance with the regulations set out in Section 668.4.2 through Section 668.4.5 inclusive.

668.4.2 Maximum height – any yard – 10 feet

A fence within any yard shall not exceed a height of 10 feet (3.05 metres).

668.4.3 Set back – front yard – minimum requirement

A fence to enclose a front yard shall be set back from the front lot line a minimum of 15 feet (4.57 metres).

668.4.4 Visibility triangle – maximum height

No fence exceeding a height of 2.5 feet (0.76 metres) shall be erected within any visibility triangle.

668.4.5 Abutting – residential lot – maximum height

No fence exceeding a height of 6 feet 5 inches (1.96 metres) shall be erected within any yard on a non-residential lot that abuts on a residential lot.

Article 5**BARBED WIRE FENCES****668.5.1 Regulations – construction – erection**

No person shall erect, construct or permit to be erected or constructed, a fence composed wholly or partly of barbed wire or any other barbed material within the Town of Petrolia, except in accordance with the provisions set out in Section 668.5.2 and 668.5.3 inclusive.

668.5.2 Top of fence – projecting inward – minimum height

Barbed wire is permitted in a non-residential zone on the top of a fence, provided that it projects inwards to the area enclosed by the fence, the height of which said fence shall be not less than 6 feet (1.83 metres) in height prior to the addition of the barbed wire.

668.5.3 Top of fence – minimum height – prior to addition
Barbed wire shall be permitted on the top of a fence erected on a non-residential lot, provided that the fence height is not less than 7 feet (2.13 metres) prior to the addition of the barbed wire.

**Article 6
ELECTRIC FENCES**

668.6.1 Prohibited – in the Town of Petrolia
No person shall erect, construct or permit to be erected or constructed any fence equipped with a device for transmitting an electric current thereon or therethrough in the Town of Petrolia.

**Article 7
ENFORCEMENT**

668.7.1 Fine – for contravention
Any person who contravenes any provision of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty of not more than the general penalty for an offence, as prescribed by and recoverable under the *Provincial Offences Act*.

**Article 8
ENACTMENT**

668.8.1 Effective date
This Chapter to come into full force and effect on the final day of passing of the enabling by-law. By-law 60-1999, 16 August, 1999.



PROPERTY MAINTENANCE

Chapter 669 FENCES - COST OF DIVISION

CHAPTER INDEX

Article 1 GENERAL PROVISIONS

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- 669.1.2 Cost - construction - repair
- 669.1.3 Entry - adjoining land - prohibited

Article 2 ENACTMENT

- 669.2.1 Effective date

Article 1 GENERAL PROVISIONS

669.1.1 Municipal Act

This Chapter is enacted pursuant section 210.20 of the *Municipal Act*, R.S.O. 1990, c. M.45.

669.1.2 Cost – construction – repair

Where the owner of any land desires to have a fence constructed to mark the boundary between his/her land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstruction, he/she may construct, reconstruct, repair, maintain and keep up such a fence provided that he/she shall bear the whole cost of such construction, reconstruction, repair, maintenance and up-keep of such fence.

669.1.3 Entry – adjoining land – prohibited

Nothing in this Chapter shall be construed to permit an owner of land to enter upon the property of any adjoining owner.

Article 2
ENACTMENT

669.2.1 Effective date

This Chapter to come into full force and effect in the final day of passing of the enabling by-law. By-law 59-1999, 16 August, 1999.