



PORT COLBORNE

A guide to:

FENCES

Brought to you by:

City of Port Colborne – By-law Division



-----Disclaimer-----

This information package is provided by the City of Port Colborne Building Division for information purposes only. It provides various requirements from the applicable by-laws and Ontario Building Code. In any case where there exists a discrepancy between the information in this document and the City of Port Colborne By-law or the Ontario Building Code, the requirements established by the By-law or the Code shall prevail. This information package is intended to assist residents in making educated decisions when planning the erection or installation of a fence. The individual property owner/applicant is solely responsible to ensure that all required by-laws, codes and regulations are met and all projects are maintain to the requirements of the Municipality through its by-laws.

1.0 General Information

1.1 *Permits to Construct a Fence*

While the City of Port Colborne Fence By-law regulates the erection of fences in the City of Port Colborne, there is no requirement for a property owner to obtain a permit from the City prior to the erection of a fence. It is the owner's responsibility to ensure the fence is constructed in accordance with all applicable by-laws and regulations.

1.2 *Definitions*

The Fence By-law provides definitions for the terms below for clarification when applying the By-law:

- "Fence or Fencing" means any hedge, free standing wall, structure, partition or barrier grown, consisting of or constructed of any material or combination of material enclosing, partly enclosing or dividing land or being used for decorative purposes.
- "Fence of Open Construction" means a fence constructed so that at least one third of its vertical surface area is of open space, enabling motorist and pedestrians to have an unobstructed view through the fence.
- "Fence of Closed Construction" means a fence constructed of solid material, without open spaces, such that views through the fence are substantially obstructed.
- "Hedge" means closely planted row of shrubs, bushes, vegetation, grasses or low trees enclosing, partly enclosing or dividing land or being used for decorative purposes.
- "Privacy Screen" means a visual barrier used to shield any part of a yard from view from any adjacent property or street.
- "Street Line" means a lot line dividing a lot from a street and is the limit of the street allowance.

1.3 *Exemptions*

Subsection 7.1 of the Fence By-law exempts the following from complying with the Fence By-law:

- Properties owned by the Corporation of the City of Port Colborne
- Properties owned by the Regional Municipality of Niagara
- Properties owned by Hydro One and Canadian Niagara Power
- Properties owned by any department of the Federal or Provincial Government
- Properties owned by the District School Board of Niagara or the Niagara Catholic District School Board
- Fences erected to temporarily enclose excavations, or construction sites

1.4 *Prohibited Materials*

Section 4 of the Fence By-law prohibits the use of the following materials in the construction of fencing:

- Barbed wire, *except on a farm (agricultural zone) or except in an industrial zone if the fence encloses the property and is 2.0 metres in height above effective ground level or at a height prescribed by the Chief Building Official.*
- Electric fences, *except on a farm*
- Used vehicle tires

2.0 Owner Responsibility

2.1 *Prior to Fence Installation*

It is the responsibility of the Property Owner to:

- Verify the boundaries of their property;
- Ensure that the fence will not be constructed on lands owned by the City or on any highway or road allowance;
- Ensure that the fence will not be constructed on lands or property not owned by the property installing the fence;
- Call for locates for any services on the property; and
- Consult with neighbour(s) when installing a division fence.

For Utility Locates call:

Water Service and Sewer	Port Colborne Public Works Department	905-835-5079
Electricity	Canadian Niagara Power	905-835-0051
Natural Gas	Enbridge Gas	800-263-3688
Telephone	Bell Telephone	905-310-2355
Cable Television	Cogeco Cable	866-427-7451
Locate Before you Dig	Ontario One Call	800-400-2255

*Underground utilities other than those listed above may exist.

2.2 *During Fence Installation*

It is the responsibility of the Property Owner to:

- Ensure that the fence is not constructed using prohibited materials;
- Ensure that the fence is not constructed on lands or property not owned by the property installing the fence;
- Ensure the fence is constructed in accordance with the provisions of the Fence By-law (refer to Section 4.0); and
- Ensure that any fence constructed as a swimming pool enclosure complies with the requirements of the City of Port Colborne Pool By-law

2.3 *After Fence Installation*

It is the responsibility of the Property Owner to:

- Ensure that the fence is maintained in a good state of repair;
- Ensure that the fence is maintained free of prohibited materials;

3.0 Enforcement

3.1 Failure to Comply

- Where an owner fails to comply with any provision of the Fence By-law, an Order may be issued to the Owner requiring compliance. The Order will give reasonable particulars of the reasons that the fence does not comply and indicate the timeframe for compliance. If the Order is not complied within the time frame indicated the City may carry out the Order at the Owner's expense.
- Where an Order has been issued and compliance has not been achieved within the required timeframe, the City may, enter upon the land to remove the fence or take the steps required to achieve compliance.

3.2 Penalty

Every person who contravenes the provisions of the Fence By-law is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act

4.0 Fence Construction

4.1 Fence Height

The Fence By-law regulates fence heights depending on the Zone in which they are erected. The maximum heights for fences are listed below:

- Residential Zone 2.0 metres (6.5 ft) high
- Commercial Zone 2.6 metres (8.5 ft) high
- Industrial Zone 2.6 metres (8.5 ft) high

4.2 Fences in Front Yards

The Fence By-law provides specific regulations for fences which are constructed in front yards. The By-law states that no person shall erect a fence in a front yard within 4.5 metres (14.75 ft) of the nearest street line which is greater than the following heights:

- A fence of closed construction 1.0 metres (3.3 ft) high
- A fence of open construction 1.25 metres (4ft) high

Where a building is closer to the front lot line than 4.5 metres, this distance shall be known as the Required Front Yard.

4.3 Fences in Sight Triangles (Intersections or Corner Lots)

The Fence By-law prohibits the erection of any fence in any zone within a site triangle unless the fence:

- Is not greater than 0.75 metres (2.5 ft) high for a fence of closed construction;
- Is not greater than 1.0 metre (3.3 ft) high for a fence of open construction; and
- Does not obstruct the visibility through the sight triangle

5.0 Privacy Screen Height and Location

6.1 *Privacy Screen Height and Location*

The Fence By-law states that the maximum height of a privacy screen is 2.5 metres (8.2 ft). In accordance with the Fence By-law no person shall construct or permit the construction of a privacy screen except in accordance with the following:

- Setback from a street line 9 metres (30ft)
- Setback from a side lot line 1 metre (3.3 ft)
- Setback from a rear lot line 1.5 metres (5ft)
- Combined length of privacy screen shall not exceed 12 metres 39.3 ft)

6.0 Contact Information

7.1 Planning and Development Services - By-law Enforcement Division

To inquire about Fence issues, please contact a By-law Enforcement Officer at 905-835-2900.