

# Township of Zorra



## Fencing By-law Office Consolidation

Amending By-law  
By-law 2006-62

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**CORPORATION OF THE  
TOWNSHIP OF ZORRA**

**BY-LAW NO. 38-01**

**A BY-LAW TO REGULATE THE HEIGHT, KIND AND  
LOCATION OF FENCES WITHIN DEFINED AREAS IN THE  
TOWNSHIP OF ZORRA**

**WHEREAS** Section 210(25) of the Municipal Act, R.S.O. 1990 c. M.45 permits that Councils of municipalities may pass by-laws for prescribing the height and description of lawful fences;

**AND WHEREAS** the Council of the Corporation of the Township of Zorra deems it advisable to enact a by-law to regulate fences within defined areas in the municipality.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

In this by-law:

**“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.

**“corner lot”** means a lot situated at the intersection of and abutting upon two 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 one hundred and thirty-five (135) degrees. In the case of a 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.

**“Council”** means the Council of the Corporation of the Township of Zorra.

**“daylight corner”** means that portion of a corner lot within the triangular space formed by the street lines and straight line drawn from a point in one street line to appoint in the other street line, each such point being 9 metres (29.5 ft.) measured along each street line from the point of intersection of the street lines, or such other sight triangle set out in the Zoning By-law or in a site plan control agreement for a particular lot.” *(Amended by By-law No. 62-06)*

**“electrical fence”** means a fence through which electricity passes.

**“erect”** includes alter, construct, plant, place, relocate and any work preparatory to erection, and "erection" has a corresponding meaning.

**“fence”** includes a railing, wall, hedge, line of posts, shrubs, wire, gate, boards or pickets or other similar substances, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, or to provide privacy.

**“height”** means the distance measured from the grade where the fence posts are embedded to the top of the said posts.

**“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 property lines thereof.

"**interior lot**" means a lot other than a corner lot.

"**land**" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.

"**lot**" means any parcel of land which can be alienated 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.

"**person**" includes an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with The Interpretations Act.

"**privacy screen**" means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway.

"**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. For the purpose of this by-law the shortest lot line abutting the street is the front lot line.

"**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.

"**yard, side, exterior**" means a sideyard immediately adjoining a public street.

"**yard, side, interior**" means a sideyard other than an exterior sideyard.

"**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.

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

## 2. APPLICATION OF BY-LAW

This by-law applies to all fences and privacy screens erected in the Township of Zorra on and after the date of enactment and passage of this by-law, and except as provided in Section 1 of this section, applies to all fences in the Township of Zorra whenever erected.

Sections 3.1 through 3.5 (inclusive) do not apply to a fence which on the date of enactment and passage of this by-law was already erected and in place.

The provisions of Sections 3.1 through 3.5 (inclusive) of this by-law do not apply to fencing or privacy screen provisions contained in site plans or site plan agreements approved or executed by the Township of Zorra under the *Planning Act*.

## 3. FENCING PROVISIONS

### 3.1 Fences on Interior Lots

No person shall erect, construct or permit to be erected or constructed, a fence on an interior lot except in accordance with the following regulations:

- (a) a fence within the front yard shall not exceed a height of 0.91 metres (3 feet);
- (b) a fence within any rear yard or interior side yard shall not exceed a height

of 1.81 metres (6 feet);

- (c) no fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-law.

### 3.2 Fences on Corner Lots

No person shall erect, construct, or permit to be erected or constructed a fence on a corner lot except in accordance with the following regulations:

- (a) a fence not exceeding 0.91 metres (3 feet) in height may be erected within a front yard and an exterior side yard;
- (b) a fence not exceeding 1.81 metres (6 feet) in height may be erected within an interior side yard, an exterior side yard and rear yard, provided the said fence is set back a minimum of 1.52 metres (5 feet) from the exterior side lot line; (**amended by by-law No. 62-06**)
- (c) no fence exceeding a height of 0.91 metres (3 feet) may be erected within any daylight corner;
- (d) no fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-law.

### 3.3 Industrial and Commercial Lots

Notwithstanding clause (a) of Section 4 and clause (a) of Section 5, a person may erect, construct, or permit to be erected or constructed a fence to enclose a front yard of a lot used primarily for industrial or commercial purposes provided that such fence shall:

- (a) be set back from the front lot line a minimum of 7.62 metres (25 feet); and
- (b) if on a corner lot, not be within the daylight corner.

### 3.4 Barbed Wire Fences

No person shall erect, construct or permit to be erected or constructed any barbed wire fence within the Township, except that barbed wire is permitted:

- (a) on a fence erected on land in an agricultural zone as designated by the Zoning By-law and used for the purpose of keeping livestock; and
- (b) on the top of a fence erected in a commercial or industrial zone as designated by the Zoning By-law provided that it projects inwards to the area enclosed by the fence; and
- (c) on the top of a fence erected for security reasons around any recreational, operational or storage facility owned, operated or maintained by the Township.

### 3.5 Electric Fences

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 there through, except on land designated as agricultural by the Zoning By-law and used for the purpose of keeping livestock provided that the maximum electrical current does not exceed 120 volts at .04 amps and that it complies with the Power Corporation Act, and the regulations thereunder, as amended, from time to time.

### 3.6 Visibility

Notwithstanding any of the regulations set out in this by-law, no person shall erect, cause to be erected, or, in the case of trees, hedges or shrubs, maintain or allow a fence or privacy screen to grow to a height that is higher than 1 metre (39 in) above ground level within a sight triangle that obstructs the visibility of motorists and pedestrians.

## 4. GENERAL PROVISIONS

### 4.1. Minor Variances

The Committee of Adjustment of the Township is hereby appointed a Standing Committee of the Council for the purpose of enquiring into and reporting on any applications for minor variances from the provisions of this by-law.

The Committee may recommend that any application be refused or that such relief as it considers appropriate be granted either absolutely or subject to conditions.

The Committee is directed to follow its usual procedure on such applications, so far as may be practical.

The Township Clerk shall place all reports made by the Committee of Adjustment under this section before the Council for approval.

The Council's usual rules respecting delegations will apply to persons desiring to make representations in support of or against a Committee of Adjustment recommendation made under this Section.

### 4.2 Public Use

Notwithstanding anything contained in this by-law, the Township, the County of Oxford, any Local Board as defined in the Municipal Affairs Act, the Government of Canada, the Government of Ontario and any telecommunications company may, for public service purposes, construct or erect any fence on its lands within the Township. Provided, however, that the said fence shall be in substantial compliance with the regulations prescribed heretofore in this by-law to the maximum extent possible and shall require written permission of the Township of Zorra.

### 4.3 Enforcement

Every person who contravenes any provision of this by-law is guilty of an offence, pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P. 33, and is liable, upon conviction, to a fine not exceeding five thousand (\$5,000.00) dollars, exclusive of costs, for each offence.

### 4.4 Severability

It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

**READ A FIRST AND SECOND TIME THIS 7<sup>th</sup> day of AUGUST, 2001.**

**READ A THIRD TIME AND FINALLY PASSED TIME THIS 7<sup>th</sup> day of AUGUST, 2001.**

**“William Semeniuk, Jr.”**

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**MAYOR  
WILLIAM SEMENIUK, JR.**

**“Donald W. MacLeod”**

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**CLERK ADMINISTRATOR  
DONALD W. MACLEOD**