



# Residential Fences

*in the City of Hamilton*

## Introduction

A fence is a barrier that encloses an area or divides all or parts of a property and may include a hedge, a wall, and/or posts connected by wood, chain link, or wrought iron. The City of Hamilton's Fence By-Law (10-142) provides the requirements for fences on residential, commercial, and industrial zoned properties.

## Do I need a Building Permit to construct a fence?

No, you do not need a Building Permit to construct a fence; however, if you are installing a swimming pool, or replacing an existing pool enclosure, you will need to obtain a Pool Enclosure Permit from the Building Services Division (see contact information on the next page).

## What is the first and most important step in building a fence?

We recommend you speak with your neighbour(s) before you begin construction as this may save you time, money, and possible frustration. If there is a dispute between

neighbours regarding a fence the City is unable to get involved. It is a civil matter and may need to be resolved through the legal system.

Although the City of Hamilton is unable to assist in fence discussions between neighbours, Municipal Law Enforcement (MLE) may investigate to determine if a fence is too high or the condition of the fence is in question. If you have concerns about the height of a fence or its condition (Property Standards, By-law 10-221) you can contact Municipal Law Enforcement (MLE) via:

- Phone: 905.546.2782,
- Email: [mle@hamilton.ca](mailto:mle@hamilton.ca) or
- Fill out an online complaint form at: [www.hamilton.ca/bylawcomplaintform](http://www.hamilton.ca/bylawcomplaintform)



### Are there special requirements for swimming pool fences?

Yes, to ensure safety there are specific requirements for pool enclosures. If you are building a fence, and intend to have a pool in the future, we would suggest you review the Swimming Pool Enclosure brochure that can be found online at [www.hamilton.ca/poolenclosures](http://www.hamilton.ca/poolenclosures) and build your fence in accordance with the proper requirements to avoid having to modify it in the future. For more information about building a pool enclosure or Building Permits, contact the Building Services Division at 905.546.2720 or go online to [www.hamilton.ca/building](http://www.hamilton.ca/building).

### Where can my fence be located?

Your fence can only be on your property, unless you and your adjoining neighbour(s) can agree to place it directly on the shared property line. There are limitations on height and placement of fences mainly when it is close to a street where there may be visibility issues that create a safety hazard for vehicles and pedestrians. If you have a corner lot, or wish to put a fence in the front yard, you should contact Municipal Law Enforcement first to ensure you are aware of all regulations.

### Does my neighbour have to pay for half the costs?

By-law 08-108 (that deals with dividing the costs for fences between neighbours) states that the cost of a 122 cm high chain link fence shall be split 50/50 between neighbours. Property owners can use this By-law to assist them when discussing with a neighbour. The City is unable to get involved in how or if the costs are shared. This is a civil matter and may need to be resolved through the legal system.

### How high can I make my fence?

Fences built on residential and commercially zoned properties cannot exceed 2.0m (6'6") in height. The height is usually lower in front yards and corner lots due to visibility issues for vehicles and pedestrians. For more details, please review the complete Fence By-Law, which is available online or contact Municipal Law Enforcement for these requirements.

### Who else should I contact when building a fence?

**Make sure you Call Before you Dig:  
(24 hour service) 1-800-400-2255.**



*For more information contact:*

**Municipal Law Enforcement Section**

Parking and By-Law Services Division  
Planning and Economic Development Department  
Hamilton City Centre - 77 James Street North  
Main Floor, Suite 250  
Hamilton, Ontario, L8R 2K3

**Monday – Friday**

8:30 a.m. – 4:30 p.m.  
Phone 905.546.2782  
Email: [mle@hamilton.ca](mailto:mle@hamilton.ca)  
Website: [www.hamilton.ca/mle](http://www.hamilton.ca/mle)

