

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 82-82

Prescribing the height and description of fences and to repeal By-law No. 77-13

WHEREAS Section 210, subsections 18, 19 and 21 of the Municipal Act, R.S.O. 1980, Chapter 302, confers upon Councils of local municipalities the power to pass a By-law prescribing the height and description of lawful fences, and

WHEREAS it is deemed expedient and necessary to pass such a By-law and to repeal the existing fence By-law No. 77-13.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law,

(1) "Fence" includes a privacy or other screen.

(2) "Grade" means the level of the ground immediately below the exterior of the fence at the point of measurement.

2. No person shall erect a fence except as provided in this By-law.

3. Except as provided in Section 4, the height of a fence measured from grade perpendicularly to the top of such fence shall not exceed,

(1) 1830 mm (6') when located on single family use property or separating single family uses from other single family uses;

(2) 1830 mm (6') when located on multiple family use property or separating multiple family uses from other multiple family uses or single family uses;

(3) 2440 mm (8') when separating single family uses or multiple family uses from commercial uses, institutional uses, industrial uses or agricultural uses;

(4) 1830 mm (6') when separating single family uses or multiple family uses from highways, except from controlled access highways when the height may be increased to 2440 mm (8');

(5) 2440 mm (8') when located on commercial use property or separating commercial uses from other commercial uses, agricultural uses or highways;

(6) 3050 mm (12') when separating institutional uses from commercial uses or industrial uses;

(7) 2440 mm (8') when located on institutional use property or separating institutional uses from other institutional uses, agricultural uses or highways;

- (8) 3050 mm (12') when located on industrial use property or separating industrial uses from other industrial uses, agricultural uses or highways;
 - (9) Boundary fences separating **Town** and other property shall be of chain link construction, in accordance with the specifications contained in Schedule "A" of this By-law; such fences to be a minimum of 1219 mm (4') and a maximum of 1830 mm (6') in height, except the maximum height may be increased to the maximum permitted in this By-law for a particular class of property.
4. Where a fence is erected within an area which could be lawfully covered with a building such fence may be of a height not to exceed the height permitted for the walls of a building that could be lawfully erected.
 5. Fences shall be kept,
 - (1) protected by paint, or other weather-resistant material unless the aesthetic characteristics of the fence are enhanced by the lack of such material;
 - (2) in structurally sound condition and plumb, unless specifically designed to be other than vertical;
 - (3) in good repair and free of accident hazards; and
 - (4) so as not to present an unsightly appearance.
 6. Barbed wire shall not be used on any residential property and when used on other than residential property, shall be at least 2440 mm (8') above ground level.
 7. Electric current shall not be used as a part of or in conjunction with any fence except where such fence is located entirely on agricultural use lands, provided such fence:
 - (a) has a maximum 12 volt trickle charge,
 - (b) is designed and erected solely to contain animals, and
 - (c) **has** attached thereto at approximately 15.25 m (50') intervals, a sign warning that the fence carries electricity.
 8. Schedule "A" attached hereto, shall form part of this By-law.

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9. Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine of not more than \$2,000.00, exclusive of costs, and recoverable under the Provincial Offences Act, R.S.O. 1980, c. 400.
10. By-law No. 77-13 is hereby repealed.

ENACTED AND PASSED THIS 19th DAY OF July 1982.

Ken Staal Mayor
J. H. Keefe Clerk

FENCES FOR ALL LANDS EXCEPT AGRICULTURAL LANDS

1. CHAIN LINK FENCES

(a) Fencing Fabric

Fencing shall be either galvanized or vinyl coat steel with a 38.5 mm (1-1/2") diamond pattern chain link mesh, closed at the bottom and top by knuckling. The wire shall be 3.66 mm (0.15") diameter.

(b) Posts and Rails

Posts and rails shall be of galvanized steel pipe, "Standard Weight". Rails shall have an outside diameter of 43 mm (1.68") Line posts shall have an outside diameter of 60 mm (2.34") and end, corner and straining posts an outside diameter of 90 mm (3.5"). All posts shall be fitted with waterproof caps so designed as to fit and fasten securely over the posts and carry the top rail.

(c) Tension Wire

The bottom tension wire shall be 4.8 mm (0.19") in diameter or heavier, single strand galvanized steel wire.

(d) Fasteners, Fittings and Other Components

Shall be of suitable aluminum alloy, galvanized steel or malleable or ductile cast iron, manufactured in accordance with best practice common to the industry.

CONSTRUCTION

(a) Posts

Posts shall be spaced approximately 3.05 m (10') apart. Straining posts shall be installed at equal intervals not exceeding 150 m (492') when the distance is greater than 150 m (492') between end or common posts. End posts to be installed at each end of the fence and corner posts at each change in direction. Changes in line horizontally where the angle or deflection is 20 degrees or greater shall be considered as corners, and corner posts shall be installed.

(b) Footings

Posts shall be embedded in concrete, placed in holes having these dimensions - for end corner or straining posts, depth 1.1 m (3.6') minimum, diameter 300 mm (11.7") minimum; for line posts, depth 1.0 m (3.3') minimum, diameter 250 mm (9.8") minimum. Posts shall be embedded to within 150 mm (5.9") of

of the bottom of the hole, and concrete footings shall be rough cast in the ground and domed above grade to shed water.

12. OTHER TYPES OF FENCE

A line fence built of rails, board or poles, being horizontally placed shall have the first three of the said rails, boards or poles not more than 152.4 mm (6") apart and in the event of stakes and riders being used the fence shall be at least 1.22 m (4') in height, exclusive of stakes and riders, and a worm-rail fence shall have a crook of not more than 1.52 m (5'). Where the manner of construction is such to require the use of posts, to properly support and secure the fence in position, then such posts shall be so placed that the distance between them will not be greater than the length of the boards, rails or poles horizontally placed. In no case, however, shall the distance between posts exceed 6.10 m (20').

FENCES FOR AGRICULTURAL LANDS

A lawful fence shall be one of the following types of construction -

(A) WOVEN WIRE FENCE

A woven wire fence shall be not less than 1.22 m (4') in height, having a barbed wire on the top but not more than 206 mm (8") above the uppermost wire of the woven wire fence, all being properly strained, anchored and securely fastened to posts, said posts to be not more than 5 m (16.41') apart and, if of wood, to be not less than 103 mm (4") in diameter at the small end.

(B) SMOOTH WIRE FENCE

A smooth wire fence shall consist of not less than 7 wires properly strained, anchored and securely fastened to posts of either wood or steel. Said posts to be not more than 6.10 m (20') apart and, if of wood, to be not less than 103 mm (4") in diameter at the small end and having perpendicular stays not more than 91 m (2.99') apart along the whole length of the fence. The 1st wire to be not more than 103 mm (4") above ground; the 2nd wire to be not more than 103 mm (4") above the first; the 3rd wire to be not more than 128.3 mm (5") above the second; the 4th wire to be not more than 154 mm (6") above the third; the 5th wire to be not more than 282.1 mm (11") above the fourth; the 6th wire to be not more than

308 mm (12") above the fifth; the 7th wire to be not more than 308 mm (12") above the sixth. A barbed wire shall be strung on the posts, above the smooth wire fence and not more than 206 mm (8") above the upper-most wire, being properly strained, anchored and securely fastened to the posts.

(C) CHAIN LINK FENCE

A chain link fence shall be not less than 1.22 m (4') in height, with a spacing not greater than 51.5 mm (2") measured perpendicularly within the link segments and of a wire weight not less than 9 gauge. The fence shall be securely attached to metal posts spaced not more than 3.05 m (10') apart. The fence and posts shall be manufactured of either galvanized or vinyl coat steel. The primary use of chain link fencing is intended to be for boundary marking purposes in a residential setting and not for the containment of livestock. If it is the intent, however, to use chain link fence for livestock containment then, in addition to the 1.22 m (4') height of fence, a single strand of barbed wire shall be strung not more than 152.4 mm (6") above the fence and shall be properly strained, anchored and secured to the posts.