

BY-LAW NO. 92-05

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to provide for prohibiting and regulating of fences within the municipality and to repeal By-law 28-04.

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, S.130 provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to health, safety and well-being of the inhabitants of the municipality.

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, s.11 provides that a municipality may pass by-laws respecting structures, including fences.

AND WHEREAS the Council of the Corporation of the City of Cambridge deems it necessary to prohibit and regulate fences within the Municipality.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:-

1. THAT no person shall construct, erect, maintain or keep within the City of Cambridge any fence in contravention of the provisions of this by-law, unless such fence was erected in compliance with the predecessor of this by-law and is not moved, altered or enlarged in any way.

Definitions

2. That in this by-law:
 - (a) Building Line shall mean the regulatory or established building line as defined by the applicable zoning by-law affecting the property.
 - (b) Building Envelope means that area of a lot within which a principal building could be constructed in compliance with the site development specifications as outlined in the applicable zoning by-law.
 - (c) Farm Fence shall mean a fence erected for the purpose of containing livestock, enclosing crops, water areas, woodlots, buildings, fields or laneways for the operation of agriculture.
 - (d) Fence shall mean a structure of vertical, horizontal or diagonal members of any combination thereof, erected as a barrier, enclosure or demarcation outside the building envelope. A hedge shall not be used as a fence for the purposes of this by-law.
 - (e) Fence Height shall mean the measurement from the base of the fence at grade of the highest adjacent ground to the finished top of the fence.
 - (f) Front Lot Line shall mean the lot line that divides the lot from the street.

- (g) Privately-Owned Outdoor Swimming Pool shall mean a swimming pool capable of having a water depth of 76.2 cm or more at any point and is located on private property under the control of the owner or occupant, which has been designed for swimming or bathing, but shall not include an existing natural body of water or watercourse in the areas zoned agricultural, rural residential or open space in the applicable zoning by-law.
 - (h) Shadow Fence shall mean a fence consisting of alternating vertical boards on both sides of a top and bottom rail.
 - (i) Snow Fencing shall mean a fence commonly used for the control of snow.
3. If located back of the building line, a fence may be erected up to a maximum height of 2.1 m, except in an industrial zone as defined in the applicable zoning by-law when the maximum height shall be 2.4 m. If located between the building line and the front lot line, the maximum height shall be 0.9 m in any zone, except that a fence erected with a maximum height of 2.4 m will be permitted when used to enclose or protect a property for institutional, commercial or industrial zones as defined in the applicable zoning by-law.
 4. Notwithstanding the provisions of section 3 above, on a corner lot, a fence not exceeding 2.1 m in height may be erected to the front lot line provided that no fence shall be erected or maintained higher than 0.75 m as measured from the centreline of the road within the daylighting triangle, as determined in accordance with Schedule "A".
 5. Barbed wire may only be used on the top and to the inside of fences that are described in any zone where the wording commercial or industrial appear as defined in the applicable zoning by-law and on farm fences.
 6. Snow fencing may not be used as a permanent fence in any zone where the word residential appears in the applicable zoning by-law within the areas of the City.
 7. Fencing of Privately-Owned Outdoor Swimming Pools

No person shall construct or maintain a privately-owned outdoor swimming pool unless the pool or the land on which such pool is located is fenced or enclosed in accordance with the following provisions:

- (a) every such fence shall be not less than 1.5 m in height;
- (b) every fence shall be constructed so that all diagonal members shall be to the pool side of the fence and every fence having horizontal members shall be constructed so that all horizontal members are to the pool side of the fence unless the horizontal members are a minimum of 1.1 metres apart;
- (c) every such fence shall be composed of:
 - (i) chain link construction, as determined in accordance with Schedule "B"; or
 - (ii) vertical members where the spacing between such vertical members is greater than 25 mm but not greater than 50 mm and the horizontal rails are a minimum of 1.1 metres apart, as determined in accordance with Schedule "B"; or

- (iii) vertical members where the spacing between such vertical members is no greater than 25 mm, as determined in accordance with Schedule "B";
- (iv) shadow fencing where the spacing between the vertical members does not exceed the width of the member being used and the horizontal rails are a minimum of 1.1 metres apart, as determined in accordance with Schedule "B".
- (v) The use of wood lattice is permitted for the top portion of any of the fence types mentioned in Section 7 (c)(ii), (iii), (iv) of this by-law as follows:
 - (i) where the fence is a maximum height of 1.5 m, wood lattice for the top portion shall not exceed 300 mm, as determined in accordance with Schedules "C"
 - (ii) where the fence is a maximum height of 1.8 m, wood lattice for the top portion shall not exceed 600 mm, as determined in accordance with Schedules "C";
- (vi) (i) Above Ground Pools

A vertical iron bar or wood fence shall be permitted for protection on the upper portion of an above ground pool provided the sides of the pool are a minimum of 1.1 m above grade and the spacing in the fence does not exceed 100 mm, between vertical members, as determined in accordance with Schedule "E";
- (ii) Inground Pools

A vertical iron bar fence shall be permitted for protection of inground pools provided the spacing of the bars does not exceed 100 mm, between vertical members, and all horizontal rails are a minimum of 1.1 m apart, as determined in accordance with Schedule "E";
- (vii) Hot Tubs

Hot tubs shall be fitted with a tight fitted cover, with a locking device or be protected with a 1.5 m minimum high fence;
- d) where the fence required for a privately-owned outdoor swimming pool will abut an existing embankment, retaining wall, fence or structure, or thing such that the protection provided by the separation is negated, the minimum separation of 1.5 metres is required as shown in Schedule "F";
- e) every such fence shall be constructed so that the only means of entry is by gates or doors of not less than 1.5 m in height and such gate or door shall be capable of being locked;
- f) a dwelling, building or accessory building, or part thereof, may be used to enclose a pool;
- g) in the case of an above ground privately-owned swimming pool where the walls of the pool satisfy all of the requirements otherwise required for fences which enclose swimming pools, no other fence is required;

- h) where two pools have been installed on adjacent lots, the fence separating such pools shall be a minimum of 1.5 m in height and where such pools are installed, section 7(b) shall not apply;
 - l) the provisions of this by-law shall not apply to any pool which is subject to the regulations under the Building Code Act, 1992, S.O. 1992, Chapter 23, Section 3.11.
8. No person shall excavate for, erect or construct a privately-owned outdoor swimming pool without first submitting the following plans and obtaining a permit:
- (a) a plot plan showing the location of such pool and all other structures on the lot and within 1.5 m of any adjacent lot;
 - (b) the types of materials to be used for fencing and gates as well as the height and construction design.
9. Notwithstanding the height restrictions of this by-law, nothing shall prevent the operator of a salvage yard from erecting a fence up to a maximum height of 3.0 m.
10. Subject to section 11 herein but notwithstanding the other provisions of this by-law, nothing shall prevent the construction and maintenance of farm fences in agricultural, rural residential or open space zones as defined by the applicable zoning by-law.
11. The use of any device for projecting an electric current through or in conjunction with a fence is prohibited except on farm fences in any agricultural zone as defined by the applicable zoning by-law.
12. The provisions of this by-law shall not apply to the erection of fences for public safety by the Corporation of the City of Cambridge or any local boards thereof, any public utilities commission, including Bell Telephone, Union Gas and Ontario Hydro, all boards of education and The Regional Municipality of Waterloo.
13. Attached as Schedule "G" is a Metric Conversion Chart – it is attached for reference purposes.

OFFENCE

14. Any person who contravenes any provisions of this by-law is guilty of an offence and is liable to a fine as provided in the Provincial Offences Act.

SHORT TITLE

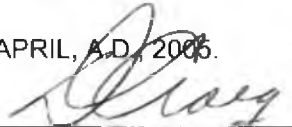
15. This By-law may be cited as the Fence By-law.

BY-LAW REPEAL

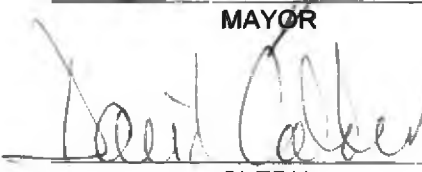
16. THAT City of Cambridge By-law No. 28-04 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED, THIS 25TH DAY OF APRIL, A.D. 2005.



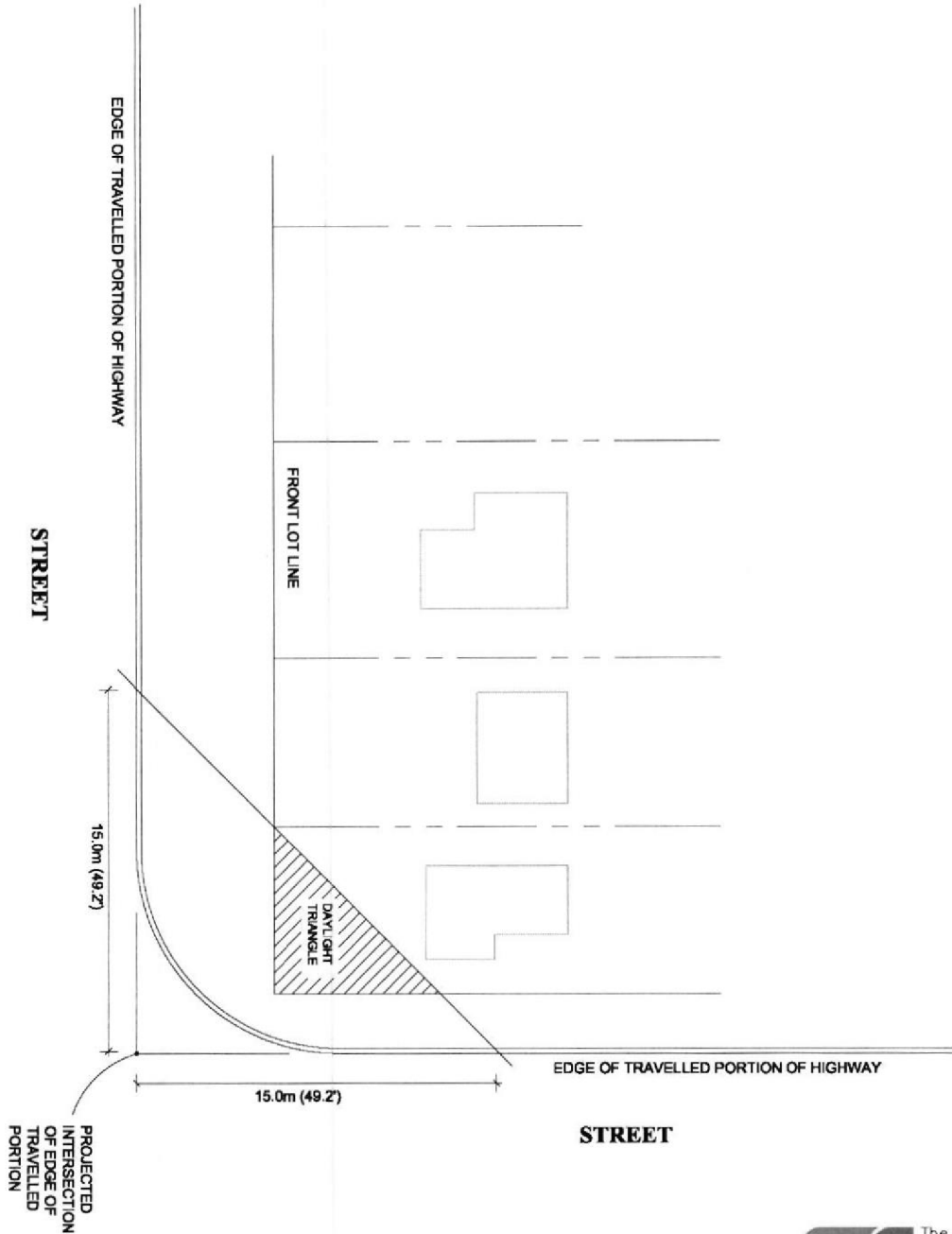
MAYOR



CLERK

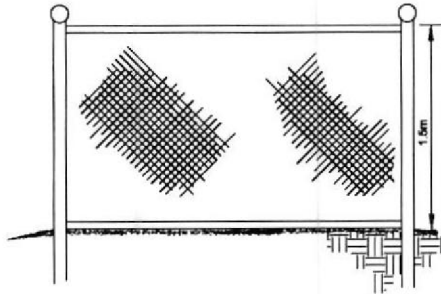
SCHEDULE "A"

Attached to and forming part of
By-law 92-05

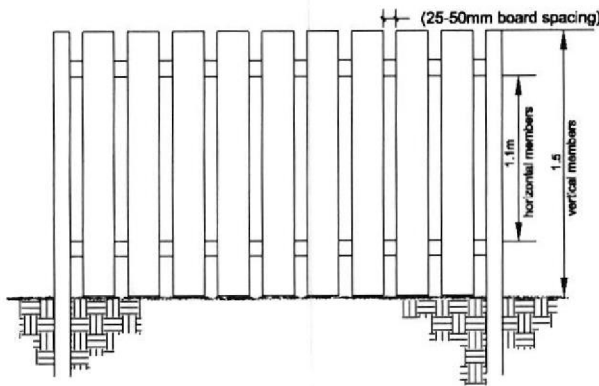


SCHEDULE "B"

Attached to and forming part of
By-law 92-05



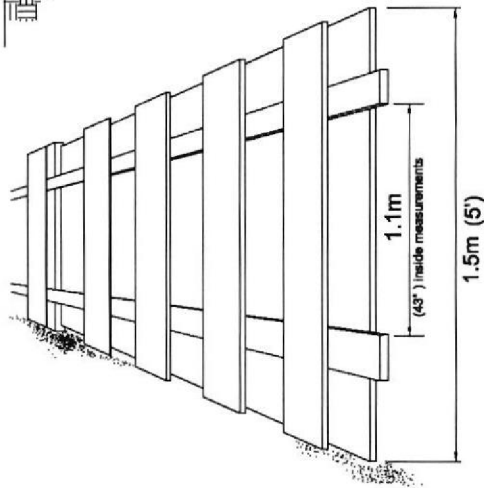
Sect. 7 (c)i Chain Link



Sect. 7 (c)(ii)(iii)
Solid Board Fence

Board spacing less than 25mm
No requirements for horizontal
spacing if to pool side.

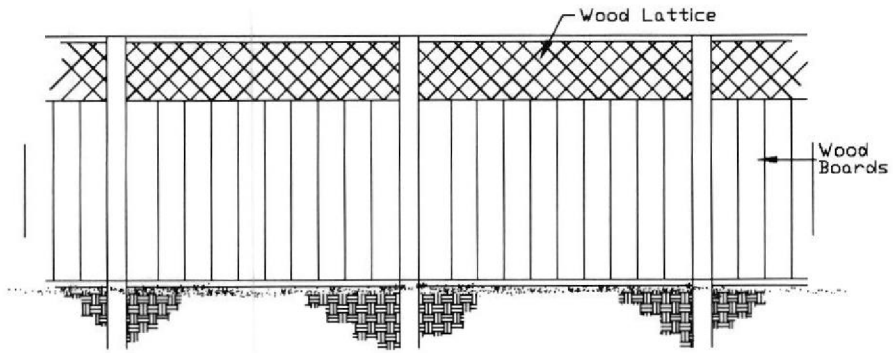
Sect. 7 (c)(iv)
Shadow Fence



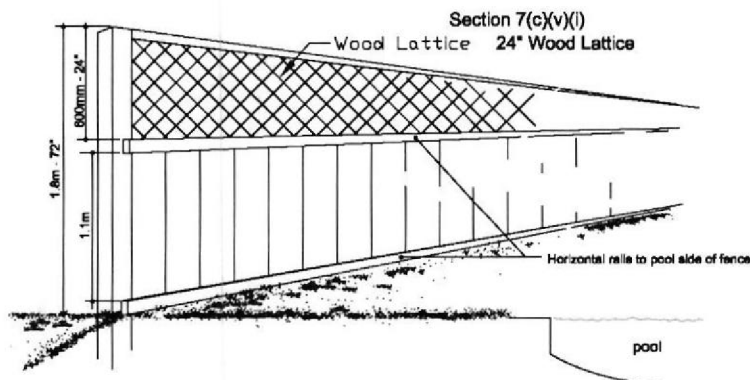
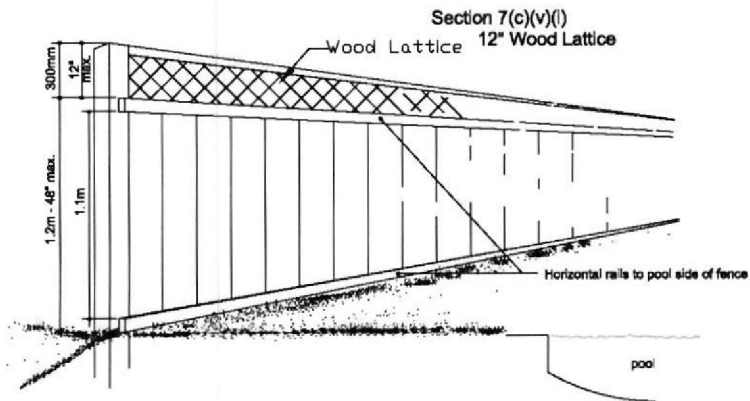
NOTE:
Board spacing to be no greater than
board width.



SCHEDULE "C"
Attached to and forming part of
By-law 92-05



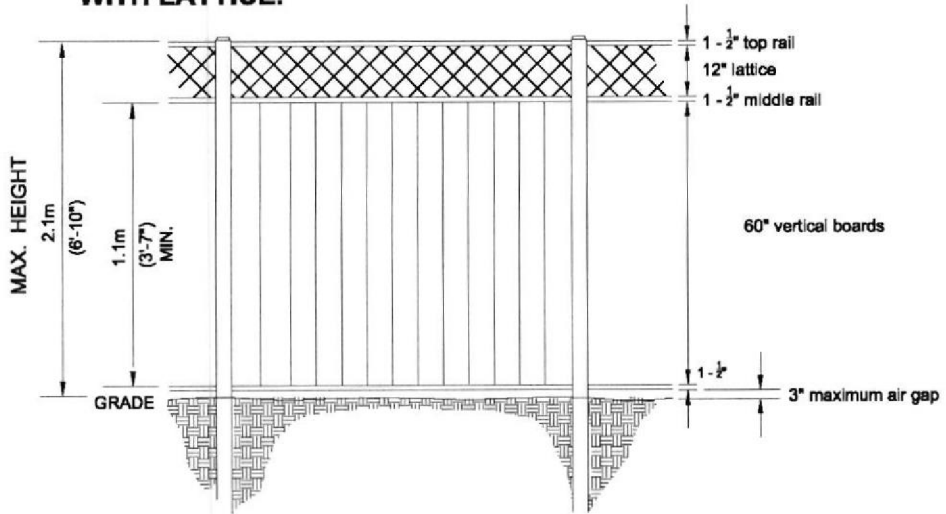
Fence Type



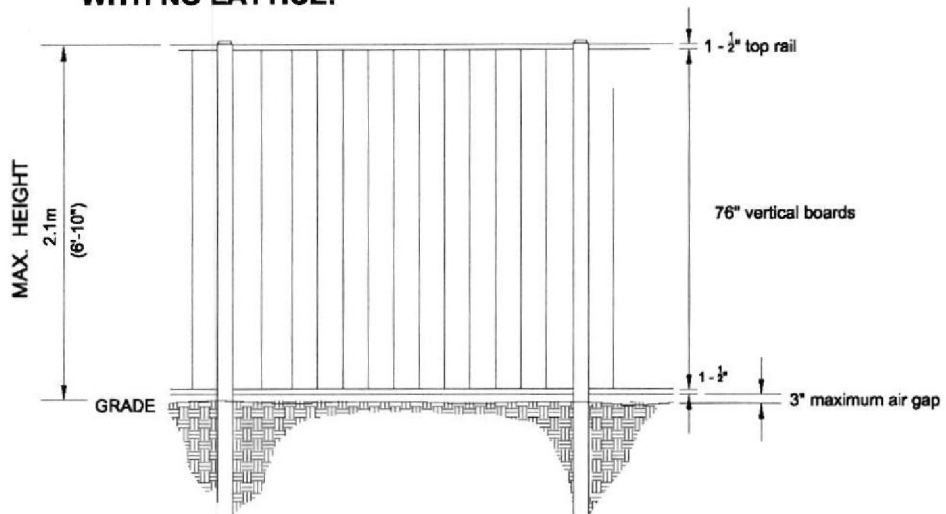
SCHEDULE "D"

Attached to and forming part of
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**MAXIMUM HEIGHT OF
PRIVACY FENCE
WITH LATTICE.**



**MAXIMUM HEIGHT OF
PRIVACY FENCE
WITH NO LATTICE.**

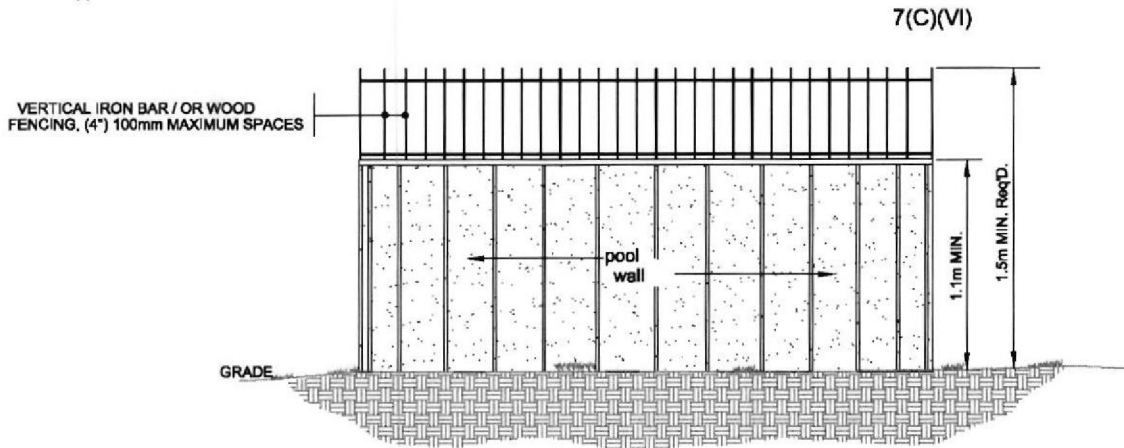


SCHEDULE "E"
Attached to and forming part of
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**IRON BAR AND
WOOD FENCES**

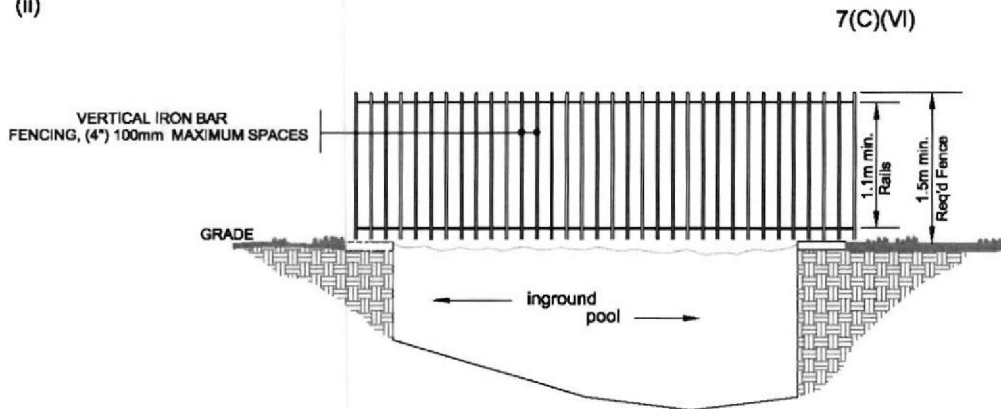
ABOVE GROUND POOLS

(i)



INGROUND POOLS

(ii)



NOTE: All horizontal rails minimum of 1.1m apart.

SCHEDULE 'F'

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By-law 92-05

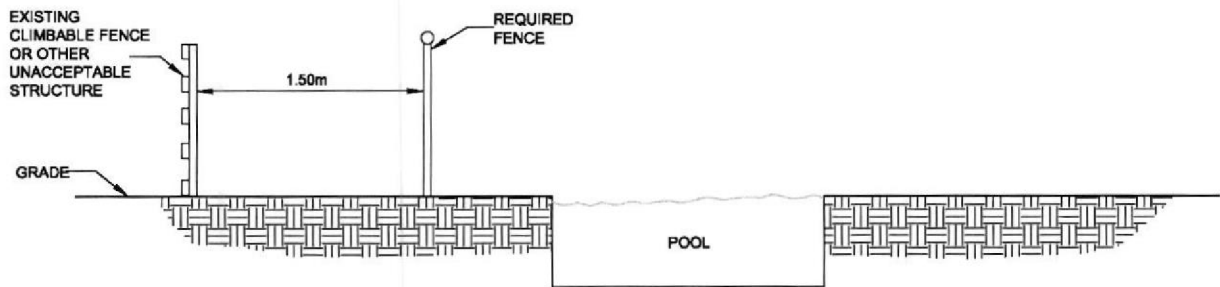


FIG. 1

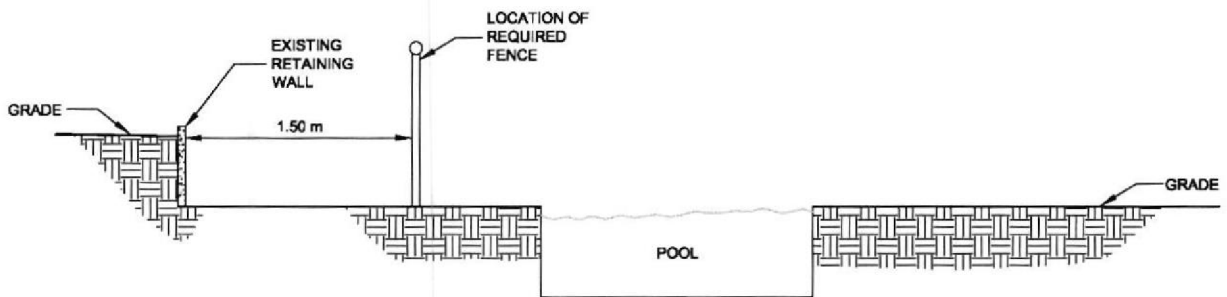


FIG. 2

SCHEDULE 'G'

**Attached to and forming part of
By-law 92-05**

METRIC CONVERSION TABLE

25 mm	• .985 in.	⇒ 1 in.
50 mm	• 1.969 in.	⇒ 2 in.
100 mm	• 4 in.	⇒ 4 in.
76.2 cm	• 30 in.	⇒ 2 ft. 6 in.
.9 m	• 2.952 ft.	⇒ 2 ft. 11 in.
.75 m	• 2.461 ft.	⇒ 2 ft. 6 in.
1.1 m	• 3.609 ft.	⇒ 3 ft. 7 in.
1.5 m	• 4.921 ft.	⇒ 5 ft.
1.8 m	• 5.906 ft.	⇒ 5 ft. 11 in.
2.1 m	• 6 ft. 10 in.	⇒ 6 ft. 10 in.
2.4 m	• 7.874 ft.	⇒ 7 ft. 11 in.
3.0 m	• 9.843 ft.	⇒ 9 ft. 10 in.
15.0 m	• 49.213 ft.	⇒ 49 ft. 2 in.

DATED: APRIL 25TH, A.D., 2005

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1ST READING: APRIL 25TH, 2005.

2ND READING: APRIL 25TH, 2005.

3RD READING: APRIL 25TH, 2005.

DAVID CALDER
CITY CLERK