



THE CORPORATION OF THE TOWNSHIP OF DAWN-EUPHEMIA

BY-LAW NUMBER 2026-14

**A By-Law to Prescribe the Height and Type of Fences
And Repeal By-Law 2002-29 and 2002-30**

A By-Law to regulate Fences and Swimming Pool Enclosures on private property within the Corporation of The Township of Dawn-Euphemia.

WHEREAS Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, provides that a municipal power shall be exercised by By-Law;

AND WHEREAS pursuant to the *Municipal Act, S.O., 2001, C. 25, S. 11*, a Council may pass a By-Law respecting matters within the sphere of jurisdiction regulating structures, including fences and signs.

AND WHEREAS Section 11(2) 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, authorizes a lower-tier municipality to pass a By-Law respecting the health, safety, and well-being of persons;

AND WHEREAS Section 11(3) 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, authorizes a lower tier municipality to pass a By-Law respecting matters relating to structures, including fences;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF DAWN-EUPHEMIA enacts as follows:

SECTION 1 TITLE

This By-Law shall be known as the “Fence By-Law” of The Corporation of the Township of Dawn-Euphemia.

SECTION 2 DEFINITIONS

In this By-Law:

Building Inspector: means a “Building Inspector” appointed by the Municipality.

By-Law Enforcement Officer: means a “By-Law Enforcement Officer” appointed by the Municipality.

Chief Building Official: means the “Chief Building Official” for the Municipality as defined by the *Building Code Act*, S.O. 1992, c.23, as amended.

Corner Lot: means a Lot situated at the intersection of two (2) or more Streets or at the intersection of two (2) parts of the same Street meeting at an angle of not more than 135 degrees.

Council: means the Council for the Municipality.

Costs/Expenses: means all costs and/or expenses (including labour, materials and disbursements) incurred by the Municipality in enforcing their By-Law (which, includes, for greater certainty, the Officer's time, preparation and issuance of notice(s)/letters/Orders, searching title, site visits, drafting correspondence, conducting title searches, searching sheriff certificates, and any other action taken to bring the Land into compliance with their By-Law and the costs of the service of Servant/Agent retained to assist the Municipality in doing so).

Driveway: means a vehicle access provided between a Street and a parking area/space or a loading space on a Lot.

Electric Fence: means a Fence through which electricity continuously passes through.

Erect: means to erect or cause to be erected, including to construct, plant, place, alter, maintain, grow, or allow to grow, and relocate; and "Erected" and "Erection" have a corresponding meaning.

Fence: means

- a) a railing, wall, structure, line of posts, wire, gate, boards, pickets, latticework, brick, stone, cement, masonry, or any other similar materials, or a combination thereof, used for the purposes of enclosing or dividing, in whole or in part, a Yard or Lot, establishing a Lot Line or providing privacy; and
- b) includes a wall that is not an integral part of a building, but does not include an arbour or trellis; and
- c) any plant material, including but not limited to, a hedge or grouping of three (3) or more trees or shrubs used for the purposes listed in subsection a) above located in a Corner Lot Sight Triangle or a Driveway Sight Triangle within 3.0 metres of a Street Line and;
- d) constructed so it is NonClimbable.

Grade: means the elevation of the finished level of the ground adjoining the Fence, exclusive of any artificial embankments or berms, and for purposes of its definition, the top of a retaining wall, and a floor, will be the same as the ground.

Height: means the vertical distance of a Fence from Grade and is measured from the ground where Fence posts are embedded to the top of the Fence.

Hydro-Massage Pools: means the type of pool commonly referred to as hot tub, whirlpool, Jacuzzi or spa, having a surface area of 8 m² or less.

Land: means any estate or interest in land and any right or easement affecting it.

Locking Device: means a mechanism designed to secure something by preventing it from opening, moving, or being released.

Lot: means a contiguous parcel of Land and includes any parcel of Land which can be occupied or used 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.

Lot Line: means any line that is legally defined boundary of a Lot.

Lot Line, Exterior Side: means the longest Lot Line along a Street where a Lot has two (2) or more Lot Lines along a Street.

Lot Line, Front: means the shortest Lot Line along a Street.

Lot Line, Rear: means a Lot Line which is opposite to the Front Lot Line.

Municipality: means The Corporation of the Township of Dawn-Euphemia.

Non-Climbable: means a Fence that is not constructed with horizontal or near-horizontal members that create a ladder effect or any type of construction that creates a potential risk of climbing, nor with openings that will permit the passage of a sphere having a diameter more than 100 mm (~3 15/16 in), unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.

Non-Residential Property: means Land that is zoned other than Residential R1, R2, R3 or R4 or Mixed Use M1, M2 or M3 in the Zoning By-Law.

Officer: means a By-Law Enforcement Officer, the Chief Building Official, and/or a Building Inspector.

Order: means a legally binding direction issued by an Officer.

Outdoor Storage Area: means an unroofed area on a Lot used for the storage of any goods, junk, material, merchandise, or vehicles for more than 24 hours, but does not include a Salvage Yard.

Outdoor Swimming Pool: means any structure, basin, chamber, swim spa, container, tank or the like, containing or capable of containing water that is designed to be used for swimming or wading, and:

- a) has a depth of 0.6 metres or more;
- b) is not completely enclosed inside a building;
- c) has a surface area of more than 1 square metre (10.8 square feet);
- d) is not a Pond which is maintained for ornamental purposes only;
- e) is not a Pond or reservoir to be utilized for farming purposes, and located in an agricultural zone in the Zoning By-Law, or a reservoir for firefighting purposes;
- f) is not under the jurisdiction of the Building Code Act, S.O. 1992, c.23;
- g) is not a stormwater management pond; and
- h) is not a naturally occurring stream, lake, swamp or other natural body of water.

But excludes Hydro-Massage Pools and lap pools if they have a hard lid that is fitted and secured with a Locking Device when not in use.

Owner: includes the registered owner of any Lot, the Person managing or receiving the rent of the Land or premises, whether on the Person's own account or as agent or trustee of any other Person, or who would receive the rent if such Land were leased, and include a lessee, tenant, mortgagee in possession, or a Person in care and control of the Lot.

Person: means an individual, sole proprietorship, partnership, limited partnership, trust, or body corporate, or an individual in their capacity as a trustee, executor, public administrator, or other legal representative.

Pond: means a confined body of water (which may contain fish and/or plants) that is located in a Residential Zone, but does not include farming areas or ponds located more than 150 metres (500 feet) from a Residential Zone.

Residential Property: means any Land zoned Residential R1, R2, R3, R4 or Mixed Use M1, M2 or M3 in the Zoning By-Law, or used primarily for residential purposes in an Agriculture zone in the Zoning By-Law, and “Residential Use” and “Residential Zone” have a corresponding meaning.

Salvage Yard: means an outdoor area where wrecked motor vehicles are stored, or where used motor vehicles are wrecked and disassembled, or where any other used material and salvage are collected, sorted, stored, baled, packed, disassembled or handled.

Servant/Agent: means any service provider who has been contracted or engaged to carry out the works necessary to bring Lands into compliance with the By-Law, which may include, but is not limited to, paid duty police officers, security personnel, property estimators, professional engineers, qualified tradespeople, and employees of the Municipality or any other Person the Officer deems required.

Served Personally: means a legal document is physically handed to the intended recipient in-person.

Sight Triangle, Corner Lot: means an unobstructed triangular area where the Front Lot Line and Exterior Side Lot Line meet on a Corner Lot. The area of the site triangle shall be determined by measuring a prescribed distance along each of the two (2) Lot Lines from the point of intersection, and a third line joining the terminal points of the two (2) measured lines. The prescribed distance to be measured along each Lot Line in a Residential Zone shall be 6.0 meters, and in all other zones shall be 7.5 metres.

Sight Triangle, Driveway: means an unobstructed triangular area formed at the intersection of a Lot Line and the lateral limit of a Driveway. The area of the triangle shall be determined by measuring from the point of intersection of the Lot Line and the lateral limit of the travelled portion of the Driveway, a distance of 4.5 metres along the Lot Line and the lateral limit of the Driveway, and a third line joining the terminal points of the two (2) measured lines. Where applicable, a Driveway Sight Triangle is required abutting a Driveway located on an adjacent Lots.

Site Plan or Development Agreement: means a registered agreement that is a legally binding contract between the Owner, developer, and the Municipality to ensure that the project is built and maintained according to the Owner’s development plans approved by the Municipality.

Street: means a public highway which provides the principal means of vehicular passage and includes its sidewalks and boulevards.

Street Line: means the boundary between a Street and a Lot separating the Lot from the abutting Street.

Swimming Pool Area: means the area including an Outdoor Swimming Pool and any surrounding platforms, walkways, play areas, landscaped areas, or structures within the Swimming Pool Enclosure.

Swimming Pool Enclosure: means a Fence, together with any gates or entrances, which completely surrounds an Outdoor Swimming Pool.

Temporary Enclosure: means a temporary Fence used for the purpose of enclosing an Outdoor Swimming Pool in the course of construction in order to effectively prevent or restrict access thereto by unauthorized Persons, and to prevent any accident or injury to any Person in or on a Lot.

Yard: means any area on a Lot not covered or occupied by any building.

Yard, Exterior Side: means a side Yard immediately adjoining a Street, extending from a Front Yard to the Rear Lot Line.

Yard, Front: means a Yard that extends across the full width of the Lot from the Front Lot Line to the nearest wall of the main building on the Lot.

Yard, Rear: means a Yard that extends across the full width of the Lot from the Rear Lot Line to the nearest wall of the main building on the Lot.

Yard, Side: means a Yard that extends from the Front Yard to the Rear Yard and from the side of a Lot to the nearest wall of the main building on the Lot.

Zoning By-Law: means any By-Law administered by the Municipality passed pursuant to Section 34 of the Planning Act R.S.O 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.

SECTION 3 GENERAL PROHIBITION

The requirements of the By-Law apply to all Lots within the geographic limits of the Municipality, except where specified otherwise.

3.1 GENERAL

No Person shall Erect, or permit the Erection of a Fence on a Lot located within the Municipality, other than a Fence which complies with the provisions of the By-Law and any other applicable law.

3.2 EXEMPTION

Fences may be exempt in whole or in part from the provisions of the By-Law, where the Fence:

- i. is Erected with the approval of the Municipality under an Agreement;
- ii. is subject to regulation or a requirement of a public body, agency, utility, or authority; or
- iii. a variance is granted under Section 11 of the By-Law.

3.3 VISIBILITY – OBSTRUCTION – PROHIBITED

Notwithstanding any of the regulations set out in the By-Law, no Person shall Erect, or permit a Fence to be Erected that, in the opinion of the Officer:

- i. obstructs pedestrian or vehicular traffic; or
- ii. obscures the clear visibility of normal approaching pedestrian or vehicular traffic.

3.4 MAXIMUM HEIGHT – FENCE

No Person shall Erect, or permit to be Erected, a Fence that does not comply with the height and location as prescribed in the Zoning By-Law.

3.5 FENCE – CONDITION OF DEVELOPMENT OR REDEVELOPMENT

Notwithstanding any other provision in the By-Law, a Fence, which is required and approved as a condition of the Site Plan or Development Agreement for the development or the redevelopment of land shall be deemed to conform with the provisions of the By-Law

3.6 RESTRICTION – MATERIALS OF CONSTRUCTION – RESIDENTIAL ZONE

No Person shall have, Erect, or permit to be Erected, any Fence comprised of sheet metal or corrugated metal panel members on a Residential Property or a Lot abutting a Residential Property.

SECTION 4 EXISTING FENCES

Notwithstanding the provisions of the By-Law, any Fence that was in existence before the date on which the By-Law comes into force and was lawfully Erected shall be deemed to comply with the By-Law, for so long as such Fence continues to be the same Height, length, width and comprised of the same materials, and may be maintained as Erected including any repair work that may be required from time to time. For this section, “repair” shall mean the replacement or restoration of minor components of the Fence necessary to maintain the structure in good condition. Repair does not include the reconstruction, replacement, or alteration of a substantial portion of the Fence, which is at the sole discretion of the Officer.

SECTION 5 GENERAL PROVISIONS

No Person shall Erect a Fence unless the Fence is:

- i. Stable;
- ii. Vertical;
- iii. Constructed of good quality materials that are designed or intended for use in a Fence;
- iv. Not an obstruction to the visibility of pedestrians or motorists;
- v. Maintained in good repair and free from unsightly markings, stains, and defacements;
- vi. Non-Climbable;
- vii. Maintained in a safe and structurally sound condition;
- viii. Protected by paint, preservative, or other weather-resistant material, except for wooden Fences made of cedar, redwood, or treated wood.

SECTION 6 RESTRICTIONS ON MATERIALS

6.1 GENERAL

No Person shall Erect a Fence:

- i. which contains or is constructed, in whole or in part, of any hazardous material, chicken wire, barbed wire, other barbed or sharp material or projection;
- ii. which is an Electric Fence which contains a device for projecting or transmitting an electric current;
- iii. in a manner that renders an existing Fence into non-conformity with the requirements of the By-Law.

6.2 BARBED WIRE

Notwithstanding Section 6.1 above, a Fence comprised of barbed wire is permitted:

- i. on a farm in an Agriculture zone as set out in the Zoning By-Law that is used as part of a Fence for the keeping of livestock or the protection of livestock and crops from animals, as long as such Fence does not abut a residential settlement area as defined in the Municipality's Official Plan.
- ii. on a Non-Residential Property where required for the safety or protection of property, the portion of a Fence above 2 metres may be wholly or partially constructed of barbed wire, provided the barbed wire does not project past the exterior face of the Fence.
- iii. In an industrial zone and as per the approved Site Plan or Development Agreement.
 - a) Barbed wire or other barbed or sharp material may be used on the top and on the outside of Fences that are Erected on a Lot, which meet all the following criteria:
 - b) the Lot is zoned Industrial in the Zoning By-Law;
 - c) the barbed wire is located no less than 1.52 metres (5') above ground level;
 - d) the outward projection of the barbed wire does not project onto neighboring Lot;

6.3 ELECTRIC FENCE

Notwithstanding Section 6.1 above, an Electric Fence is permitted on a farm in an Agriculture zone as set out in the Zoning By-Law that is used as part of a Fence for the keeping of livestock or the protection of livestock or crops from other animals, provided the Fence meets all applicable Canadian standards, as long as such Fence does not abut a residential settlement area as defined in the Municipality's Official Plan.

SECTION 7 CALCULATION OF HEIGHT

The Height of a Fence shall be measured vertically from Grade at the base of the Fence to the top of the Fence, exclusive of decorative post caps, provided that:

- i. Where changes in Grade contours along the Fence line result in changes in Height of the Fence, the Height of the Fence is deemed to be the average Height at the midpoint between supporting posts;
- ii. Where Grade elevations between adjacent Lots differ at the boundary between the Lots, the Height of any Fence located on or within 0.6 metres of a Lot Line shall be measured from the mean Grade elevation between the two (2) Lots;
- iii. Notwithstanding i) and ii) above, no part of a Fence which forms a Swimming Pool Enclosure, or part thereof, will be less than 1.5 metres in Height measured from Grade.

SECTION 8 FENCE AND SWIMMING POOL ENCLOSURE REQUIREMENTS (DAWN-EUPHEMIA ZONING BY-LAW)

3.3.4 Lot Coverage and Height of Accessory Buildings and Structures in Residential Zones

The maximum Permitted Height of a fence, privacy wall or like feature in a Residential Zone shall be 2.5 metres provided that the fence is not located in a Sight Triangle (see Section 3.18.2) and that the maximum Permitted Height within 4 metres of the Front Lot Line shall be 1.1m.

3.10.2 Rural Home Occupations – additional activities Permitted where no immediate neighbours

Where a separation of 200 metres or more exists to the nearest neighbouring Dwelling or any Use defined as a Type B Use for MDS II purposes and the Home Occupation would not contravene Sections 3.10.1 b), d), and e), the following modifications shall apply:

The following Uses shall be Permitted provided any Open Storage or Outdoor Display is surrounded by a solid board fence at least 2.4 metres in Height and the Use does not change the character of the Main Use or become a nuisance to neighbouring properties:

3.17 OPEN STORAGE AND OUTDOOR DISPLAY REGULATIONS

Subject to the provisions of Section 3.17, and in addition to the Zones in which Open Storage and Outdoor Display are permitted, where the definition of a Use in Section 2 so implies, Open Storage and/or Outdoor Display for the specified purposes shall be Permitted as Accessory to the Use.

3.17.1 Open Storage

Other than an Agricultural Use, Aggregate Storage Area or Nursery, any portion of a Lot used for Open Storage shall be enclosed by a fence measuring at least 2.5 in Height in an Industrial Zone and at least 1.8 metres in all other Zones, and where abutting any Residential, Institutional or Open Space Zones, such fence shall be constructed of solid materials;

3.31 SPECIAL PROVISIONS FOR SEASONAL HOUSING

In addition to the provisions for Dwellings of the Zones where Seasonal Housing is Permitted, Seasonal Housing:

- b) where located within 60 metres of a Street Allowance or a Dwelling on a separate Lot, Seasonal Housing shall be screened with a Planting Strip or an opaque fence or wall measuring a minimum of 1.8 metres in Height;

SECTION 9 SWIMMING POOL ENCLOSURE

9.1 PERMITS

- i) No Person shall excavate for or Erect, or cause or permit excavation for or Erection of, any Outdoor Swimming Pool and/or Hydro-Massage Pool and/or Swimming Pool Enclosure without first obtaining a permit from the Chief Building Official for the Swimming Pool Enclosure.
- ii) An application for a permit for a Swimming Pool Enclosure shall contain the following information, with metric dimensions:
 - a) the location of the Lot;

- b) plans showing the location of the Outdoor Swimming Pool on the Lot in relation to Lot Lines, Street Lines, and all other building structures on the Lot;
 - c) plans showing the complete details of the Swimming Pool Enclosure, including, but not limited to, the type, Height, materials, and location of the boundaries, gates and/or entrances of the Swimming Pool Enclosure;
 - d) plans showing the location of the Outdoor Swimming Pool pump, heater, and filter; and,
 - e) plans showing the construction of any deck and guards in the case of an above-ground Outdoor Swimming Pool.
- iii) No permit for a Swimming Pool Enclosure shall be issued unless the application complies with all applicable laws, and regulations thereunder, and municipal by-laws.
 - iv) No permit for a Swimming Pool Enclosure shall be issued unless all applicable fees, as established by Council from time to time, have been paid in full.
 - v) A permit for a Swimming Pool Enclosure may be revoked if, after 18 months of its issuance, the construction of the Swimming Pool Enclosure has not, in the opinion of the Officer, substantially commenced.
 - vi) There shall be no refund of permit fees where a permit has been revoked.

9.2 GENERAL ENCLOSURE REQUIREMENTS

- i) The Owner of any Lands on which an Outdoor Swimming Pool is located or Erected shall Erect and maintain a Swimming Pool Enclosure around the entire Swimming Pool Area, in accordance with the provisions of the By-Law.
- ii) No Person shall place water, or cause water to be placed, in an Outdoor Swimming Pool, or allow water to remain therein, unless the Swimming Pool Enclosure prescribed by the By-Law is Erected and maintained in accordance with the provisions of the By-Law.
- iii) An Outdoor Swimming Pool, while under construction, shall be completely enclosed by a Temporary Enclosure as set out in Section 9.2 iv) and viii) below, except where the permanent Swimming Pool Enclosure requirements have been satisfied.
- iv) A Temporary Enclosure shall consist of a 1.2 metre high plastic mesh Fence having mesh openings not greater than 50 millimetres and supported by steel T-bar posts located a maximum of 2.4 metres apart and with a 9 gauge galvanized steel wire located at the top and bottom of such Fence; or, be constructed of material that will provide an equivalent or greater degree of safety and which has been approved by the Chief Building Official.
- v) The Height of the Swimming Pool Enclosure required by the By-Law shall be a minimum of 1.5 metres in Height, as measured from Grade.

- vi) The maximum permitted space between the bottom of a Swimming Pool Enclosure and Grade is:
 - (a) 50 millimetres where the ground is primarily grass or earth; and/or,
 - (b) 100 millimetres where the ground is primarily concrete or asphalt.
- vii) Every Swimming Pool Enclosure shall be constructed in accordance with the provisions of Sections 9.2, 9.3, and 9.4 of the By-Law, except as otherwise provided.
- viii) Every Swimming Pool Enclosure, and Temporary Enclosure, shall be maintained in such a manner and to such an extent as to ensure at all times maximum security and protection against entry to the Outdoor Swimming Pool by unauthorized Persons.
- ix) Where material of a Swimming Pool Enclosure is structurally inadequate, broken, or in a state of decay, it shall be replaced with equivalent or better material, and otherwise in accordance with the provisions in the By-Law or its successor.
- x) Fence post spikes and/or ground anchors or the like shall not be used as part of a Swimming Pool Enclosure.

9.3 FENCES AS SWIMMING POOL ENCLOSURES

- i) A Fence which forms a Swimming Pool Enclosure, or part thereof, shall be made of:
 - a. chain link construction;
 - b. vertical board construction;
 - c. horizontal board construction;
 - d. wrought iron construction;

CSA tempered or laminated glass panels conforming to CAN/CGSB12.1-M “Tempered or Laminated Safety Glass” or of such other materials and construction that will provide an equivalent or greater degree of safety, as determined by the Chief Building Official; and,

- e. shall be Non-Climbable.
- ii) A Fence which forms a Swimming Pool Enclosure, or part thereof, shall be:
 - a) constructed at a distance of at least 1.2 metres from the edge and/or nosing of the Outdoor Swimming Pool; and
 - b) shall have nothing against or near the Swimming Pool Enclosure that facilitates climbing or diminishes its structural integrity.
- iii) A Fence of chain construction shall:

- a. have a mesh with openings not greater than 38 millimetres;
 - b. be constructed of wire not less than 12-gauge galvanized steel or, if having a vinyl or other coating, not less than 14-gauge steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12-gauge galvanized steel wire;
 - c. be supported by 38 millimetres diameter galvanized steel posts spaced not more than 2.4 metres apart, and shall be securely embedded and extend at least 0.9 metres into the ground below Grade;
 - d. have top rails securely fastened to the upright posts, which at a minimum are made of 32 millimetre diameter galvanized steel pipe, and have at the bottom a 9-gauge galvanized steel tension wire fastened securely to the upright posts.
- iv) A Fence of vertical board construction shall:
- a. have vertical boards which are not less than 19 millimetres by 89 millimetres;
 - b. be supported by posts at least 89 millimetres by 89 millimetres square, or 89 millimetres in diameter, and such posts shall not be spaced more than 2.4 metres apart. Such posts shall extend at least 0.9 metres into the ground below Grade and that part of the post below Grade shall be securely embedded and treated with a wood preservative;
 - c. have top and bottom rails which are at least 38 millimetres by 89 millimetres (with the 89 millimetre dimension in the vertical plane);
 - d. in the case of board-on-board construction:
 - i. horizontal members, including top and bottom rails, that are spaced at least 1.2 metres apart, and vertical boards that are spaced not more than 100 millimetres apart on both faces of the horizontal members of the Fence; or
 - ii. horizontal members, including top and bottom rails, that are spaced less than 1.2 metres apart and vertical boards that are spaced not more than 50 millimetres apart on both faces of the horizontal members of the Fence.
 - e. in the case of board-to-board construction:
 - i. horizontal members, including top and bottom rails, that are spaced at least 1.2 metres apart, and vertical boards that are tightly fitted and fastened on one face of the Fence.
- v) A Fence of wrought iron construction shall:
- a. be of sufficient strength to provide an effective enclosure;

- b. be supported by posts spaced not more than 2.4 metres apart and such posts shall be securely embedded and extend at least 0.9 metres into the ground below Grade; and
 - c. have either:
 - ii. horizontal members, including top and bottom rails, that are spaced at least 1.2 metres apart, and vertical pickets that are spaced not more than 100 millimetres apart; or
 - iii. horizontal members, including top and bottom rails, that are spaced less than 1.2 metres apart and vertical pickets that are spaced not more than 50 millimetres apart.
- vi) A Fence of horizontal board construction shall:
- a. be constructed with tightly fitting boards along the length;
 - b. have horizontal boards which are not less than 19 millimetres by 89 millimetres;
 - c. have vertical braces that extend from the uppermost horizontal board to the lowermost horizontal board, affixed to every intermediate horizontal board, at least 19 millimetres by 64 millimetres or 38 millimetres by 38 millimetres and spaced not more than 0.9 metres apart;
 - d. be supported by posts at least 89 millimetres by 89 millimetres square, or 89 millimetres in diameter, and such posts shall not be spaced more than 2.4 metres apart. Such posts shall extend at least 0.9 metres into the ground below Grade and that part of the post below Grade shall be securely embedded and treated with a wood preservative.
- vii) A glass panel Fence system used in a Swimming Pool Enclosure shall be designed by a Professional Engineer Licensed in the Province of Ontario and shall be constructed in a good, workmanlike manner as follows:
- a. glass panels shall be located so there is no opening of more than 38 millimetres between the panel and the post where horizontal elements are spaced less than 1.2 meters apart, and not more than 100 millimetres apart where horizontal elements are spaced more than 1.2 meters apart;
 - b. horizontal elements shall be supported on substantial posts that are spaced not more than 2.4 meters apart, securely fastened to the ground, and structurally sound; and
 - c. glass panels used in Swimming Pool Enclosures shall be safety glass of laminated or tempered type conforming to CAN/CGSB12.1-M "Tempered or Laminated Safety Glass".

9.4 GATES AND ENTRANCES

- i. Gates or entrances which form a part of the Swimming Pool Enclosure shall be:
 - a. of construction and Height equivalent to or greater than that of the Swimming Pool Enclosure required by the By-Law;
 - b. supported on substantial hinges;
 - c. self-closing; and,
 - d. equipped with a self-latching device located at least 1.2 metres above the Grade and on the Outdoor Swimming Pool side of the gate. No thumb latch or release mechanism of any kind that is located on the exterior face of the gate, and is connected to the self-latching device, shall be located less than 1.5 metres above the Grade.
- ii. Save and except with respect to Residential Property, doors providing access from a building directly to the Swimming Pool Area shall each be self-closing and equipped with a self-latching device located at least 1.5 metres above the Grade.
- iii. Where a double gate forms part of the Swimming Pool Enclosure, one (1) gate must be fixed and locked in the closed position with a Locking Device.

9.5 ABOVE GROUND SWIMMING POOLS

- i. For the purposes of the By-Law, above-ground Outdoor Swimming Pools are considered to be the same as in-ground Outdoor Swimming Pools, and require the same Swimming Pool Enclosures, except as provided in Sections 9.5 ii) and iii) below.
- ii. Above-ground Outdoor Swimming Pools may have an integrally constructed Swimming Pool Enclosure guard as part of the required Swimming Pool Enclosure, provided that:
 - a. the combined height of the exterior sides of the Outdoor Swimming Pool walls and Swimming Pool Enclosure guard is at least 1.5 metres in Height, as measured from Grade; and
 - b. the Swimming Pool Enclosure guard is Non-Climbable.
- iii. Any gate or entrance to an above-ground Swimming Pool Enclosure shall be constructed in accordance with Section 9.4 of the By-Law.

SECTION 10 HYDRO-MASSAGE POOLS

- i. Every Owner shall construct and maintain the Hydro-Massage Pool with a rigid cover that is capable of supporting a 90 kg load or meets the most up-to-date American Society for Testing and Materials standard for same.

- ii. Every Owner and Person in control of a Hydro-Massage Pool shall ensure that the rigid cover under Section 10(i) is securely fastened to the satisfaction of the Officer to prevent access at all times when the Hydro-Massage Pool is not in use.
- iii. Where a Hydro-Massage Pool cannot or is not constructed and maintained with a rigid cover in accordance with Section 10(i), and (ii) the Owner shall construct and maintain a Swimming Pool Enclosure that otherwise complies with the By-Law, and a permit shall be obtained.

SECTION 11 VARIANCES

- i) Any Owner may apply in writing to Council for the Township of Dawn-Euphemia for a variance from the provisions of the By-Law, excepting the provisions of Section 9 and 10 of the By-Law.
- ii) The requested variance will be considered by Council for the Township of Dawn-Euphemia, who may grant the variance in full or in part, place certain terms and conditions of approval, or deny the variance.
- iii) In considering whether to grant a variance, Council for the Township of Dawn-Euphemia may have regard for such matters, including but not limited to, the following:
 - a. Any special circumstances or conditions applying to the Fence in question;
 - b. Whether strict application of the provisions of the By-Law would result in practical difficulties or unnecessary hardship to the Owner;
 - c. Whether the Fence may affect surrounding sight lines and create or potentially create a hazardous condition for pedestrians or motorists; and
 - d. Whether the Fence has or may have an adverse impact on neighbouring Lots.
- iv) Where an Owner disagrees with a decision of Council for the Township of Dawn-Euphemia made under section 11 (ii) of the By-Law, the Owner may appeal such decision to Council.
- v) Where an appeal has been made to Council under Section 11 (iv) of the By-Law, Council shall have the same powers as Council for the Township of Dawn-Euphemia pursuant to Section 11 (ii) of the By-Law and Council may have regard to the same factors as set out in Section 11 (iii) of the By-Law in determining whether an exemption shall be granted.
- viii) Decisions of Council under Section 11 (v) are final.
- ix) The fee for an application for variance to cover the processing of the application shall be as set by the Rates and Fees By-Law for the Municipality, as amended from time to time. The variance application fee is non-refundable.

SECTION 12 ADMINISTRATION AND ENFORCEMENT

12.1 ENFORCEMENT

The By-Law shall be enforced by any Officer.

12.2 INSPECTIONS

- i) An Officer, and any Servant/Agent under their direction, may enter on Land at any reasonable time without prior notice for the purpose of carrying out an inspection to determine whether the provisions of their By-Law have been complied with.
- ii) For the purposes of an inspection, an Officer may:
 - a. Require the production of documents relevant to the inspection;
 - b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies;
 - c. Require information from any Person concerning a matter related to the inspection;
- d. Make examinations or take photographs necessary for the purposes of the inspection, alone or in conjunction with any Person possessing special or expert knowledge.

12.3 HINDER OR OBSTRUCT

No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty that is authorized under the By-Law.

12.4 REMEDIAL ACTION

- i) If, in the opinion of an Officer, a Fence or Hydro-Massage Pool does not comply with the provisions of the By-Law, the Officer or designate shall provide a written Order to the Owner of the requirement to bring the Fence, or Hydro-Massage Pool into compliance with the provisions of the By-Law.
- ii) An Order given by an Officer to an Owner shall identify the Land or structure at issue and the violation(s) observed by the Officer.
- iii) An Order issued by an Officer to an Owner shall identify the Land or structure at issue and the violation(s) observed by the Officer.
- iv) Where an Order is to be sent by registered mail and/or courier and/or personal service to an Owner, it shall be sent to the attention of the Owner of the Lands at the address shown on the most up-to-date tax assessment roll maintained by the Municipality.
- v) The Order shall be posted on site in a visible location.
- vi) An Order to an Owner shall also define the deadline, being the date and time, for the Owner to comply with this By-Law, which deadline shall not be less than five (5) days excluding Saturday, Sunday, and public statutory holidays in the Province of Ontario.

- vii) An Order to an Owner may advise that unless the Owner brings the Land into compliance with this By-Law within the deadline stated in the Order, the Owner shall be liable for the Costs/Expenses incurred by the Municipality in accordance with Section 10.4 to bring the Land into compliance with this By-Law.
- viii) An Order is deemed served upon the Owner three (3) days after the Order is posted on the Lands or sent by registered mail, courier, and/or on the day the Order is Served Personally onto the Owner.
- ix) The Officer, with or without a Servant/Agent, may enter onto or inspect the use of any Land for the purpose of determining whether the Land complies with this By-Law.
- x) No Owner shall remove or deface an Order which has been posted on the Land pursuant to this By-Law.
- xi) If the Owner fails to comply with notice given pursuant to Section 12.4 i) of the By-Law, the Chief Building Official may immediately cause the Fence to be removed or brought into conformance with the provisions of the By-Law at the expense of the Owner and such expense shall be recoverable by action or by adding the costs to the tax roll for the Lot and collecting them in the same manner as taxes in accordance with Section 427 of the *Municipal Act*, S.O. 2001, c.25, as amended.
 - xii) In the case of a Swimming Pool Enclosure or Hydro-Massage Pool where an Owner fails to comply with notice given pursuant to Section 12.4 i) of the By-Law, the Chief Building Official may, in addition to any other remedy provided herein, remove or cause to be removed, all water from the Outdoor Swimming Pool or Hydro-Massage Pool until such time as the required Swimming Pool Enclosure or Hydro-Massage Pool is Erected or maintained in accordance with the provisions of the By-Law and such expense shall be recoverable by action or by adding the costs to the tax roll for the Lot and collecting them in the same manner as taxes in accordance with Section 427 of the *Municipal Act*, S.O.2001, c.25, as amended.

12.5 EMERGENCY SITUATIONS – THREAT OR DANGER TO LIFE

The Officer has emergency powers to act on any violation of this By-Law, particularly when there's a threat or danger to life. This means the Officer can enter the Lands, order necessary repairs, and potentially take action to terminate the danger. Where an Owner has defaulted in complying with the provisions of this By-Law, the Municipality may recover all Costs/Expenses incurred in bringing the Lands into compliance from the Owner by action or by adding the Cost/Expenses to the Land's tax roll and collecting them in the same manner as property taxes.

12.6 OFFENCE

Any Person who contravenes any provisions of the By-Law is guilty of an offence.

12.6 PENALTY

Every Person who is convicted of an offence under the By-Law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, P. 33, as amended from time to time, or any replacement legislation.

12.7 PROHIBITION ORDER

Where a conviction is entered for a violation of the By-Law, in addition to any other remedy and to any penalty imposed under the By-Law, the court in which the conviction has been entered and any court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the Person convicted and requiring the Person convicted to correct the contravention.

12.8 SEVERABILITY

Each provision of the By-Law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of the By-Law remain valid and enforceable.

12.9 BY-LAWS REPEALED

The By-Law shall repeal the following By-Laws: 2002-29 (Fence By-Law) and 2002-30 (Swimming Pool By-Law).

12.10 DATE OF EFFECT

The By-Law comes into force and takes effect on the date that it is passed.

12.11 NON-APPLICATION OF LINE FENCES ACT

The provisions of the *Line Fences Act* S.O. 1990, c. 17, as amended (the "**Line Fences Act**"), do not apply to all or any part of the Municipality, save and except for section 20 of the Line Fences Act.

READ a FIRST and SECOND time this 15th day of June, 2026.

READ a THIRD time and FINALLY PASSED this 15th day of June, 2026.

ORIGINAL HAS BEEN SIGNED

Mayor – Alan Broad

Administrator-Clerk – Donna Clermont