

**The Corporation of the Town of Petawawa
By-law No. 1743/25**

**Being a By-law to Regulate and Govern Fences and
Swimming Pool Enclosures in the Town of Petawawa**

Whereas subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

And Whereas subsection 11(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And Whereas paragraph 7 of subsection 11 (3) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting structures, including fences;

And Whereas Section 434.1 (1) of the Municipal Act, without limiting sections 9, 10 and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality passed under this Act;

Now Therefore the Council of the Corporation of the Town of Petawawa enacts as follows:

DEFINITIONS

For the purposes of this By-law:

- 1.1. **"Building"** means any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 1.2. **"Building Inspector"** means the *Chief Building Official* or an Inspector appointed by by-law by Council for the purposes of enforcement of the *Building Code Act*, the *Building Code* and this By-law.
- 1.3. **"Chief Building Official (CBO)"** means the *Chief Building Official* or designate appointed by by-law by Council for the purposes of enforcement of the *Building Code Act*, the *Building Code* and this By-law.
- 1.4. **"Corner lot"** means a lot situated at the intersection of two or more 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 degrees. In the case of a curved corner, the corner of the lot shall be that point on the street line nearest to the point of intersection of the said tangents.
- 1.5. **"Council"** means the Council of the Corporation of the Town of Petawawa.
- 1.6. **"Fence"** means a barrier constructed of chain link or of wood, stone, metal or material having an equivalent degree of strength used to enclose or divide in whole or in part a yard or other land, to establish a property boundary, to provide privacy or to enclose a swimming pool; this does not include temporary construction fence.
- 1.7. **"Gate"** shall mean any part of a fence enclosure which opens on hinges and includes a door located in the wall of an attached or detached garage or carport which forms part of the swimming pool enclosure or fence.
- 1.8. **"Grade"** shall mean when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure, shall mean the average elevation of the finished surface of the ground immediately surrounding such structure, exclusive in both cases of any artificial embankment, and when used with reference to a street, road or highway, means the elevation of the street, road or highway, established

by the Town of Petawawa or other designated road authority. When used with reference to a fence, shall mean the elevation of the finished surfaces immediately surrounding the fence.

1.9. "Height" means the vertical distance measured from the effective ground level where the fence posts are embedded to the top of the said fence or posts.

1.10. "Highway" means a common and public highway and includes any bridge, trestle or viaduct or other structure forming part of the highway.

1.11. "Lot" means a parcel or tract of land:

1.11.1 which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 50 of the *Planning Act*.

1.11.2 which is a separate parcel of land the owner of which does not retain the fee or equity of redemption in, or a power or right to grant, assign, or exercise a power of appointment with respect to any abutting land, or

1.11.3 the description of which is the same as in a deed, which has been given consent pursuant to the Planning Act.

1.11.4 for the purposes of this by-law, a mobile home site shall be considered a lot.

1.12 "Lot line" means any boundary of a lot or a vertical projection thereof.

1.13 "Lot line, front" means the lot line that divides the lot from the street or street allowance or private road with the following clarifications:

1.13.1 in the case of a corner lot, the shorter lot line that abuts the street shall be deemed the front lot line and the longer lot line that abuts the street shall be deemed the side lot line;

1.13.2 in the case of a corner lot with two street lines of equal lengths, the lot line that abuts the wider street or abuts a Provincial Highway or abuts a County Road shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the

principal access to the lot is approved shall be deemed to be the front lot line;

1.13.3 in the case of a corner lot abutting a 0.3 metre reserve the lot line so abutting the 0.3 metre reserve shall be deemed an exterior side lot line and the other line abutting the street shall be deemed the front lot line;

1.13.4 in the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length the lot line where the principal access to the lot is approved shall be deemed to be the front lot line.

1.14 “**Lot line, rear**” means, in the case of a lot having four or more lot lines, the lot line furthest from and opposite to the front lot line. In the case of a lot with less than four lot lines, there shall be deemed to be no rear lot lines.

1.15 “**Lot line, side**” means a lot line other than a front or rear lot line.

1.16 “**Non-residential property**” means land used for other than residential purposes.

1.17 “**Permit**” means permission or authorization in writing from the Chief Building Official or Building Inspector to erect enclosures around pools as regulated by this by-law.

1.18 “**Person**” means an individual, an association, a chartered organization, a firm, a partnership or a corporation.

1.19 “**Public Authority**” means the Council and any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Planning Committee or other board or commission or committee of the Town of Petawawa established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by by-law of the Municipality. “Public Authority” also includes provincial and federal agencies for the purposes of this by-law.

- 1.20** **"Residential property"** means land used for residential purposes and includes vacant land zoned Residential.
- 1.21** **"Retaining wall"** means a wall or similar structure built to hold back, confine, or sustain the pressure from a bank of earth, loose stone or fill material separating two grade levels.
- 1.22** **"Salvage yard"** means a lot and /or premises for the storage and/or handling and/or sale of scrap or used materials, which, without limiting the generality of the foregoing, shall include waste paper, rags, wood, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage includes a junk yard, scrap metal yard and a wrecking yard, including ancillary automotive sales and service establishment and premises.
- 1.23** **"Swimming pool"** means a privately owned outdoor structure erected or installed above ground or wholly or partly below ground, and includes a basin, chamber or tank containing or capable of containing water, and is designed to be used for swimming or wading and:
- 1.23.1** has a depth equal to or more than 45 centimetres at any point;
 - 1.23.2** is not a pond or reservoir to be utilized for farming purposes;
 - 1.23.3** excludes outdoor hot tubs, whirlpools or spas provided that a lockable cover is fixed securely to the unit; and
 - 1.23.4** excludes storm water management ponds.
 - 1.23.5** For the purposes of regulations pertaining to lot coverage in this By-law, a private outdoor swimming pool shall be deemed not to be a building or structure.
- 1.24** **"Swimming Pool Enclosure"** means any combination of fence, wall or other structure, including gates, surrounding a pool to restrict access thereto.
- 1.25** **"Town"** means the Corporation of the Town of Petawawa.
- 1.26** **"Yard"** means an open space on the same lot with a building or structure or excavation, unoccupied and unobstructed except as for such accessory buildings, structures or uses specifically permitted in the Zoning By-law.

- 1.27** “**Yard, front**” means a yard extending across the full width of a lot between the front lot line and the nearest part of any building, structure or excavation on the lot.
- 1.28** “**Yard, rear**” means a yard extending across the full width of a lot between the rear lot line and the nearest part of any building, structure or excavation on the lot.
- 1.29** “**Yard, side**” means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on the lot.
- 1.30** “**Yard, exterior side**” means a yard adjacent to a street between the nearest part of any building, structure or excavation on the lot and a street, a 0.3 metre reserve or a road allowance, extending from the front yard to the rear lot line.
- 1.31** “**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.

GENERAL PROVISIONS

2.1 Calculation of Height

The height of a fence at any given point shall be measured from the grade at the base of the fence. If a fence is erected on a retaining wall, the height of the retaining wall is included in the overall height of the fence.

2.2 Visibility Triangles - Corner Lots

At the intersection of any two streets, no fence shall be erected, no landscaping materials shall be allowed to grow, no land shall be graded and no vehicle shall be parked above the height of 0.75 metres above the centreline grade of such streets, so as to materially impede the vision of the operator of a vehicle on the street, within the triangular area bounded by the lot lines to a distance of 6.0 metres from the points of intersection of the corner lot lines, or of the projection of the corner lot lines, or within such area required according to the standards of the Ministry of Transportation. At all intersections involving a Provincial Highway, the requirements of the Ministry of Transportation regarding visibility triangles shall apply.



2.3 Materials and Construction

2.3.1 No person shall erect a fence or cause a fence to be erected:

- 2.3.1.1** which is wholly or partly constructed of chicken wire or barbed wire;
- 2.3.1.2** which is electrified (not applicable to in-ground pet fencing);
- 2.3.1.3** in a manner that renders an existing swimming pool enclosure into nonconformity.

- 2.3.2** No person shall replace, or cause or permit the replacement of any section of a fence, with anything other than similar suitable materials and in a manner that maintains a uniform appearance so as not to appear unsightly.
- 2.3.3** No person should erect a fence unless the fence is constructed and finished in such a manner to present the finished side toward the public street and/or the neighbouring property with the exception of Pool Enclosures which are subject to the provisions in Section 4.2.
- 2.3.4** Notwithstanding Section 2.3.1.1, where required for the safety or protection of property in a zone other than a residential zone, the portion of any fence above 2.5 metres may be wholly or partially constructed of barbed wire.
- 2.3.5** Notwithstanding Section 2.3.1.2, an electrified fence may be erected on land within a Rural zone, provided such fence:
- 2.3.5.1** has a maximum 12-volt trickle charge;
 - 2.3.5.2** is designed and erected solely to contain animals; and
 - 2.3.5.3** has attached thereto, at approximately 15 metre intervals, a sign warning that the fence carries electricity.

2.4 Prohibition of Fences on Town Land

No person shall erect a fence on public property, including any public highway, without the express prior written consent of the applicable public authority.

FENCES ON RESIDENTIAL PROPERTY

3.1 Height

No person shall construct a fence in a residential zone greater than 2.4 metres in height in any yard.

3.2 Residential Exceptions

3.2.1 Notwithstanding 3.1, a fence constructed in any front yard may not exceed 0.75 metre in height.

3.2.2 Notwithstanding 3.1, no person shall erect a fence along a side lot line that is higher than 0.75 metre within 6 metres of the nearest front lot line on any land used for residential purposes.

3.2.3 A fence may be erected in a rear or side yard enclosing any tennis court or similar private sports facility not including a pool that is:

3.2.3.1 no higher than 3.7 metres;

3.2.3.2 constructed of chain link with adequate posts, support wires and bracing of a corrosive resistant or treated material;

3.2.3.3 not closer than 0.75 metre to any property line.

3.2.4 Section 3.1 shall not apply where the fence is:

3.2.4.1 a noise control barrier erected by or as a requirement of a government agency acting pursuant to statutory authority; or

3.2.4.2 located on land abutting land used for industrial or commercial purposes, railway right of way or utility installations. In these cases, the fence height may not exceed 3 metres.

FENCING PRIVATELY OWNED OUTDOOR SWIMMING POOLS

4.1 Permit

- 4.1.1** No person shall construct or replace a swimming pool without first obtaining a building permit for a swimming pool enclosure.
- 4.1.2** All Permit applications shall be accompanied by the following;
 - 4.1.2.1** plans showing the location of the proposed swimming pool including setbacks (pool to enclosure and pool enclosure to lot lines), all enclosures, details of each entrance and showing the location of all proposed pool equipment such as filters, slides, and heaters;
 - 4.1.2.2** the applicable fee as prescribed in the building by-law.
- 4.1.3** The CBO or Building Inspector shall issue a permit for a swimming pool enclosure where the plans submitted comply with this by-law and the Zoning By-law.

4.2 Swimming pool enclosure

- 4.2.1** Every swimming pool shall be enclosed by a swimming pool enclosure which shall:
 - 4.2.1.1** extend from the ground to a height of not less than 1.524 metres and not more than 2.4 metres and is to be located no closer than 1.2 m from the edge of the pool;
 - 4.2.1.2** be of a boarded, chain link or other approved design, to reasonably deter a person from climbing it to gain access to the fenced-in area;
 - 4.2.1.3** any opening through or under any part of the enclosure shall be of a size so as to prevent the passage of a spherical object having a diameter of 10 cm;
 - 4.2.1.4** all structural horizontal members are to be located inside the enclosure and be no closer than 1.2 metres apart, to prevent easy climbing;
 - 4.2.1.5** gates in the enclosure shall be equipped with self-closing and a self-latching device located at the top and inside the gate and be lockable;

- 4.2.1.6** a wall or walls of a building or buildings may form part of such enclosure provided that all doors affording access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self-closing device and a self-latching device located not less than 1.2 metres above the bottom of the door;
- 4.2.1.7** where the walls of an above ground pool form part of the enclosure, the combination of pool walls and enclosure must be a minimum of 1.524 metres in height; and
- 4.2.1.8** where a deck forms part of the enclosure, it shall meet all regulations in Section 4 of this by-law.

4.2.2 No person shall place more than 45 centimetres of water in a pool in the Town of Petawawa unless the prescribed enclosure has been erected in accordance with the provisions of this by-law and such enclosure has been permitted, inspected and approved.

FENCES ON NON-RESIDENTIAL PROPERTY

5.1 Height

No person shall erect or replace a fence that is higher than 3 metres on a non-residential property.

5.2 Location

No person may have, erect, construct, maintain or permit to be erected, constructed or maintained a fence to enclose a front yard of a lot used primarily for industrial or commercial purposes unless the fence is set back a minimum of 7.5 metres from the front lot line.

5.3 Salvage Yard

Every owner or operator of a salvage yard shall erect and maintain a fence of solid materials and uniform construction around the salvage yard with a minimum height of 2.4 metres.

ADMINISTRATION AND ENFORCEMENT

- 6.1** The Chief Building Official or said designate shall be responsible for the administration and enforcement of this by-law.
- 6.2** Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

SEVERABILITY

- 7.1** In the event any part or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.
- 7.2** Where there is a conflict between this By-law and any other By-law of the Town, the provisions of this By-law shall prevail.

REPEALED

- 8.** Town of Petawawa By-law 378/06 and all of its amendments are hereby repealed.

SHORT TITLE

- 9.** This by-law may be referred to as the "Fence By-law".

EFFECTIVE DATE

- 10.** This by-law comes into force on the day it is passed by Council.

By-law read a first and second time this 7th day of April 2025.

By-law read a third time and passed this 7th day of April 2025.

"Original Signed"

Signature of the Mayor

"Original Signed"

Signature of the Clerk