



**THE MUNICIPALITY OF NORTH MIDDLESEX**

**BY-LAW NUMBER 027 OF 2025**

**BEING A BY-LAW TO PROVIDE FOR REGULATING AND GOVERNING  
FENCES IN THE MUNICIPALITY OF NORTH MIDDLESEX**

- A. Subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Municipal Act**”), provides that a municipality's powers shall be exercised by by-law;
- B. Subsection 10(1) of the *Municipal Act* authorizes a municipality to provide any service or thing that it considers necessary or desirable for the public;
- C. Paragraph 10 of Subsection 10(2) of the *Municipal Act* authorizes a municipality to pass by-laws respecting structures, including fences and signs;
- D. Section 98 of the *Municipal Act* authorizes a municipality to enact a by-law declaring that the *Line Fences Act* does not apply to all or any part of the municipality, while confirming that Section 20 of the *Line Fences Act* remains applicable throughout the municipality; and
- E. Council deems it advisable to enact a by-law excluding the Municipality from the application of the *Line Fences Act*, except as provided in Section 20 thereof.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
MUNICIPALITY OF NORTH MIDDLESEX ENACTS AS FOLLOWS:**

**Part 1 – INCORPORATION OF RECITALS**

The above recitals are hereby incorporated into this By-law.

**Part 1.1 - DEFINITIONS**

**1.2** In this by-law, the following terms have the following meanings:

- a. “**Building**” means any permanent structure used or intended to be used for

the shelter, accommodation or enclosure of persons, animals or goods, but shall not include a lawful boundary wall or fence;

- b. **"By-law"** means this Fence By-Law and may be cited as the "By-Law";
- c. **"Corner Lot"** means a lot situated at the intersection of and abutting upon two streets, or upon two parts of the same street, where the adjacent sides of the street or streets, (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) form an angle of not more than 135 degrees. In the case of a curved corner, the corner of the lot is the point on the lot line abutting the street that is nearest to the intersection of the tangents at the street extremities of the side lot lines;
- d. **"Corner Visibility Triangle"** means a triangular area formed within a corner lot, formed by the intersecting lot lines abutting the streets (or the projections) and a straight line connecting them at a point 5.4 metres (17.7 feet) from their point of intersection;
- e. **"Council"** means the Council of the Municipality of North Middlesex;
- f. **"Driveway Visibility Triangle"** means a triangular area formed by the intersection of the lateral limit of the travelled portion of a driveway and the street line or sidewalk (if existing) or their projections, and a straight line connecting them 2.7 metres (8.9 feet) from their intersection;
- g. **"Effective Ground Level"** means the highest level of the ground within 1.0 m (3 feet 3 inches) horizontally in any direction from the point being considered;
- h. **"Fence"** includes a railing, wall, line of posts, wire, gate, boards, pickets or other similar substances, used to enclose or divide, in whole or in part, a yard or other land, to establish a property boundary, or to provide privacy. This also includes any hedge or grouping of shrubs used for the same purpose, particularly where located in a corner visibility triangle or driveway visibility triangle;
- i. **"Height"** means the vertical distance measured from the effective ground level where the fence posts are embedded to the top of the fence or posts. If a fence is located on top of a retaining wall, "height" means the vertical distance measured between the top of the retaining wall to the highest point of the fence or posts;
- j. **"Lot Line"** means the line formed by the boundary of any lot;
- k. **"Municipality"** means the Corporation of the Municipality of North Middlesex;
- l. **"Officer"** means a Municipal Law Enforcement Officer whose duties include the enforcement of this by-law, or a Police Officer;

- m. **"Person"** means an individual, firm, corporation, partnership, association or organization, including a charitable organization;
- n. **"Privacy Screen"** means a visual barrier used to shield any part of a yard from view from an adjacent parcel or highway;
- o. **"Residential Zone"** means any land zoned Residential under the Municipality's Zoning By-law;
- p. **"Yard"** means an open, uncovered space on a lot, appurtenant to a building, and unoccupied by buildings or structures; and
- q. **"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 (the **"Planning Act"**).

## **Part 2 – FENCES – CONTRARY TO REGULATIONS**

### **2.1 Prohibited**

No Person shall have, erect, construct, maintain, or permit to be erected, constructed or maintained any fence that does not comply with the provisions of this by-law.

### **2.2 Prohibited – Height**

Subject to Sections 6.1 and 7.1 of this by-law, no Person shall have, erect, construct, maintain, or permit to be erected, constructed or maintained any fence exceeding a height of 2.13 metres (7 feet), as measured in accordance with Section 2.6 of this by-law.

### **2.3 Restriction – Materials of Construction – Residential Zone**

No Person shall have, erect, construct, maintain, or permit to be erected, constructed or maintained any fence comprised of sheet metal or corrugated metal panel members on a lot used for residential purposes.

### **2.4 Contravention of Order**

No Person shall contravene a Work Order or an Order to Discontinue Activity.

### **2.5 Hinder or Obstruct**

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty, including carrying out an inspection.

## **2.6 Calculation of Fence Height**

The height of a fence at any given point shall be measured from the natural grade at the base of the fence, exclusive of any artificial embankment, provided:

- (a) Where changes in grade contours along the fence line result in changes in height of the fence, the height shall be deemed to be the average height of the fence over any 2.44-metre (8-foot) portion;
- (b) Where grade elevations between adjacent lots differ at the boundary, the height of any boundary fence shall be measured from the average grade elevation between the two lots, unless otherwise specified in Section 5 of this by-law; and
- (c) Where a fence is located on top of a retaining wall, the height shall be measured from the top of the retaining wall to the highest point of the fence or posts.

## **Part 3 – EXISTING FENCES**

### **3.1 Fences – Deemed to Comply**

- (a) Notwithstanding the provisions of this by-law, any fence that existed prior to the enactment of this by-law and was in compliance with all other applicable regulations, including Municipality of North Middlesex by-laws, shall be deemed to comply with this by-law. Such fences may be maintained with the same material, height and dimensions as previously existed, including any repair work.
- (b) Subsection 3.1(a) does not apply to the requirements set out in subsections 4.1(c), 6.1(c) and 7.1(b). For greater certainty, a fence within a corner visibility triangle or driveway visibility triangle shall not be deemed to comply under this section.

## **Part 4 – RESIDENTIAL FENCES**

### **4.1 Height – Location**

No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained a fence on a lot used for residential purposes, except in accordance with the following regulations:

- (a) a fence within any yard shall not exceed a height of 2.13 metres (7 feet);
- (b) no fence shall be located or constructed in a manner that blocks access to a required parking space as per the Zoning By-law, unless the fence includes a gate at least 2.59 metres (8.5 feet) wide providing access to such parking space;
- (c) no fence exceeding 0.9 metres (3 feet) in height shall be erected within any corner visibility triangle or driveway visibility triangle; and



(d) the provisions of subsection (a) does not apply to a fence enclosing a privately owned outdoor tennis court on residential property, provided that:

- i. the fence is constructed of chain link; and
- ii. the fence is located no closer than 2.0 metres from any property line.

## **4.2 Height – Exceptions**

A minor exemption allowing a fence height greater than 2.13 metres (7 feet) may be considered by the Municipality, in the following cases:

(a) where a residential lot line abuts natural/open spaces, public walkways, or trails, or where increased security measures are required due to adjacent land uses;

(b) where residential lands abut highways, commercial, or industrial zones and the increased fence height is intended to mitigate noise through soundproofing or noise attenuation; and

(c) where, at the discretion of the Municipality, other circumstances warrant consideration for a minor exemption.

## **Part 5 – PRIVACY SCREENS**

### **5.1 Height – Location**

A privacy screen may be erected in a side yard or rear yard, provided that:

(a) it is located more than 4.5 metres (14 feet 9 inches) from the street line;

(b) it is located more than 1.2 metres (48 inches) from any side lot line, except where the privacy screen serves as a visual barrier between dwelling units divided by a common wall, in which case it may be placed directly along the common property boundary;

(c) it is located more than 1.2 metres (48 inches) from the rear lot line;

(d) the total length of the privacy screen does not exceed 12 metres (39 feet 4 inches), and no single continuous section exceeds 5 metres (16 feet 5 inches) in length; and

(e) the height of the privacy screen does not exceed 3 metres (9 feet 10 inches) above effective ground level.

## **Part 6 – SALVAGE YARD**

### **6.1 Enclosure – Specifications**

Notwithstanding any other provision of this by-law, a fence may be erected to enclose land used as a salvage yard, provided that:

- (a) the fence is not less than 2.44 metres (8 feet) in height and not more than 3 metres (10 feet) in height;
- (b) the fence is set back a minimum of 7.62 metres (25 feet) from all public rights-of-way; and
- (c) if located on a corner lot, the fence shall not be within any corner visibility triangle or driveway visibility triangle.

## **Part 7 – INDUSTRIAL AND COMMERCIAL LOTS**

### **7.1 Enclosure – Specifications**

A fence may be erected, constructed or maintained a fence to enclose the front yard of a lot used primarily for industrial or commercial purposes, provided that:

- (a) the fence is set back from the front lot line a minimum of 7.62 metres (25 feet);
- (b) if located on a corner lot, the fence shall not be within any corner visibility triangle or driveway visibility triangle; and
- (c) the maximum permitted height of the fence shall be 3 metres (10 feet), provided that:
  - i. the lands are zoned industrial or commercial;
  - ii. the lands are used for industrial or commercial purposes; and
  - iii. the lands do not abut lands zoned residential and are not used in combination with residential uses.

## **Part 8 – BARBED WIRE FENCES**

### **8.1 Prohibited – Exceptions**

No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any barbed wire fence, except in the following cases:

- (a) on a fence erected on land used for agricultural purposes for the keeping of livestock;
- (b) on the top of a fence erected on a lot used for commercial or industrial purposes, provided that the barbed wire projects inwards towards the enclosed area; and
- (c) on the top of a fence erected for security purposes around any facility owned, operated or maintained by any level of government or a utility provider.

## **Part 9 – ELECTRIC FENCES**

### **9.1 Prohibited – Exceptions**

No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any fence equipped with a device for transmitting an electric current, except where:

- i. the fence is located on agricultural land used for the purpose of keeping livestock;
- ii. the maximum electrical current does not exceed 120 volts at .04 amps; and
- iii. the fence complies with all other applicable legislation.

## **Part 10 – FENCES ON MUNICIPALITY PROPERTY**

### **10.1 Street Line to Sidewalk – Prohibited – Exception**

No Person shall have, erect, construct, maintain or permit to be erected, constructed or maintained any fence on Municipality property from the lot line abutting a street to the sidewalk, except where:

- (a) the fence complies with the height requirements prescribed in this by-law; and
- (b) the owner of the land abutting the Municipal property on which the fence is erected obtains a license or other authority from the Municipality and agrees to remove the same from the property of the Municipality as and when directed to do so.

## **Part 11 – CONDITIONS**

### **11.1 Development – Redevelopment**

Notwithstanding any other provision of this by-law, a fence required under a registered agreement with the Municipality, pursuant to the *Planning Act*, or in accordance with an approved plan, shall be deemed compliant with this by-law.

## **Part 12 – LINE FENCES ACT – DIVISION FENCES**

### **12.1 Line Fences Act – Not applicable**

The *Line Fences Act* does not apply to any part of the Municipality.

### **12.2 Division fence – Cost – Shared adjoining landowners**

Each owner of adjoining occupied land is responsible for repairing, replacing, or maintaining a fair proportion of any division fence that marks the boundary between their respective properties. Alternatively, each owner shall bear a fair proportion of the

cost of any work related to the erection, repair, replacement or maintenance of such fence.

### **12.3 Division Fence – Disagreement on Type – Cost Contribution**

Where adjoining landowners cannot agree on the type or kind of fence to be erected under Section 12.2, no contribution toward the cost shall be required unless the fence constructed is a chain link fence with a height of 1.22 metres (4 feet). Only upon construction of such a fence will the cost-sharing provisions of Section 12.2 apply.

## **Part 13 – INSPECTIONS**

### **13.1 Right of Entry**

An Officer, or anyone acting under the Officer's direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with:

- a) this by-law; or
- b) an Order made under Section 431 of the *Municipal Act*.

### **13.2 Inspection – Documentation**

For the purposes of an inspection, the Officer may:

- (a) require the production of documents relevant to the inspection;
- (b) inspect and remove documents or items relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any Person concerning a matter related to the inspection; and,
- (d) conduct examinations or take photographs, either alone or with the assistance of a specialist or expert, as necessary for the purposes of the inspection.

### **13.3 Inspection – Receipt of Documents or Items**

A receipt shall be provided for any document or item removed during an inspection and it shall be promptly returned after copies or extracts have been made.

## **Part 14 – ORDERS**

### **14.1 Order to Discontinue Activity**



If an Officer is satisfied that this by-law has been contravened, the Officer may issue an Order to Discontinue Activity requiring the Person who contravened the by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to immediately cease the contravention.

#### **14.2 Order to Discontinue Activity – Particulars**

An Order to Discontinue Activity shall set out:

- (a) the municipal address of the property where the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention;
- (d) the date by which compliance with the order is required; and
- (e) the date on which the order expires.

#### **14.3 Order to Discontinue Activity – Service**

The Order to Discontinue Activity may be served personally on the Person to whom it is directed or by regular mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the corporate mailing address.

#### **14.4 Work Order – Contravention of By-law**

If an Officer is satisfied that a contravention of the by-law has occurred, the Officer may issue a Work Order requiring the Person who contravened the by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to perform the necessary work to correct the contravention.

#### **14.5 Work Order – Contents**

The Work Order shall set out:

- (a) the municipal address or legal description of the land;
- (b) reasonable particulars of the contravention and the required corrective work;
- (c) a deadline, being a specific date, for compliance with the Work Order; and
- (d) a notice stating that if the work is not completed by the deadline, the Municipality may undertake the work at the expense of the owner and the cost may be added to the owner's tax roll for recovery.

#### **14.6 Work Order – Service**

A Work Order may be served personally on the Person to whom it is directed or by regular mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be affected by registered mail to the corporate mailing address.

#### **14.7 Work Order – Unable to Effect Service**

If the Municipality is unable to serve the Work Order under Section 14.6, it shall:

- a) post a placard containing the terms of the Work Order in a conspicuous place on the land; and
- b) enter the land for this purpose, if necessary.

The posting of the placard shall be deemed to be sufficient service of the Work Order.

### **Part 15 – REMEDIAL ACTION**

#### **15.1 Compliance Required**

Every Person who erects, constructs, maintains, or permits to be erected, constructed or maintained a fence that does not comply with this by-law shall immediately take all necessary actions to bring the fence into compliance.

#### **15.2 Work done by Municipality in Default**

If a Person directed or required by this by-law or a Work Order fails to do so, the Municipality may, in addition to any other available remedies:

- a) perform the work or cause the work to be performed at the Person's expense; and
- b) enter upon the land at any reasonable time for this purpose.

#### **15.3 Recover Costs**

The Municipality may recover the costs incurred in performing the work or causing the work to be performed:

- a) by taking legal action against the Person directed or required to do the work; or
- b) by adding the costs to the tax roll and collecting them in the same manner as property taxes.

All costs shall include interest, calculated at a rate of fifteen (15%) per cent, calculated from the date the Municipality incurs the costs until the date, including interest, are paid in full.

## **15.4 Lien on Land for Unpaid Costs**

The total amount of unpaid costs, including interest, constitutes a lien on the land upon the registration of a Notice of Lien in the Land Registry Office. The lien shall cover all amounts payable at the time of registration, plus interest accrued at fifteen (15%) per cent until full payment is received. Upon full payment of all outstanding costs and interest, the Municipality shall register a discharge of the lien in the Land Registry Office.

## **Part 16 – OFFENCES**

### **16.1 Offences**

Any Person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine of not less than \$100.00 and not more than \$5,000.00, as provided for under the *Provincial Offences Act*.

### **16.2 Continuing Offences**

Each day or part of a day that an offence continues after a conviction shall constitute a separate offence.

## **Part 17 – ENFORCEMENT**

### **17.1 Enforcement**

If a Person is convicted of an offence under this by-law, in addition to any other remedy or penalty imposed, the court in which the conviction was entered, or any court of competent jurisdiction, may make an order:

- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
- (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- (c) This by-law shall be enforced by an Officer.

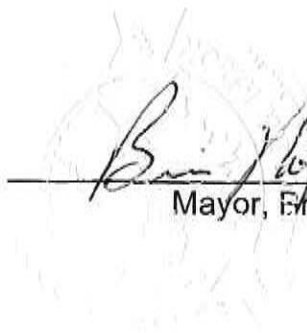
## **Part 18 – ADMINISTRATION**

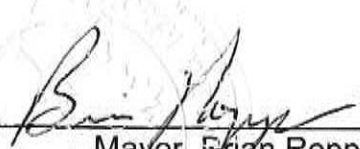
### **18.1 Severability**

Each provision of this by-law is severable, and if any provision is declared invalid or unenforceable by any Court, the remaining provisions shall remain in full force and effect, as it is the intention of Council that the by-law be interpreted as if the invalid provision had never been included.

Read a first and second time the 5<sup>th</sup> day of March 2025.

Read a third time and passed this 5<sup>th</sup> day of March 2025.



  
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Mayor, Brian Ropp

  
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Clerk, Alan Bushell