

**The Corporation of the
Township of Selwyn**

By-law No. 2026-072

**Being a By-law to prescribe standards for the construction and
maintenance of fences within the geographical boundaries of
The Corporation of the Township of Selwyn**

Whereas section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9 of said Act, shall be exercised by By-law unless the municipality is specifically authorized to do otherwise; and

Whereas section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality as granted said Act or any other Act shall be interpreted broadly so as to a) enable the municipality to govern its affairs as it considers appropriate and b) enhance the municipalities ability to respond to municipal issues; and

Whereas section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, right, powers and privileges of a natural person for the purpose of exercising its authority under said Act or any other Act; and

Whereas section 11(3)7. of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-laws respecting structures, including fences and signs; and

Whereas subsections 98(1) and (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provide that a By-law may be passed by a municipality stating that the *Line Fences Act*, R.S.O. Ch. L.17 does not apply to all or any part of the municipality, subject to the continuing applicability of section 20 of the *Line Fences Act*; and

Whereas section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with a by-law of the municipality passed under this act; and

Whereas section 434.2(1) and section 434.2(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that an administrative penalty imposed by a municipality on a person under section 434.1 constitutes a debt of the person to the municipality and may be collected in the same manner as municipal taxes; and

Whereas section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes among other things, remedial action, entry onto land, recovery of costs and addition of costs to the tax roll; and

Whereas the Council of the Township of Selwyn deems it necessary to regulate the construction and maintenance of fences within the Township of Selwyn.

Now Therefore, the Council of The Corporation of the Township of Selwyn Hereby Enacts As Follows:

Short Title

1. This By-law may be cited as the "Fence By-law".

Definitions

2. In this By-law:

“Agricultural Operation” has the same meaning as in section 1(1) of the *Farming and Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended;

“Chief Building Official” means the Chief Building Official appointed by Council under the *Building Code Act, 1992*, S.O. 1992, c. 23, or their designates;

“Corner Lot” means a lot situated at the intersection of two or more streets or private roads, having an angle of intersection of not more than 135 degrees. The front lot line is deemed to be the shorter line abutting the street;

“Daylight Triangle” means the triangular space formed on a corner lot (‘Corner Lot’) by the street lines and a line drawn from a point in one street line, to a point in the other street, each point being 9.0 Metres measured along the street line from the point of intersection of the street lines. Where the street lines do not intersect at a point, the point of intersection of the street lines (or tangents) shall be deemed to be the intersection of the projection of the street, or the intersection of the tangents to the street line;

“Driveway Daylighting Triangle” means the triangular piece of land located at the intersection of a driveway with a street, the appropriate Driveway Daylighting Triangle shall be measured 3 m from the point of intersection between the driveway and the front lot line along both the driveway and the front lot line and line shall then drawn between both endpoints forming a triangle;

“Construct” means to do anything in the erection, installation, extension or material alteration of a fence and includes the installation of a fence fabricated or moved from elsewhere and “constructed” and “construction” have a corresponding meaning;

“Exterior Side Yard” means the side yard of a corner lot which side yard extends from the exterior side lot and the nearest main wall of the ‘Principal Building’ on the Lot;

“Fence” means any structure used to enclose or divide, in whole or in part, a yard or other land to establish a property boundary and includes any hedges consisting of a dense line of bushes or small trees;

“Front Yard” means a yard extending across the full width of the lot between the front lot line, the line dividing the lot from the street, and the ‘Front Wall’ of the ‘Principal Building’ on the lot;

“Ground level” means the level of the grade adjacent to the fence excluding any gardens, flower planters or built-up landscaping to allow the fence to be higher than regulated under this By-law;

“Height” means the vertical distance measured from the ground level where the fence posts are embedded to the top of said fence excluding the post. Where a fence is located on the top of a retaining wall, “height” shall mean the vertical distance measured from the top of the retaining wall to the highest point of the fence excluding the post. Where a fence contains interwoven plant materials, the plant materials are excluded from the prescribed fence height, unless specifically regulated elsewhere in this By-law;

“Hoarding Fence” means a fence or similar structure used to enclose a property or part thereof which is under development, site alteration or maintenance;

“Line Fences Act” means the *Line Fences Act*, R.S.O. 1990, c. L.17, as amended;

“Lot” means a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

“Lot Line” means any boundary of a lot or the vertical projection thereof;

“Lot Line Front” means, in the case of an interior lot, the line dividing the lot from the street or private right of way. In the case of a corner lot, the shorter lot line abutting a street or private right of way shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line;

“Officer” means a Municipal By-law Enforcement Officer or building inspector employed by the Township of Selwyn;

“Owner” means a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises, and a person who acts for or on behalf of an owner as an agent or delegate;

“Principal Building” means a building or structure in which primary use is conducted;

“Privacy Screen” means a visual barrier used to shield any part of a lot from any adjacent lot or highway;

“Public Uses and Utilities” means use of any lot for the purposes of public services provided by the Township or any Public Authority including the County of Peterborough, Government of Canada and Ontario, Conservation Authority, Hydro One, telephone and telecommunication and natural gas companies;

“Rear Yard” means a yard extending across the full width of the lot between the rear lot line, and the “Front Wall” of the “Principal Building” on the lot;

“Side Yard” means a yard extending from the Front Yard to the rear yard of a lot between a side lot line and the nearest wall of the “Principal Building” on the Lot;

“Snow Fencing” means a fence commonly used for the control of snow and which is usually constructed of plastic mesh, lightweight wood strip or wire fencing;

“Street Line” means the limit of the street or road allowance which is the dividing line between the lot or block and the street;

“Township” means The Corporation of the Township of Selwyn;

“Waterbody” means any bay, lake, canal or natural watercourse but excludes a drainage or irrigation channel;

“Water Yard” means a yard extending the full width of the lot between the waterbody and the rear wall of the “Principal Building” on the lot;

“Zone” means a zone as designated in the Township of Selwyn Zoning By-law as amended pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and “Zoned” has a corresponding meaning;

Purpose

3. This By-law has been enacted in the public interest to prescribe standards for the construction and maintenance of fences and to regulate fences which could cause or become a public nuisance, or which could affect the health, safety, and well-being of persons, within the Township.

Application

4. Except where otherwise provided by this By-law, this By-law shall apply to all properties within the Township of Selwyn.

Non-Application of Line Fences Act

5. The provisions of the *Line Fences Act* shall only apply to a lot zoned "Agricultural".
6. For greater certainty, the *Line Fences Act* shall apply to a lot that is not zoned "Agricultural" where a dispute involves an adjoining lot that is zoned "Agricultural".

General Prohibitions

7. No person shall construct:
 - (a) Snow Fencing as part or in place of permanent fencing;
 - (b) Any Fence or Privacy Screen comprised of sheet metal or corrugated metal panels;
 - (c) Any Fence or Privacy Screen that creates an unsafe condition;
 - (d) Any Fence or Privacy Screen of a not structurally sound material;
 - (e) Any Fence or Privacy Screen in an unprofessional manner;
 - (f) Any Fence within a Daylight Triangle, or Driveway Daylighting Triangle;
 - (g) Any Fence in any location which obstructs the vision of motorists or pedestrians either when leaving a highway or entering a highway from another highway or driveway or of any traffic sign or control device;
 - (h) Any Fence wholly on any lands under the ownership of the Township, including a highway;
 - (i) Any Fence or any attachment to a Fence which may be used as a conductor of an electrical current; or
 - (j) Any Fence that contains or is constructed of sharp projections capable of causing physical injuries to humans, including, but not limited to, razor wire and barbed wire.
8. Despite section 7(i), a Fence or an any attachment to a Fence may be used as a conductor of electrical current for the purpose of managing livestock as part of an active agricultural operation.
9. Despite section 7(j), a Fence may contain or be constructed of sharp projections capable of causing physical injuries to humans for the purpose of managing livestock as part of an active agricultural operation.

10. No person shall have any Fence or Privacy Screen which is of unsightly condition on the side of the Fence or Privacy Screen which faces the adjoining property.

Prohibition – Residential Property

11. No person shall construct a Fence on a lot in a Residential Zone that exceeds:
- (a) A height of 2.0 metres above grade within a rear yard or side yard;
 - (b) A height of 1.2 metres above grade within a water yard; or
 - (c) A height of 1.0 metres above grade within a front or exterior side yard.

Prohibition – Privacy Screens

12. No person shall construct a Privacy Screen in a front yard.
13. No person shall construct a Privacy Screen in a side yard or rear yard unless:
- (a) The Privacy Screen is located at least 0.6 metres from any side or rear lot line;
 - (b) The Privacy Screen is no more than 2.43 metres in height above grade; and
 - (c) The collective total length of all the Privacy Screens within the property is no more than 6 metres.
14. Where a privacy screen is constructed on a raised deck, the maximum combined height of the deck and the Privacy Screen shall not exceed 3.5 metres above grade.

Prohibition – Non-Residential Property

15. No person shall construct a Fence on a lot in a non-residential Zone that exceeds 2.4 metres above grade.
16. Despite section 15, the maximum height of a Fence located within 7.5 metres from the front lot line shall not exceed 1.2 metres above grade.

Exemptions

17. Despite sections 7 to 16, the following Fences shall be exempt from all parts of this By-law:
- (a) Any Fence that was in lawful existence prior to the effective date of this By-law;
 - (b) A Fence constructed in accordance with an approved Site Plan or Subdivision Agreement;
 - (c) A Fence constructed for Public Uses and Utilities;
 - (d) Hoarding Fence constructed as required by applicable Federal, Provincial and Municipal regulations to meet safety, storage, crowd control, public safety or security and theft deterrence;
 - (e) Snow Fencing used temporarily to control snow or as Hoarding Fence to protect property undergoing construction and such Snow Fencing shall be removed upon completion of the winter season or construction;

- (f) Large hedges or a line of trees acting as a Fence in a side, rear yard or water yard that do not cause any visual obstruction to persons or vehicles while entering or exiting a driveway or traveling along a street, lane or sidewalk;
 - (g) Fences regulated by the following Township of Selwyn By-laws:
 - (i) Pool By-law, as amended; and
 - (ii) Fortification of Land By-law, as amended.
- 18.** Despite section 17(a), any Fence that was in lawful existence prior to the effective date of this By-law, which does not conform to the provisions of this By-law, which anytime thereafter needs replacement or reconstruction, shall be constructed in conformity with the provisions of this By-law.
- 19.** The height restrictions in this By-law shall not apply to fencing enclosures required for athletic activity areas, including, but not limited to tennis courts, provided the fence is chain link.
- 20.** A Gate may exceed the applicable height restriction by a maximum of 0.3 metres;
- 21.** Capping of structural fence posts through decorative fence post caps or lighting may exceed the applicable height restriction by a maximum of 0.15 metres.
- 22.** This By-law shall not apply on any lands that constitute a Public Highway, including lands abutting a Public Highway that are held as a reserve by the Township or other Public Authority, or to lands that are being held by the Township or other Public Authority as an Unopened Road Allowance or for future Public Highway purposes.

Maintenance

- 23.** Every owner of land on which a Fence or Privacy Screen is constructed or installed shall, as applicable:
- (a) Maintain the Fence or Privacy Screen in a good state of repair;
 - (b) Maintain the Fence or Privacy Screen in a safe condition;
 - (c) Ensure the Fence or Privacy Screen is protected by weather-resistant materials;
 - (d) Ensure that Fence or Privacy Screen components are not broken, rusted, rotten or in a hazardous condition;
 - (e) Ensure that if the Fence or Privacy Screen is stained or painted, that it is maintained free of peeling;
 - (f) Ensure that the Fence or Privacy Screen does not present an unsightly appearance to the abutting land or neighbourhood; and
 - (g) Ensure that the Fence or Privacy Screen is free of markings or other defacements on the exterior surface.

Variance – Fence or Privacy Screen

- 24.** A variance may be authorized by the Chief Building Official, if in their opinion the Fence or Privacy Screen is not causing a visual obstruction to persons or vehicles while entering or exiting a driveway or travelling along a street, lane or sidewalk.

25. The variance approval process shall be as follows:

- (a) Submission of an application form prescribed by the Chief Building Official;
- (b) Submission of applicable drawings, site plan and specifications for the proposed Fence or Privacy Screen; and
- (c) Payment of the requisite fee.

26. In considering an application for a variance, the Chief Building Official shall have regard for:

- (a) Whether there are any special circumstances or conditions applying to the property or building(s) on the surrounding property;
- (b) Whether such special circumstances or conditions are pre-existing; and
- (c) Whether the Fence or Privacy Screen that is subject of the variance application will cause any safety hazards to the proposed location or cause a visual obstruction to persons or vehicles while entering or exiting a driveway or travelling along a street or lane.

Inspection and Enforcement

27. A Municipal By-law Enforcement Officer, an officer, employee and/or agent of the Township appointed by Council may enforce this By-law.

28. The Township may enter on any land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) A provision of this By-law or any By-law;
- (b) A direction or order of the Township made under the *Municipal Act, 2001*, as amended, or made under a By-law of the Township;
- (c) Terms and conditions of an approved fence variance;
- (d) An order.

29. For the purposes of an inspection under section 28:

- (a) Every person shall provide documents or things relevant to the inspection;
- (b) Every person shall provide information from any person concerning a matter related to the inspection;
- (c) The Township may inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
- (d) The Township, along or in conjunction with a person possessing special or expert knowledge, may make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

30. Every person shall comply with any Order or Notice issued under the authority of this By-law.

Offences and Penalties

- 31. No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this By-law.
- 32. No person shall provide false information or give a false statement to an officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this By-law.
- 33. Every person shall comply with any Order or Notice issued under the authority of this By-law.
- 34. Every person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Township’s Administrative Monetary Penalty System By-law, be liable to pay to the Township an administrative penalty in an amount specified in Schedule “A”, attached to and forming part of this By-law.
- 35. Each day on which a person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*, as amended.
- 36. Any sections, clauses, or provisions of this By-law shall be deemed to be separate and independent and shall remain in full force and effect if any provisions of this By-law shall be declared invalid by any court.

Administration

- 37. That Selwyn By-law No. 2016-032 is hereby repealed effective September 8, 2026.

Effective Date

- 38. The effective date of this By-law shall be the date of final passage thereof.

Read a first, second and third time and finally passed and enacted this 8th day of September 2026.

Mayor, Sherry Senis

Clerk, Angela Chittick

Corporate Seal

The Corporation of the Township of Selwyn

By-law No. 2026-072

Schedule “A” Administrative Penalties

Item	Column 1 Short form Wording	Column 2 Provision creating or defining offence	Column 3 Administrative Penalty
1.	Construct snow fencing	7(a)	\$250
2.	Construct fence – sheet metal or corrugated metal panels	7(b)	\$250
3.	Construct privacy screen – sheet metal or corrugated panels	7(b)	\$250
4.	Construct fence – create unsafe condition	7(c)	\$400
5.	Construct privacy screen – create unsafe condition	7(c)	\$400
6.	Construct fence – not structurally sound material	7(d)	\$300
7.	Construct privacy screen – not structurally sound material	7(d)	\$300
8.	Construct fence – unprofessional manner	7(e)	\$300
9.	Construct privacy screen – unprofessional manner	7(e)	\$300
10.	Construct fence – daylight triangle or driveway daylight triangle	7(f)	\$400
11.	Construct fence – obstruct vision	7(g)	\$400
12.	Construct fence – Township lands	7(h)	\$400
13.	Construct fence or any attachment – electric conductor	7(i)	\$400
14.	Construct fence or any attachment – sharp projections	7(j)	\$400
15.	Fence – unsightly condition	10	\$250
16.	Privacy screen – unsightly condition	10	\$250
17.	Construct fence – exceed 2.0 metres above grade	11(a)	\$250
18.	Construct fence – 1.2 metres above grade	11(b)	\$250
19.	Construct fence – 1.0 metres above grade	11(c)	\$250
20.	Construct privacy screen – front yard	12	\$250

21.	Construct privacy screen – less than 0.6 metres from lot line	13(a)	\$250
22.	Construct privacy screen – exceed 2.43 metres above grade	13(b)	\$250
23.	Construct privacy screen – exceed total length	13(c)	\$250
24.	Construct privacy screen – exceed 3.5 metres above grade	14	\$250
25.	Construct fence – exceed 2.4 metres above grade	15	\$250
26.	Construct fence – exceed 1.2 metres above grade	16	\$250
27.	Fail to maintain fence – good state of repair	23(a)	\$250
28.	Fail to maintain privacy screen – good state of repair	23(a)	\$250
29.	Fail to maintain fence – safe condition	23(b)	\$300
30.	Fail to maintain privacy screen – safe condition	23(b)	\$300
31.	Fail to protect fence	23(c)	\$200
32.	Fail to protect privacy screen	23(c)	\$200
33.	Fence – components broken, rusted, rotten or in hazardous condition	23(d)	\$200
34.	Privacy screen – components broken, rusted, rotten or in hazardous condition	23(d)	\$200
35.	Fence – paint peeling	23(e)	\$200
36.	Privacy screen – paint peeling	23(e)	\$200
37.	Fence – unsightly appearance	23(f)	\$200
38.	Privacy Screen – unsightly appearance	23(f)	\$200
39.	Fence – markings or other defacements	23(g)	\$200
40.	Privacy screen – markings or other defacements	23(g)	\$200
41.	Hinder or obstruct an officer, employee and/or agent of the Township	31	\$500
42.	Provide false information or statement	32	\$500
43.	Fail to comply with any order	30	\$500