



**BY-LAW NO. 2002-0060  
Office Consolidation**

**BEING A BY-LAW to regulate the erection of Fences  
within the Town of Halton Hills**

**WHEREAS** the Council of a municipality may pass a By-law to regulate the erection of Fences by virtue of the provisions of Section 210 of the *Municipal Act*, c. M. 45, R.S.O. 1990, as amended;

**AND WHEREAS** the Council of a municipality may pass a By-law to prescribe standards for the maintenance and occupancy of Property within the municipality and to require Property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and level condition by virtue of the Section 15.1 of the *Building Code Act, 1992, S.O. 1992, c. 23*;

**AND WHEREAS** Council of the Corporation of the Town of Halton Hills has enacted By-law No. 85-147, as amended, pursuant to the authority contained in Section 15.1 of the *Building Code Act, S.O. 1992, c. 23*;

**AND WHEREAS** By-law No. 85-147 is hereby further amended as specifically set out herein;

**AND WHEREAS** it is deemed advisable to regulate Fences within the corporate limits of the Town of Halton Hills;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. **Definitions**

In this by-law,

Amended by By-law 2026-0031

“Actual Cost” means the total cost of the construction, reconstruction, maintenance or repair of a division fence, and includes the value of the material used and the value of the labour performed to complete the work.

Amended by By-law 2026-0031

“Adjoining Owner” means the person(s) who owns land adjoining the land on which another land owner desires to build a division fence;

“Agricultural Zone” means any area designated as an agricultural zone under the provisions of any restricted area by-law in force in the Town of Halton Hills and any Lot where the predominant use is for agricultural purposes.

“Animal” means cattle, goat, horse, sheep or swine and without limiting the generality of the foregoing shall mean any domesticated animal but does not include a dog or cat.

Amended by By-law 2026-0031

“Basic Cost” means the cost of constructing, reconstructing or repairing a division fence for an amount of money not exceeding the cost of constructing, reconstructing or repairing a 1.2 metre (4 foot) high fence with the following specifications:

- (a) 4cm (1 ½ inch) diamond mesh;
- (b) Constructed of 14-gauge steel wire covered in vinyl, forming a total thickness equivalent to No. 12-gauge galvanized wire;

(c) Be supported by 4cm (1 ½ inch) diameter galvanized steel posts encased in 5cm (2 inches) of concrete from grade to a minimum of 0.6 metre (2 feet) below grade, such posts to be spaced 3 metres (10 feet) apart;

Amended by By-law 2026-0031

"Business Day" means a day from Monday to Friday, other than a holiday as defined in section 87 of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F.

"Commercial Zone" means any area designated as a commercial zone under the provisions of any restricted area by-law in force in the Town of Halton Hills and any Lot where the predominant use is for commercial purposes.

"Committee" means the Community Affairs Committee appointed pursuant to Section 11 of this By-law.

"Corner Lot" means a Lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred and thirty-five degrees (135°).

"Council" means the Council for the Corporation of the Town of Halton Hills.

Amended by By-law 2026-0031

"Division Fence" means a fence marking the boundary between adjoining parcels of land and located on the actual property line.

"Effective Ground Level" means the existing ground level upon which the Fence is erected on or to be erected upon.

"Electrical Fence" means a Fence through which electricity passes.

"Fence" includes a railing, wall, line of posts, wire, gate, boards, pickets, Privacy Screens or other similar substances, used to enclose or divide in whole or in part a Yard or other land or to provide privacy.

"Front Lot Line" means a line that divides a Lot from the street, provided that in the case of either a Through Lot or a Corner Lot, the line dividing the Lot from the street upon which the property is addressed shall be deemed to be the Front Lot Line.

"Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral Property lines thereof and Highway and street shall have corresponding meanings.

"Industrial Zone" means any area designated as an Industrial zone under the provisions of any restricted area by-law in force in the Town of Halton Hills and any Lot where the predominant use is for industrial purposes.

"Lot" means any parcel of land which can be separated 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.

"Officer" is an employee of the Town of Halton Hills appointed as a Municipal Law Enforcement Officer and shall include a Property Standards Officer.

"Open Type Construction Fence" means a Fence constructed so that at least one third of its vertical surface area is open space, enabling motorists and pedestrians to have a clear view through such Fence.

"Owner" includes,

- a) the person for the time being managing or receiving the rent of land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
- b) a lessee or occupant of the Property who, under the terms of a lease, is required to Repair and maintain the Property in accordance with the standards for the maintenance and occupancy of Property.

"Privacy Screen" means a visual barrier used to shield any part of a Yard from view from any adjacent Lot or Highway.

"Property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, Fences and erections thereon whether heretofore or hereafter erected, and includes vacant Property.

Amended by By-law 2026-0031

"Quote" means a written estimate of the total basic cost of the construction, replacement or repair of a division fence.

"Repair" includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a Property conforms with the standards established in this by-law.

"Residential Zone" means any area designated as a residential zone under the provisions of any restricted area by-law in force in the Town of Halton Hills and any Lot where the predominant use is for residential purposes.

"Sight Triangle" means:

- a) that portion of a Corner Lot within the triangular space formed by the Street Lines and a straight line drawn from a point in one Street Line to a point in the other Street Line, each such point being:

Local to Local Highways

- (i) 4.5 metres (14.7 feet) measured along each Street Line from the point of intersection of the Street Lines;

Local/Collector to Collector Highways

- (ii) 7 metres (22.9 feet) measured along each Street Line from the point of intersection of the Street Lines;

Local/Collector to Regional/MTO Highways

- (iii) 12 metres (39.3 feet) measured along each Street Line from the point of intersection of the Street Lines; or

- b) such other Sight Triangle set out;

- (iv) in the relevant sections of the Town of Halton Hills Zoning By-laws, as amended, or

- (v) in a site plan agreement, for a particular Lot.

"Street Line" means the boundary between a Highway and private land which separates private land from an abutting Highway.

"Through Lot" means a Lot other than a Corner Lot having two separate Lot lines on two streets.

"Town" means the Corporation of the Town of Halton Hills.

"Wire" does not include a chain link Fence or a Fence that is manufactured for that purpose.

"Yard" means any open, uncovered unoccupied space appurtenant to a building, and

- a) "Front Yard" means a Yard extending across the full width of a Lot, and lying between the Front Lot Line of the Lot and that part nearest to the Front Lot Line of any building or structure on that Lot;
- b) "Interior Side Yard" means a Side Yard other than an Exterior Side Yard, which Side Yard extends from the Front Yard to the Rear Yard, between the side Lot line and the main wall nearest to the Interior Side Yard Lot line of the main building or structure on that Lot;
- c) "Exterior Side Yard" means the Side Yard of a Corner Lot, which Side Yard extends from the Front Yard to the Rear Yard between the side Street Line and the main wall nearest to the exterior Side Yard Lot line of the main building or structure on that Corner Lot;
- d) "Rear Yard" means a Yard extending across the full width of a Lot between the rear Lot line of that Lot and the main wall nearest to the Rear Yard Lot line of the main building or structure on that Lot;
- e) "Side Yard" means a Yard extending from the Front Yard to the Rear Yard between the side Lot line and the main wall nearest to the side Lot line of the main building or structure on that Lot.

Attached as Schedule "A" is a diagram outlining the location of the various Yards for reference purposes only and shall not form part of this by-law.

Amended  
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2.

### **Applicability**

- (1) This By-law applies to all Fences and Privacy Screens erected in the Town of Halton Hills, except as otherwise provided by this By-law.
- (2) A Fence erected in accordance with a permit issued under the Swimming Pool Fence By-law prior to the date of passing of this By-law is deemed to be in conformity with the By-law.
- (3) In the event of any conflict between the provisions of this by-law and any provisions of the Town's zoning by-laws, salvage yard licensing by-law, swimming pool fence by-law and the parks by-law, or any other by-law, relating to fencing, the provisions of those by-laws shall prevail over the provisions of this by-law.
- (4) The provisions of Sections 4 and 5 of this by-law do not apply to fencing provisions contained in a Site Plan Agreement, Subdivision Agreement or any other development related agreement executed by the Town, or to a Fence that is constructed for the purpose of continuing a Fence that is authorized under a subdivision agreement
- (5) From and after the date of enactment of this By-law, the provisions of the *Line Fences Act*, except for section 20 of the Act, shall no longer apply in the municipality.

Amended by By-  
law 2026-0031

Amended by By-  
law 2026-0031

### 3. **Authority**

- (1) The Enforcement Division of the Town shall be responsible for the administration and enforcement of this By-law.

#### 4. **General Fence Provisions**

- (1) No person shall, in any Yard or Lot erect, cause to be erected or maintain or permit a Fence that is greater than 2.74 metres (9 feet) above Effective Ground Level.
- (2) No person shall, in a Residential Zone within any Interior Side Yard, Exterior Side Yard or Rear Yard erect, cause to be erected or maintain or permit a Fence exceeding 2.13 metres (7 feet) in height.
- (3) No person shall, in a Residential Zone within a Front Yard erect, cause to be erected or maintain or permit a Fence exceeding 0.9 metres (3 feet) in height .
- (4) No Fence, in a Residential Zone, when measured at any point along its length from the highest grade within one metre on either side of the Fence shall exceed 0.9 metres (3 feet) in a Front Yard or 2.13 metres (7 feet) in a Rear Yard or Side Yard.
- (5) Notwithstanding Section 1 (10) of this by-law, on a Corner Lot where a driveway is not located within the same Yard as the street address of the Property, the line dividing the Lot from the street upon which the driveway is located shall be deemed to be the Front Lot Line.
- (6) The provisions of this by-law do not apply to a Fence erected upon, or abutting, land which is used for industrial purposes, for a railway right-of-way, or for hydro, telephone or utility installations, or for public works installations which are hazardous to the public, or to municipal recreational facilities.
- (7) The provisions of this by-law do not apply to a person who erects or causes to be erected a privately owned outdoor tennis court, provided the Fence is of chain link construction.
- (8) No person shall erect or cause to be erected a Fence constructed with plywood or scrap metal.
- (9) Notwithstanding Section 4(2), no person shall in any Yard or Lot erect, cause to be erected, or maintain or permit a Fence that obstructs the view of a motorist or is determined to be a safety hazard under any other legislation or by-law.
- (10) Notwithstanding any of the provisions set out in this by-law, no person shall erect, cause or permit to be erected or maintain a fence that obscures clear visibility of normal approaching pedestrian or vehicular traffic.
- (11) Where a rear yard of one property abuts the front yard of an adjoining property and the safety of passing pedestrians and vehicular traffic may be affected from any vehicular movement by the presence of a solid type rear yard fence, then that portion of the fence erected within 4.5 metres of the nearest street line shall be an open type construction fence.

Amended by  
By-law 2005-0079  
July 11, 2005

Amended by  
By-law 2005-0079  
July 11, 2005

#### 5. **Fences within Sight Triangles**

- (1) No person shall erect, cause or permit to be erected or maintain a Fence within a Sight Triangle greater than a height of 0.9 metres (3 feet).

#### 6. **Open Type Construction Fences**

Notwithstanding the provisions of sections 4 and 5, no person shall erect, cause or permit to be erected or maintain an Open Type Construction Fence higher than metres 1.71 metres (5 feet 6 inches) in a Sight Triangle or a Front Yard.

7. **Maintenance**

- (1) Every person who owns a Fence shall maintain such Fence in a good state of Repair:
- a) by the Fence being complete, standing in a vertical position and securely anchored;
  - b) with no components of the Fence broken, rusted, rotted or in a hazardous condition;
  - c) and free from graffiti

8. **Fences with Barbed Wire or Other Hazardous Material**

- (1) No person shall erect, cause or permit to be erected or maintain along any Highway adjacent to a Residential Zone, a Fence which contains, or is constructed of any hazardous material.
- (2) No person shall erect, cause or permit to be erected or maintain in a Residential Zone a Fence which contains, or is constructed of barbed wire, chicken wire, Wire or cable.
- (3) Notwithstanding Section 8(2) nothing shall prevent the construction of farm Fences or barbed wire Fences in an Agricultural Zone.
- (4) Notwithstanding Section 8(2) nothing shall prevent the construction of a barbed wire Fence in an Industrial or Commercial Zone.
- (5) No person shall erect or cause to be erected a barbed wire Fence except in accordance with this by-law and provided that the barbed wire is used on the top of and to the inside of the Fence and inclined toward the enclosed area of an agricultural, industrial or commercial Property.

9. **Electrical Fences**

- (1) Except as provided in this by-law, no person shall erect or cause to be erected, an Electrical Fence on any land.
- (2) An Electrical Fence using direct current may be erected on land while it is being lawfully used for agricultural purposes, provided such Fence;
- a) has a maximum 12 volt trickle charge;
  - b) is designed and erected solely to contain Animals, and
  - c) has attached thereto at approximately 15 metre intervals, a sign warning that the Fence carries electricity.

10. **Amendment of By-law 85-147**

11. **Division Fences – Notice of Intent**

- (1) An Owner of land may construct, replace or repair a division line fence.
- (2) Where owners of adjoining lands agree or have reached an agreement about the construction, repair or replacement of a division fence, each shall be responsible to either:
- a) Construct, repair, or replace, as applicable, their agreed-upon portion of the division fence; or
  - b) Assume their agreed-upon portion of the cost of any work required for the construction, replacement, or repair of the division fence

Amended by  
By-law 2004-  
0060 May 31,  
2004

Amended  
by By-law  
2026-0031

- (3) Where owners of adjoining lands cannot agree and have not reached an agreement in accordance with subsection 3(2), an owner seeking to construct, replace or repair a division fence may do so subject to complying with the following conditions:
- a) the owner must serve a notice of intent on the adjoining owner, in writing by registered mail or by personal delivery, to advise that they intend to construct, replace or repair a division fence, and such notice shall contain, at a minimum, the following information:
    - (i) whether the owner intends to construct, replace or repair a division fence;
    - (ii) copies of at least three (3) quotes for the fencing work to be undertaken;
    - (iii) a paragraph stating that the construction, repair or replacement of the division fence will commence after fourteen (14) business days of the mailing or personal delivery ailing or personal delivery of the notice of intent and the owner may seek payment of a contribution for the basic cost of the division fence from the adjoining owner in accordance with this by-law;
    - (iv) a paragraph stating that the adjoining owner may obtain up to three (3) additional quotes, to be presented to the owner by registered mail or by the personal delivery, not later than ten (10) business days from the date on the notice; and
    - (v) a complete copy of this By-law.

12. **Division Fence Cost Responsibilities**

- 1) The cost of constructing, replacing or repairing a division fence shall be paid as follows:
  - a) the adjoining owner shall pay fifty percent (50%) of the basic cost; and
  - b) the owner shall pay the balance of the cost to construct, replace or repair the division fence.
- 2) Any division fence constructed, replaced or repairs within an area designated as a heritage conservation district pursuant to Part V of the Ontario Heritage Act, R.S.O. 1990, O.18 is subject to all requirements for obtaining a permit pursuant to such legislation.

13. **Repairs**

- 1) Where an existing fence is damaged by an owner or a person permitted on their property, such owner shall be entirely responsible for the cost of the repairs to the division fence.
- 2) Subject to subsection 5(1), the cost of repairing a division fence shall be borne equally by the owner and the adjoining owner if the damage necessitating the repair was caused by a natural disaster.
- 3) Where a tree causes damage to a division fence, the owner of the land on which the tree is or was located shall be responsible for the cost of the repairs to the division fence and the cost of removing the tree, or part thereof.

14. **Variance Application and Hearing Process**

- 1) Council may, by resolution upon receipt of a written application, grant an variance from the provisions of Section 4, and the variance may be subject to terms and conditions as Council deems advisable. Council may also grant a variance of lesser effect than applied for or refuse to grant a variance.
- 2) A completed application for a variance under Section 14 shall be filed with Enforcement Services on an application in the form prescribed by staff and shall include which section(s) of the Fence By-law the applicant is seeking relief from.
- 3) No less than ten (10) days before the day of the hearing of the application for a fence variance, notification must be sent to owners of neighbouring properties who may be impacted by the variance by way of delivery of a written notice; by personal service or prepaid first class mail
- 4) Service by prepaid first class mail shall be deemed to be effective on the fifth (5th) day after the notification is mailed.
- 5) Enforcement Services shall investigate the feasibility of the location with respect to the adjacent neighbouring properties, and prepare a report to Council, which report shall contain the Official's opinion on the merits of the application and

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by By-law  
2026-0031

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2026-0031

recommendations as to terms and conditions, if any.

- 6) In deciding whether to grant the exemption, Council shall consider the application, the report from Enforcement staff, and any written submissions then received by Council, and shall give the applicant and any Person opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.
- 7) A breach by the applicant of any of the terms or conditions imposed by Council in granting a variance shall immediately render the variance null and void.

Amended by By-law 2026-0031

15. **Enforcement and Penalty**

Amended by By-law 2025-0008

Amended by By-law 2025-0008

- 1) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R. S. O. 1990, c. P. 33*.
- 2) AMPS By-law – Non-Parking being By-law Number 2025-0008, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in Schedule H of By-law Number 2025-0008, as amended, shall upon the issuing of a penalty notice be and is liable to pay to the Town an administrative penalty in the amount set out in By-law Number 2025-0008, as amended.
- 3) No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.

Amended by By-law 2025-0008

Amended by By-law 2026-0031

16. **Severability**

- 1) When a court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

17. **By-law Repealed**

By-law Number 1987-0104 is hereby repealed.

BY-LAW given first and second reading on the 27<sup>th</sup> day of May, 2002.

Originally Signed By:  
\_\_\_\_\_  
MAYOR – Kathy Gastle

Originally Signed By:  
\_\_\_\_\_  
CLERK – Karen Landry

BY-LAW given third and final reading on the 10<sup>th</sup> day of June, 2002.

Originally Signed By:  
\_\_\_\_\_  
MAYOR – Kathy Gastle

Originally Signed By:  
\_\_\_\_\_  
CLERK – Karen Landry

# Yards

