BY-LAW NUMBER 151-2026

A BY-LAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF FENCES IN THE CITY OF WINDSOR

Passed the 28th day of September, 2026.

WHEREAS the *Council* of The Corporation of the City of Windsor has, pursuant to the Municipal Act, 2001, Section 10 as amended, the authority to pass By-laws for prescribing the height and description of *fences*;

AND WHEREAS it is deemed expedient to repeal By-law 170-2012 and replace it with a new By-law.

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 TITLE

1.1 This By-law may be referred to as the Fence By-law.

1.2 By-law 150-2026 applies to fences used as a swimming pool enclosure.

SECTION 2 DEFINITIONS

In this By-law:

2.1 ***CITY*** means The Corporation of the City of Windsor.

2.2 ***CITY CLERK*** means the person duly appointed as Clerk for the City.

2.3 ***CONSTRUCT*** means to build and/or to permit to build or erect, alter, relocate or cause any material alteration to a *fence*. Without limiting the generality of the foregoing construct shall be taken to include any work in preparation to construct, and ***CONSTRUCTED*** has a corresponding meaning.

2.4 ***COUNCIL*** means the Council of the *City*.

2.5 ***EFFECTIVE GRADE LEVEL*** means the highest level of ground at a *fence* location within a horizontal distance of 0.5 m either side of the *fence*.

2.6 ***FARM*** means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998 and includes such operation that is not carried on with the exception of gain but otherwise meets the definition of the Act.

2.7 ***FRONT YARD*** as defined in the applicable Zoning By-law.

2.8 ***FENCE*** means a barrier, guard, railing or enclosure of any type *constructed*, *used*, or intended to enclose and delineate *property* and includes a screening fence as defined in the *Zoning By-law* and any hedge used in a visibility triangle. Structures designated by any By-law or municipal authority or agreement as sound barriers, or sound barrier walls, or any other structure governed under the Ontario Building Code are not *fences*. Earth berms or other natural or man-made similar topographic features are not *fences*.

2.9 ***HEDGE*** means a boundary formed by closely growing bushes or shrubs.

2.10 ***HIGHWAY*** means a highway as defined by the *Municipal Act* as amended from time to time.

2.11 ***IN GOOD REPAIR*** means in compliance with the Maintenance Standards in Section 7 of this By-law.

2.12 ***OFFICER*** means a provincial offences officer as defined in the Provincial Offences Act, R.S.O. 1990, c. P.33 or any successor legislation.

2.13 ***OWNER*** includes the registered owner and the *person* for the time being managing or receiving the rent of the 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 such land and premises were let, and shall also include 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 of this By-law.

2.14 ***PERSON*** includes an individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trustee, corporation, department, bureau or mortgagee.

2.15 ***PROPERTY*** means lands or structures on which a *fence* is located.

2.16 ***REAR YARD*** as defined in the applicable Zoning By-law.

2.17 ***SIDE YARD*** as defined in the applicable Zoning By-law.

2.18 ***TEMPORARY BARRICADE*** means a structure described in Section 6 of this By-law, *used* for the purposes of temporarily enclosing an excavation or other hazard.

2.19 ***UNSAFE CONDITION*** means any condition that in the opinion of the *Officer* is an immediate hazard to the health or safety of any *person*(s).

2.20 ***USE,*** when used as a verb means anything done and/or permitted or allowed to be done by any *person* for the purpose of making use of any parcel of land, building, or structure or any part(s) thereof and includes the maintenance of anything done or erected in conjunction with those uses, lands, buildings, structures or part(s) thereof, and ***USED*** has a corresponding meaning.

2.21 ***ZONING BY-LAW*** means any Zoning By-law in effect for the *City*.

2.22 ***VISIBILITY TRIANGLE*** means the area within a triangle formed by measuring a prescribed distance along two specified intersecting lines and a third line joining the terminal points of the two measured lines.

SECTION 3 ENFORCEMENT

3.1 The *City Clerk* shall administer this By-law as amended.

3.2 This By-law shall be enforced by the *City Clerk* and any *Officer* so designated by the *City Clerk*.

SECTION 4 RESIDENTIAL FENCE REGULATIONS

4.1 No *person* shall on any property used for any residential purpose, *construct*, *use* or permit to be maintained a *fence* greater in height than:

(a) 2.2 m from *effective grade level* in any *side yard* or *rear yard excluding a hedge.*

(b) 1.2 m from *effective grade level* in any *front yard including a hedge.*

(c) 2.5 m from *effective grade level* on any *property* boundary abutting any publicly owned walkway or alley as designated by a registered plan of subdivision, not adjacent to a road *excluding a hedge*.

(d) 2.2 m from the walking surface of any raised deck or to the height of the eave, whichever is less.

(e) 0.9 m from effective grade within a *visibility triangle* as described in section 4.3.

4.2 The height limitation in Section 4.1 of this By-law shall not apply to decorative post caps and other similar features. The height limitation in Section 4.1 shall not apply to a *hedge* if the *hedge* is located in the *side yard or rear yard* unless the *hedge* is located in any *rear yard* of any lot situated on the north side of Riverside Drive East between Strabane Avenue and Lakeview Avenue.

4.3 Despite any other provisions of this By-law, in the case of a corner lot or a lot where the *highway* bends to form an angle not more than 135 degrees, no *person* shall *construct*, allow or permit to be maintained on any *property* a *fence* 0.9 m above the *effective grade level* within a *visibility triangle* formed by the intersecting curbs, or the edge of pavement where no curbs exist, or the projections thereof, and a straight line connecting them 7.5 m from their point of intersection, unless such *fence* is *constructed* of unobstructed chain link or metal pickets spaced no closer than 90 mm and complies with the height limitations identified in section 4.1.

4.4 No *person* on any property used for residential purpose, on the North Side of Riverside Drive East between Drouillard Road and Lakeview Avenue, may *construct, use* or *permit* to be maintained the following:

(a) A *fence or hedge* greater in height than 1.2 m from *effective grade level* in any *rear yard* (water side).

(b) A *fence or hedge* greater in height than 2.2m from *effective grade level* in any *side yard*.

(c) A *hedge* greater in height than 2.4m from *effective grade level* in *any front yard* (road side).

(d) A *fence* greater in height than 1.2m from *effective grade level* in *any front yard* (road side).

SECTION 5 NON RESIDENTIAL FENCE REGULATIONS

5.1 No *person* shall on any *property used* for any non-residential purpose *construct*, *use*, or permit to be maintained a *fence* unless:

(a) such *fence* has a maximum height not exceeding 3.0 m;

(b) such *fence* is not electrified except for a *fence* on a *farm* for the keeping of livestock or the protection of livestock or crops from animals provided that the *fence* meets the requirements of any applicable Canadian Standards Association Standard.

(c) such *fence* is located no more than 1.0 m of the nearest portion of any wall of an adjacent residential main building;

(d) such *fence* does not incorporate barbed or razor type wire in its construction unless that portion of *fence* which is made of barbed or razor wire is located no closer than 2.15 m above the *effective grade level* at any point.

(e) such *fence* is located at least 3.5m from the nearest curb, or the edge of pavement where no curb exist, where such *fence* abuts any existing public or private driveways, lanes, alleys, roadways or any other similar access area in any *side yard*, *rear yard* or *front yard*.

5.2 No *person* shall *construct*, allow or permit to be maintained, a *fence* consisting of single strand wire type construction unless it is so *constructed* so as to be readily visible to any *person* at all times and does not in any way create an *unsafe condition* to any *person*.

5.3 Despite sections 4.1 and 4.2 of this By-law, no *person* shall *construct* or *use* any *fence* on residential *property* along the property line of any commercial, industrial or institutional use in excess of the prescribed height in Sections 4.1 and locations as permitted in Section 5.1(e) of this By-law.

5.4 Every *owner* shall maintain their *fence in good repair* and in compliance with the Maintenance Standards, Section 7, of this By-law.

SECTION 6 TEMPORARY BARRICADE

6.1 Excluding any hoarding on the *highway*, no *person* shall *construct*, allow or permit to be maintained, a *temporary barricade* unless:

a) it consist of a minimum 1.2 m high mesh *fence* having a mesh not greater than 38 mm, with a steel T-bar support post every 3.0 m maximum horizontal distance and a 9 gauge galvanized steel wire located at the top and bottom of such *fence*; or

b) it is *constructed* of material that will provide an equivalent degree of safety and has been approved by the *City Clerk*.

SECTION 7 MAINTENANCE STANDARDS

7.1 Every *fence* shall be:

a) stable;
b) vertical;
c) *constructed* of materials of good quality;
d) suitable for the purpose, and
e) *constructed* and supported in a manner commensurate with the design of the entire *fence*.

7.2 Every *person* who *constructs*, *uses* or permit to be maintained a *fence* shall keep such *fence*:

a) in good repair;
b) in a safe and structurally sound condition;
c) free from accident hazards, and
d) protected by paint, preservative or other weather resistant material, except for a *hedge* or wooden *fences* made of cedar, redwood or treated wood.

SECTION 8 ORDERS

8.1 An *Officer* who finds a contravention of this By-law or an *unsafe Condition* may make an Order directing compliance with this By-law and may require the Order to be carried out within such time as is specified in the Order.

8.2 The Order may be served on the *person* whom the *Officer* believes is contravening the By-law, by:

a) personal service;

b) prepaid mail to the *person's* address shown on the last revised assessment roll and may also be sent to the last address known to the *City* of the *owner* if it differs from that on the assessment roll. In which case the Order shall be deemed to have been served on the fifth day after mailing;

c) posting a copy of the Order on the *property*; or

d) any combination of the above as the *Officer* deems necessary.

8.3 Every Order delivered, sent or posted shall identify the *property* by street number and name, and/or legal description.

8.4 Power of Entry re: Inspections
Pursuant to section 436 of the Municipal Act, the *City Clerk* or an *Officer* may enter on *property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

a) this By-law;

b) an Order made under this By-law.

8.5 Inspection Powers
For the purposes of an inspection under this section, an *Officer* may:

a) require information from any *person* concerning a matter related to the inspection; and

b) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

8.6 Inclusion
Every Order delivered, sent, posted or published shall specify that if the *owner* defaults in doing the thing(s) required to be done under this By-law by the date specified in the Order, the *City Clerk* may take action to cause the *City* to do the thing(s) required to be done as specified in the Order and that the *City* may recover the costs of doing the thing(s) required to be done from the *owner* and that the *City* may recover the costs by action or by adding the costs to the tax roll and collect them in the same manner as taxes.

8.7 Entry onto *property*
Where the *City* proceeds with action under s. 10.1 of this By-law, the *City Clerk* or designate, or an agent appointed by the *City* may enter onto the *property* accompanied by any *person(s)* under his or her direction and with the appropriate equipment as required to bring the *property* into compliance with this By-law.

SECTION 9 OFFENCES

9.1 Offence
Every *person* who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine and any other penalties as provided for in the Municipal Act, as amended.

SECTION 10: NON-COMPLIANCE WITH ORDER

10.1 If an *owner* or *person*, as the case may be, fails to comply with an Order issued under section 8.1, the *City Clerk* may take action to do the thing(s) required to be done as specified in the Order at the expense of the *owner* or *person* directed or required to comply with the Order.

10.2 Recovery of Expense
If the *City* takes action to do the thing(s) required to be done as specified in the Order, the costs of such action may be added to the tax roll and collected in the same manner as property taxes.

10.3 No *person* shall hinder or obstruct, or attempt to hinder or obstruct;

a) Any *Officer* in the performance of a duty under this By-Law, or

b) Employees or Agents authorized to take action to do the thing(s) required to be done as specified in the Order.

SECTION 11 VALIDITY AND SEVERABILITY

11.1 In the event that any portion of this By-law shall be deemed to be invalid, illegal or unenforceable, it shall not affect the validity, legality or enforceability of any other portion of this By-law.

SECTION 12 REPEAL AND TRANSITION

12.1 Except as provided by Section 12.2 hereof, By-law Number 170-2012 and all amendments thereto are hereby repealed.

12.2 Notwithstanding Section 12.1 hereof, the provisions of By-law Number 170-2012, shall continue to apply to any properties in respect of which an Order has been issued under the said by-law until such Order has been concluded.

SECTION 13 EFFECTIVE DATE

13.1 This By-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

By signing this by-law on September 28, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – September 28, 2026
Second Reading – September 28, 2026
Third Reading – September 28, 2026