

**THE CORPORATION OF THE TOWN OF GORE BAY**  
**BY-LAW NO. 2025-09**  
**BEING A BY-LAW TO ERECT AND REGULATE FENCES**  
**IN THE TOWN OF GORE BAY**

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 conveys the capacity, rights, powers and privileges of a natural person to the municipality, and;

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, authorizes municipalities to pass by-laws respecting structures, including fences, and;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

**1. DEFINITIONS**

- 1.1 “Agricultural Use” or “Agricultural Related Use” shall be as defined in the Town of Gore Bay’s Zoning By-law;
- 1.2 “Barrier” means a fence, privacy screen, sound barrier, retaining wall, safety barrier or other accessory uses;
- 1.3 “Chief Building Official” shall mean the officer or employee of the Town charged with the duty of enforcing the Building Code Act together with any Regulations made thereunder, and the provisions of the Building By-law;
- 1.4 “Commercial” shall mean a commercial zone as defined in the Town of Gore Bay’s Zoning By-law;
- 1.5 “Daylight Corner” means on any comer lot a triangular space measured along the front yard and the exterior side yard property lines for a distance of 15 feet (4.5 metres) from their point of intersection;
- 1.6 "Fence" shall mean a structure which forms a barrier for enclosing, bounding, delineating or protecting land. If the elevation of the land impacts the height of the fence from one side to the other, than the average fence height taken from the base to the top of the fence on either side of the fence will be used as the fence height;
- 1.7 “Front Yard” means a yard extending across the full width of the lot between the street line and the face of the building and includes the exterior side yard on a comer lot;
- 1.8 “Gate” shall be a swinging or sliding barrier used to fill or close an access and includes a door.
- 1.9 “Hedge” shall mean a row of closely planted shrubs or trees forming a fence or boundary;
- 1.10 “Height” shall mean the distance as measured from grade to the top of the fence as illustrated in the Town of Gore Bay’s Zoning By-law;
- 1.11 “Industrial Zone” shall mean an industrial zone as defined in the Town of Gore Bay’s Zoning By-law;

- 1.12 “Owner” shall mean the owner of the property, or person in care and control of the property on which the fence is located;
- 1.13 “Perforated” shall mean a material, such as metal or wood, that has been pierced or punctured with a series of small holes or openings, creating a partially open surface that allows light, air, and visibility to pass through;
- 1.14 “Private Swimming Pool” shall mean an artificial body of water, the container of which is constructed of cement, plastic, fiberglass or similar material, and intended primarily for bathing, swimming and diving that is permanent in nature, but shall not include a natural, dug or dammed pond primarily intended for aesthetic, storm water management, or agricultural purposes.
- 1.15 “Residential” shall mean the residential zone(s) as defined in the Town of Gore Bay’s Zoning By-law;
- 1.16 “Town” shall mean the Corporation of the Town of Gore Bay; and
- 1.17 “Zoning By-law” shall mean the zoning by-law for the Town of Gore Bay.

## **2. GENERAL PROVISIONS FOR FENCES**

- 2.1 No person shall construct, modify, or maintain or cause construction, modification, or maintenance of a fence without authorization from the Town of Gore Bay.
  - a) An application for authorization shall be on the form provided in Schedule “A” to this by-law.
- 2.2 The fee for a fence authorization shall be included in the Town’s Rate Book.
- 2.3 A fence shall be erected in compliance with regulations as set forth by the Zoning By-laws and/or any other by-law which applies to a fence.
- 2.4 Barriers other than property fences shall conform to the Building Code Act, S.O. 1992, c. 23, as amended, or any successor thereof.
- 2.5 No fence shall:
  - a) Encroach onto Town-owned lands;
  - b) Be constructed without first obtaining and reviewing all necessary locates.
  - c) Be constructed without first obtaining authorization from the Town of Gore Bay.
  - d) Be erected in such a manner as to obstruct visibility to drivers or pedestrians entering, exiting, crossing, or approaching a highway, roadway, laneway, or walkway;
  - e) Be barbed wire or electrified to provide electric shock to humans or animals, other than:
    - (1) Invisible pet fencing, or
    - (2) Is reasonably necessary to protect garden areas from deer and the fencing is not readily accessible to the public, or

- (3) Is on land zoned for agricultural use or rural related use as listed in the Town's Zoning By-law;
- f) Be more than the height requirements hereinafter set out:
  - (1) For all zones (residential, commercial, and rural) the maximum height shall be 1.5 metres (5 feet), unless 2.5 (e) is applicable;
  - (2) Notwithstanding the provisions of the Town's Zoning By-law, residents have the option to exceed height requirements set out in this by-law up to 0.6 additional metres (or 2 feet) on side and/or rear yards only for the safety of their pets, or for additional privacy.
- g) On a corner lot, a fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metre (3.3 feet) above the grade of the streets that abut the lot within the triangular area included within the street line for a distance of 6 m from their point of intersection; and
- h) Where a hedge is being used as a fence, it must not adversely affect or obstruct the line of sight of the driver of any vehicle approaching or stopped at the intersection or street and is in compliance with the Town of Gore Bay's Zoning By-Law and any other applicable Town of Gore Bay By-laws.

2.6 Every fence shall:

- a) Have a surface that is painted, stained, varnished, or protected with a similar protective finish, unless the material itself possesses characteristics that offer protection against deterioration; and
- b) Be maintained without visible deterioration.

### **3. PRIVATE SWIMMING POOLS**

- 3.1 Private swimming pools shall be protected by a fence which complies with this by-law.
- 3.2 No person shall construct, use, or maintain or cause construction, use, or maintenance of a private swimming pool in the Town unless the area in which the swimming pool is located is completely enclosed by fencing in compliance with the requirements of this by-law.
- 3.3 Every fence constructed or used to enclose a private swimming pool including gates, shall have a minimum four (4) feet (1.2 metres) height measured at the base (finished grade) to the top of the fence.
- 3.4 A fence forming all or part of a private swimming pool enclosure:
  - a) Shall be vertically boarded wood construction, chain link construction, masonry, plastic, metal construction, or a material having an equivalent degree of strength;
  - b) Shall have no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing, however this subsection shall not apply to prevent the construction or maintenance of a fence containing horizontal rails bracing members which are spaced a minimum of thirty-two (32) inches (0.8 metres) on center;

- c) Shall have no opening with a horizontal dimension greater than three (3) inches (75 millimetres); and
- d) Shall have no device for projecting electric current through the fence.

3.5 Gates forming part of a private swimming pool enclosure:

- a) Shall be of the same construction and height as that required for the fence,
- b) Shall be supported on substantial hinges, and
- c) Shall be equipped with a self-closing and self-latching device which must be placed at the top on the pool side of the gate.

3.6 The provisions of this by-law requiring the erection of a fence shall not apply if the outside walls of the private swimming pool are elevated at least four (4) feet (1.2 metres) above the grade of the ground abutting such walls provided that the exterior surface of the walls are so constructed as not to facilitate climbing and each entrance to the pool is protected with a gate complying with the requirements of this by-law.

3.7 A fence erected on the property lines which complies with the provisions of this by-law shall be deemed a sufficient fence if it completely encloses the yard in which the swimming pool is located.

3.8 A wall or walls of a building (or buildings) may form part of such swimming pool fence, provided that all openings affording access from a building directly to an enclosed swimming pool area, are equipped with a locking device located not less than four (4) feet (1.2 metres) above the bottom of the floor.

#### **4. APPLICATION PROCESS**

- 4.1 To build a fence in the Town of Gore Bay, one must obtain the authorization to construct (see Schedule “A”) from the Town and pay the associated fee;
- 4.2 Upon completion of building the fence, a final inspection is required by the Town of Gore Bay.

#### **5. ENFORCEMENT**

- 5.1 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;
- 5.2 The court in which a conviction has been entered, and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted;
- 5.3 Where anything required or directed to be done in accordance with this By-law is not done, the Town or persons designated by the Town may, upon such notice as they deem suitable, carry out such work or take such action and recover the costs of so doing by taking action or by adding the costs to the tax roll for the property on which the work was done or the actions were taken and collecting them in the same manner and with the same priority as municipal taxes; and

5.4 Where the Town proceeds, a Town staff member such as the Municipal Law Enforcement Officer may enter onto the lands 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.

**6. ENACTMENT**

6.1 That this by-law shall come into force on the day it is passed and take effect on the final date of passing hereof and any by-laws inconsistent with this by-law are hereby repealed.

6.2 That by-law 2020-21, being a by-law to Require the Erection and Maintenance of fences and Gates Around Private Outdoor Swimming Pools and the Control of Water Devices to and from Such Pools, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 14th DAY OF APRIL 2025.

.....  
MAYOR

.....  
CLERK

**Schedule A – By-law 2025-09**  
**Application for Authorization to Construct a Fence in the Town of Gore Bay**

Date of Application:

Applicant(s) Name:

Is the Applicant the Owner of the Property?

☐ Yes

☐ No

If no, please explain the reason for the application:

Address:

Phone Number:

E-mail:

Property Location:

Purpose of Fence:

☐ Property Line Fence

☐ Private Swimming Pool Fence

☐ Other (please describe):

Proposed Fence Material:

☐ Wood

☐ Chain Link

☐ Stone

☐ Chain Link Fence

☐ Other (please describe):

Proposed Fence Height:

Please attach a service site plan, drawn to scale, of the property indicating locates and where on the property the fence is to be placed. As well, please provide any photographs or images of the proposed fence. (If you don’t have a land survey, or know where your lot boundaries are, you may have to have a land survey completed).

- Conditions of Approval
- Each application will be approved based upon receipt of the applicable fee and approval from other pertinent departments.

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Each application shall be accompanied by a site plan, drawn to scale, that indicates property line locations, building locations, and proposed location of fence, including fence height.

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I/we agree to comply with The Corporation of the Town of Gore Bay’s Fence By-law No. 2025-09 and any amendments thereto.

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The Town authorizes the construction of a fence located entirely on the subject property. In the event the fence or any portion of the fence is constructed outside the property line or on the abutting property, the authorization may be revoked.

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Upon completion of building the fence, I/we agree to grant access to Town of Gore Bay staff for final inspection.

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The Town of Gore Bay takes no liability with the authorization of this application.

I/we hereby signify that I/we will comply with the conditions on this application, and I/we certify the truth of all the statements or representations contained therein.

Applicant(s) Name:

Applicant(s) Signature:

*Please Note:* The authorization approval must be kept on-site and be produced if requested by a Town of Gore Bay official.

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*For Office Use Only*

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|------------------------------------|--|
| <b>Approval Date:</b>              |  |
| <b>Fee Amount:*</b>                |  |
| <b>Receipt No.:</b>                |  |
| <b>Property Location:</b>          |  |
| <b>Zoning of Property:</b>         |  |
| <b>Name of Town Official:</b>      |  |
| <b>Signature of Town Official:</b> |  |

\*The ‘Fee Amount’ will be based on the ‘Administrative Fee’, as found in the Town’s Rate Book.  
(This fee is \$50 per hour, up to a maximum of three (3) hours).