

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 63-2025

Being a By-law to Regulate and Govern the Building and Maintenance of Fences in the Town of Kingsville

Whereas Sections 8 and 9 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, (the “Municipal Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate;

And whereas Section 11(3)(7) of the Municipal Act provides that authorizes a lower tier municipality to may pass a by-laws respecting matters relating to structures, including fences;

And whereas Section 98(1) of the Municipal Act provides that a local municipality may provide that the *Line Fences Act* does not apply to all or any part of the municipality;

And whereas Section 391 of the Municipal Act provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

And whereas Section 436 of the Municipal Act provides that a municipality may pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence issued by the municipality;

And whereas Sections 445 and 446 of the Municipal Act respectively, provides for the municipality to make an order requiring a person who contravenes a by-law or who causes or permits the contravention or the owner or occupier of land on which a contravention occurs to discontinue the contravening activity or do work to correct a contravention;

And whereas it is deemed expedient to establish regulations concerning the building and maintenance of fences;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

Definitions

1. In this By-law:

“**Acceptable Sign**” means a sign that is affixed to a Fence that conveys non-offensive or typical messaging such as but not limited to, the address of the property, name placard, no trespassing, and beware of dog;

“**Building**” means any structure greater than 108 square feet, whether temporary or permanent, used or intended for sheltering any use or occupancy, but shall not include a Fence, travel trailer, camping trailer, truck camper, motor home or tent;

“**Corner Lot**” means a Lot situated at the intersection of or abutting upon, two or more Streets provided that the angle of intersection of such Streets is not more than one hundred and thirty-five (135) degrees and each of which is at least 30 feet wide; where such intersecting sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the Street lines, drawn through the extremities of the front Lot line and the exterior Lot line;

“Dwelling” means a Building, occupied or designed to be occupied, exclusively as a home, residence or sleeping place by one or more Persons;

“Fence” means any continuous barrier made of chain, wood, stone, masonry, lattice work, screen or other similar material used to enclose or divide in whole or in part a yard or other land or constructed, installed along the perimeter of lands so as to give the inference that the barrier is intended to delineate the boundaries of the lands, and also includes a Privacy Screen. Any berm, retaining wall or other man-made structure upon which a Fence is built shall be deemed to be part of the Fence;

“Front Yard” means the part of any Lot that extends across the full width of the Lot and lying between the Street and the nearest wall of any Dwelling or other main Building located on the Lot;

“Gate” means a door or other device supported on substantial hinges and constructed with a Self-Closing Device and a Self-Latching Device on the top of the Swimming Pool side of the Gate that may be opened to gain access to an area enclosed by a Fence;

“Height” means the vertical distance between the grade level adjacent to the Fence and the highest point of the Fence but does not include the Fence posts;

“Hot Tub” means a tub filled with hot aerated water used for recreation or physical therapy, and includes the type of pools commonly referred to as whirlpool, swim spa, jacuzzi, spa, or hydro-massage pool;

“Lot” means any parcel or tract of land described in a deed or other instrument legally capable of conveying land;

“Officer” means any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town, including the Supervisor of By-law Enforcement, Chief Building Official, Building Inspectors, Property Standards Officers, and By-law Enforcement Officers;

“Open Type Construction” means a Fence constructed so that at least one half of the vertical surface area is open space, enabling a clear view through such Fence, including material such as wrought iron or chain link;

“Owner” means the registered owner, owner in trust, a mortgagee in possession, a Person who is managing or receiving the rent of the property, a lessee or a Person who is in control of the property and includes a Person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);

“Person” means an individual, firm or corporation, or any group or association of individuals;

“Privacy Screen” means a visual barrier used to shield any part of a yard from view from any adjacent yard, Lot or Street, but excludes a Building, Fence, or hedge;

“Rear Yard” means the part of any Lot that extends across the full width of the Lot and lying between the rear boundary of the Lot and the nearest wall of any Dwelling or other main Building located on the Lot;

“Self-Closing Device” means a mechanical device or spring that returns a Gate to a closed position within thirty (30) seconds of being opened;

“Self-Latching Device” means a mechanical device or latch that is engaged every time the Gate is secured in a closed position. The Gate can not be re-opened by pushing or pulling, ensuring it remains in a

closed position until unlatched by lifting or turning the device itself, or with a key;

“Side Yard” means the part of any Lot that is not part of the Front Yard or Rear Yard lying between the side Lot line and any Dwelling of other main Building located on the Lot;

“Sight Visibility Triangle” means the triangular space included between the Street lines for a distance of 9.14 metres from the point of intersection or 4.57 metres where an alley intersects another alley or where an alley intersects a Street or where private driveway intersects a Street and or sidewalk;

“Street” means a common and public street, road, highway or commons vested in the municipality, the county, the province or any other public authority having jurisdiction over the same and includes a bridge or any other structure forming part of a Street on, over or across where a Street passes, including a private road or alley;

“Swimming Pool” means any manmade structure that may be used to contain water for the purpose of swimming, wading or bathing purposes, but shall not include a manmade pond, an irrigation lagoon that is used for agricultural purposes, a temporary excavation below the water table, a portable wading pool that is emptied after each use, or a Hot Tub;

“Swimming Pool Fence” means any Fence that encloses, in whole or in part, a Swimming Pool, and includes any Temporary Enclosure and a Gate attached to a Fence;

“Temporary Enclosure” means a device that is intended to temporarily perform the functions of a Fence during the course of construction of a Swimming Pool, and is subject to approval of the Officer;

“Town” means The Corporation of the Town of Kingsville;

“Uniform Appearance” means one or two complimentary colour tones typical for a Fence that are not fluorescent, not graffiti, or create an unusual appearance;

“Waterway” means a natural or manmade channel, body or stream of water; and

“Zone” means an area delineated on a map schedule of the Town’s Comprehensive Zoning By-law, as amended or replaced from time to time, and “Zoned” shall have a corresponding meaning.

Scope

2. This By-law shall apply to all Persons and property within the geographic boundaries of the Town including Occupants and Owners of Property.
3. Notwithstanding Section 2 of this By-law, this By-law shall not apply to any projects, activities or operations undertaken by the Town, the County of Essex, or the Essex Region Conservation Authority, or by any agents or contractors engaged in carrying out projects, activities or operations on behalf of said entities.

General Prohibitions

4. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, any Fence that does not comply with the provisions of this By-law, unless such Fence was erected in compliance with a predecessor of this By-law and has not been moved, altered, or enlarged in any way.

5. No Person shall erect or maintain a sign on a Fence unless it is an Acceptable Sign. An Officer shall have the authority to deem what constitutes an Acceptable Sign.
6. No Person shall erect or maintain a Fence that is not of Uniform Appearance on each side.

Exemptions

7. Notwithstanding the provisions of this By-law, any Fence, except for a Swimming Pool Fence, that is in existence prior to the date of the enactment of this By-law and was, at the time of construction, in compliance with all other applicable by-laws and regulations in force at that time, shall be deemed to comply with this By-law, and may be maintained and repaired, for so long as the Fence continues to be the same Height, length, width, and comprised of the same material.
8. The burden of proof that a Fence was in existence prior to the date of the enactment of this By-law is on the party that owns the land on which the Fence is constructed.
9. Swimming Pool Fences shall comply with the provisions of this By-law, regardless of the time of construction.
10. Notwithstanding the provisions of this By-law, Fences may be exempt in whole or in part from the provisions of this By-law where the Fence:
 - a. is erected with the approval of the Town under an agreement; or
 - b. is subject to the regulation or a requirement of a public body, agency, utility or authority;

Restrictions on Materials

11. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Fence or Swimming Pool Fence:
 - a. which contains or is constructed, in whole or in part, of any hazardous material, chicken wire, barbed wire, other barbed or sharp material or projection, or is an electrified Fence which contains a device for projecting or transmitting an electric current; or
 - b. that is comprised of plastic sheets, tarps, sheet metal or corrugated metal panels, wood pallets, exterior or interior doors, or any other similar material.
12. Notwithstanding Section 11 of this By-law, a Fence comprised of barbed wire and/or an electric Fence may be erected, constructed, or maintained, when explicitly permitted by the provisions of this By-law.

Residential Zones – General Provisions

13. No Person shall erect, construct, maintain, or permit to be erected, constructed, or maintained, on any Lot Zoned residential, a Fence which exceeds a Height of 2.13 metres in any Rear Yard, interior Side Yard, or exterior Side Yard.
14. No Person shall erect, construct, maintain, or permit to be erected, constructed, or maintained on any Lot Zoned residential, a Fence which exceeds a Height of 0.91 metres in any designated Front Yard.
15. Notwithstanding Sections 13 and 14 of this By-law, Fences shall be required to comply with the Sight Visibility Triangle provisions contained in Section 46 of this By-law.

16. Notwithstanding the provisions of this By-law, barbed wire may be used in the construction of a Fence on any Lot Zoned residential if required for the provision of infrastructure for any public utility regardless of location.
17. Notwithstanding Sections 13 and 14 of this By-law:
 - a. archways forming part of an entrance may exceed the Height restrictions to a maximum of 2.44 meters;
 - b. decorative items on structural posts may exceed the prescribed height restrictions to a maximum of 15.2 centimetres; and
 - c. a Fence may be erected and maintained to enclose a tennis court or similar private sports facility, not including a pool, that:
 - i. is not higher than 3.66 metres;
 - ii. constructed of chain link with adequate posts, support wire and bracing of a corrosive resistant or treated material; and
 - iii. is not closer than 1 metre to any Lot line.
18. In a residential Zone which permits semi-detached or townhouse Dwelling units, Privacy Screens are permitted when erected upon a deck or platform in a Rear Yard, provided:
 - a. the maximum Height of the Privacy Screen is 2.13 metres measured from the floor of the deck;
 - b. the maximum projection of a Privacy Screen or Fence from the Building is 3.66 metres;
 - c. the Privacy Screen is set back a minimum of 1 metre from any Lot line; and
 - d. if on a Corner Lot, the Privacy Screen does not extend closer to the Street than the main wall of the Building nearest the Street.

Swimming Pool Fences

19. Every Owner of a Lot on which a Swimming Pool is located shall construct and maintain, or cause to be constructed and maintained, a Swimming Pool Fence which shall prevent access under, over or through the Fence except by way of a Gate.
20. No Person shall erect, construct, cause, or permit to be erected or constructed, a Swimming Pool Fence without a permit from the Chief Building Official. The fee for such permit shall be as prescribed in the Town's Fees and Charges By-law in effect at the time.
21. Every Swimming Pool Fence, or part thereof, shall be constructed of:
 - a. chain link construction, which shall:
 - i. has a mesh with openings not greater than 3.81 centimetres;
 - ii. be constructed of wire not less than 12-gauge galvanized steel or if having a vinyl or other coating, not less than 14-gauge steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12-gauge galvanized steel wire;
 - iii. be supported by galvanized or vinyl coated steel posts and shall be securely embedded and extend into the ground grade;

- iv. have top rails securely fastened to the upright posts, made of galvanized or vinyl coated steel pipe, and have at the bottom a galvanized or vinyl coated steel tension wire fastened securely to the upright posts; or
 - b. vertical board construction, which shall:
 - i. have vertical boards spaced no greater than 10 centimetres apart and be arranged in such a pattern to discourage climbing from the exterior side;
 - ii. be supported by posts and such posts shall not be spaced more than 2.5 metres apart. Such posts shall extend and be securely embedded into the ground below grade; or
 - c. wrought iron construction, which shall:
 - i. be of sufficient strength to provide an effective enclosure;
 - ii. be supported by posts spaced no more than 2.5 metres apart, be securely embedded, and extend into the ground grade;
 - iii. have vertical pickets that are spaced not more than 10 centimetres apart; or
 - d. such other materials and construction that will provide an equivalent or greater degree of safety, as determined by the Officer.
- 22. Sundecks or walkways may be used as part of a Swimming Pool Fence provided that they are constructed so as not to facilitate climbing and are a minimum of 1.22 metres above the immediately adjacent grade level, and if equipped with a Gate, such Gate shall be constructed and maintained in accordance with this By-law.
- 23. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Swimming Pool Fence, unless:
 - a. the Height is at least 1.22 metres and not more than 2.13 metres as measured from the grade level outside and immediately adjacent the Swimming Pool Fence;
 - b. the space between the bottom of the Swimming Pool Fence and grade is no more than 10 centimetres;
 - c. the horizontal or diagonal structural members of the Fence are located on the pool side of the Fence, and all horizontal members shall not facilitate climbing as defined in the Ontario Building Code;
 - d. a Gate is included as part of the Fence, except in the case of a door of any Dwelling or Building which forms part of the enclosure.
- 24. Every Owner of a Lot containing a Swimming Pool shall ensure:
 - a. the Gate providing access through the Swimming Pool Fence is locked whenever the Swimming Pool is not in use;
 - b. no objects are placed at or near the exterior side of the Fence located on the same Lot that might facilitate the climbing of the Swimming Pool Fence; and
 - c. the Swimming Pool is Fenced once filled with water.
- 25. Notwithstanding the provisions of this By-law, a Fence shall not be required for an above-ground pool, if:

- a. the sides are not less than 1.22 metres above grade; and
 - b. the point where a user of the above-ground pool gains access to the pool is protected by a Gate.
26. Every Person that installs or maintains a double gate which forms part of the Swimming Pool Fence shall have one (1) gate which must be fixed and locked in the closed position, while the other Gate must comply with the provisions of this By-law.
27. Every Person that installs or maintains a Gate which is too large for a Self-Closing Device or Self-Latching Device shall ensure that Gate is fixed and locked in a closed position.

Hot Tubs

28. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Hot Tub, unless:
- a. it is an accessory use to a Dwelling;
 - b. it is not within 1.8 metres of any other Building on the same Lot;
 - c. it is not located within a Front Yard or within an easement;
 - d. it is located a minimum of 1 metre from a side or rear Lot line; and
 - e. a secure, locked cover of rigid material is placed over the opening of the Hot Tub to prevent access by unauthorized Persons.

Residential Zones – Along a Waterway

29. On Lots abutting a Waterway, no Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Fence:
- a. that exceeds 0.91 metres in Height in any Front Yard;
 - b. that exceeds 2.13 metres in Height in any Side Yard;
 - c. in any Rear Yard, except:
 - i. when the Fence extends a maximum of 6 metres from the main wall of the Dwelling on the same Lot closest to the water, and has a maximum Height of 2.13 metres;
 - ii. when the Fence extends beyond 6 metres from the main wall of the Dwelling on the same Lot closest to the water, and has a maximum Height of 1.22 metres and is of Open Type Construction; and
 - iii. when the Fence is not located closer than 3 metres to the water's edge.
30. On Lots abutting a Waterway, every Swimming Pool Fence must comply with Sections 13, 14, 15, 16, 19, and 23 of this By-law.
31. Notwithstanding Section 30 of this By-law, on Lots abutting a Waterway, the portion of the Lot open to the Waterway is permitted to be unfenced provided that there is no gap between the Swimming Pool Fence and the said Waterway or a break wall.
32. On Lots abutting a Waterway, a hedge, located in any yard abutting the Waterway, shall be deemed to be a Fence, but shall not be deemed to be a Swimming Pool Fence.

Commercial, Industrial, and Institutional Zones – General Provisions

33. Unless explicitly permitted by a site plan agreement or any other development agreement executed by the Town, a Fence on any Lot Zoned commercial, industrial, or institutional, shall not exceed 2.44 metres in Height.
34. Barbed wire may be placed on the top of a Fence on any Lot Zoned commercial, industrial, or institutional, that does not abut a residential Zone, provided that the Fence is a minimum of 1.83 metres in Height.
35. Notwithstanding Section 34 of this By-law, barbed wire may be used in the construction of a Fence on any Lot Zoned commercial, industrial, or institutional, if required for the provision of infrastructure for any public utility regardless of location, provided the Fence is a minimum of 1.83 metres in Height.

Agricultural Zones – General Provisions

36. Lots in an agricultural Zone containing a residential use with a Lot area of less than 1 hectare and abutting other similar Lots shall comply with Sections 13 to 32 of this By-law.
37. Barbed wire may be used in the construction of a Fence on any Lot Zoned agricultural that does not abut a residential Zone.
38. Notwithstanding Section 37 of this By-law, barbed wire may be used in the construction of a Fence on any Lot Zoned agricultural if required for the provision of infrastructure for any public utility regardless of location.
39. An electrified Fence may be erected, constructed, or maintained on any Lot Zoned agricultural, 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 approximate 30.48 metre intervals, a sign warning that the Fence carries electricity.

Salvage Yard Fencing

40. Notwithstanding the provisions of this By-law, no Person shall establish, operate, maintain, cause, or permit the establishment, operation, or maintenance, of a salvage yard unless the land on which the salvage yard is located is Fenced.
41. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Fence on a Lot used as a salvage yard, except with:
 - a. a consistent Height of not less than 3.05 metres and not greater than 4.6 metres;
 - b. a setback from the Lot line in accordance with the requirements of the Zone in which the salvage yard is located; and
 - c. consistent material and the Fence being fully screened.
42. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Fence on a Lot used as a salvage yard using shipping containers, sea cans, truck bodies, truck trailers, bus bodies, and used building materials, unless erected on a stable support system and painted a single neutral colour.

Height Calculations

43. The Height of a Fence at any given point shall be measured from the grade at the base of the Fence, exclusive of any artificial embankment.
44. Where changes in grade contours along the Fence line result in changes in Height of the Fence, the Height of the Fence is deemed to be the average Height of the portions of the Fence over 2.44 metres.

Grade Difference Between Lots

45. Where grade elevations of adjacent Lots differ, the Height of any boundary Fence shall be measured from the mean grade elevation between the Lots.

Sight Visibility Triangles – Driveways and Corner Lots

46. No Person shall erect, construct, maintain, cause, or permit to be erected, constructed, or maintained, a Fence or hedge in any Zone greater than 1 metre in Height at any point:
 - a. within a 9.14 metre Sight Visibility Triangle, measured along the Lot line at the intersection of any two Streets or at the intersection of two parts of the same Street meeting at an angle of not more than 135 degrees;
 - b. within a 4.57 metre Sight Visibility Triangle measured at the intersection of any driveway and the Lot line of any Street.

Enforcement

47. The provisions of this By-law may be enforced by an Officer.
48. In accordance with Section 436 of the Municipal Act, an Officer may enter on land, and into buildings, at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
49. For the purpose of conducting an inspection pursuant to this By-law, an Officer may:
 - a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things 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. alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
50. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring a Person to discontinue the contravening activity or to do work to correct the contravention.
51. An order made under this By-law shall set out the following:
 - a. reasonable particulars of the contravention adequate to identify the contravention;
 - b. the location of the land on which the contravention occurred;
 - c. the work to be completed; and

- d. the date(s) by which there must be compliance with the order.
- 52. An order under this By-law may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law came into force.
- 53. An order under this By-law may be served personally or by registered mail to the address of any Person on file with the Town or by posting the notice on the land in a conspicuous place.
- 54. Where an order made under this By-law has not been complied with within the time prescribed, an Officer and/or any authorized agent acting on behalf of the Town may enter onto the property at any reasonable time and carry out the work described in the order.
- 55. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Recovery of Costs

- 56. Where the Town has carried out the work pursuant this By-law, the expenses incurred by the Town in completing the work, in addition to any other remedy, may be added to the tax roll for the property and collected in the same manner as municipal taxes, including any fee prescribed in the Town's Fees and Charges By-law in effect at the time.

Penalty

- 57. Every Person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, exclusive of costs.
- 58. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence and is liable to a fine, and such other penalties, in accordance with the *Municipal Act*, as amended.
- 59. If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any other 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.

Interpretation

- 60. This By-law shall be known as the "Fence By-law".
- 61. If any section, subsection, schedule, appendix or part, or parts of this By-law are declared by any Court of Law to be invalid, illegal or ultra vires, such section, subsection, schedule, appendix or part, or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.
- 62. If there is a conflict between the provisions of this By-law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

63. Headings are inserted for ease of reference only, form no part of this By-law, and shall have not affect in any way the meaning or interpretation of the provisions of this By-law.

Non-Application of the Line Fences Act

64. Upon the coming into force of this By-law, the *Line Fences Act* shall not apply to any part of the Town, with the exception of Section 20 of the *Line Fences Act* as it relates to former railway lands.

Repeal

65. By-law 127-2017 and all amendments thereto are hereby repealed upon the coming into force of this By-law.

Enactment

66. That this By-Law comes into force and takes effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 3rd day of November, 2025.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
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TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

December 12, 2025

Town of Kingsville

Greetings,

Re: Set Fines - Provincial Offences Act – Part 1 By-law 63-2025, Fence By-Law

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to your local Provincial Offences Court together with a certified copy of the Bylaw.

Yours truly,

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice
Encl.

/tz

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **By-law 63-2025 of the Town of Kingsville** attached hereto are the set fines for those offences. This Order is to take effect December 12, 2025.

Dated at London this 12th day of December 2025.

A handwritten signature in black ink that reads "Ted Graham". The signature is written in a cursive, flowing style.

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice

Town of Kingsville
Part I Provincial Offences Act
By-law 63-2025: Fence By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Fence is not in compliance with requirements	s. 4	\$500.00
2	Sign on a Fence is not an Acceptable Sign	s. 5	\$500.00
3	Fence is not of Uniform Appearance	s. 6	\$500.00
4	Prohibited materials used in Fence without authorization	s. 11	\$500.00
5	Fence exceeds height in Residential Zoned area	s. 13	\$500.00
6	Fence exceeds height in Residential Zoned Front Yard	s. 14	\$500.00
7	Fail to maintain sight visibility	s. 15	\$500.00
8	Archway exceeds maximum height	s. 17 a)	\$500.00
9	Decorative items exceed maximum height	s. 17 b)	\$500.00
10	Private sports facility Fence exceeds maximum height	s. 17 c) i)	\$500.00
11	Fail to use adequate materials in private sports facility Fence	s. 17 c) ii)	\$500.00
12	Fail to maintain proximity of Fence for private sports facility to Lot line	s. 17 c) iii)	\$500.00
13	Exceed height of Privacy Screen	s. 18 a)	\$500.00
14	Exceed projection of Privacy Screen or Fence	s. 18 b)	\$500.00
15	Exceed setback of Privacy Screen from Lot line	s. 18 c)	\$500.00
16	On Corner Lots, Privacy Screen extends closer to Street than main wall	s. 18 d)	\$500.00
17	Fail to maintain Swimming Pool Fence	s. 19	\$1,000.00
18	Permit access through Swimming Pool Fence	s. 19	\$1,000.00
19	Construct Swimming Pool Fence without a permit	s. 20	\$1,000.00
20	Swimming Pool Fence does not meet material requirements	s. 21	\$1,000.00
21	Minimum Swimming Pool Fence height not met	s. 23 a)	\$1,000.00
22	Maximum Swimming Pool Fence height not met	s. 23 a)	\$1,000.00
23	Spacing at bottom of Swimming Pool Fence not met	s. 23 b)	\$1,000.00
24	Fail to prevent climbing of Swimming Pool Fence	s. 23 c)	\$1,000.00
25	Fail to include Gate as part of Swimming Pool Fence	s. 23 d)	\$1,000.00
26	Fail to secure Swimming Pool Fence	s. 24 a)	\$1,000.00

Town of Kingsville
Part I Provincial Offences Act
By-law 63-2025: Fence By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
27	Fail to remove items that facilitate climbing of Swimming Pool Fence	s. 24 b)	\$1,000.00
28	Fail to Fence Swimming Pool once filled with water	s. 24 c)	\$1,000.00
29	Fail to fix one gate in closed position, if double gate installed	s. 26	\$500.00
30	Fail to fix Gate closed if too large for specifications	s. 27	\$500.00
31	Hot Tub not an accessory use to a Dwelling	s. 28 a)	\$500.00
32	Hot Tub exceeds setback from other buildings	s. 28 b)	\$500.00
33	Hot Tob is located within (Front Yard)(easement)	s. 28 c)	\$500.00
34	Hot Tub exceeds setback from Lot line	s. 28 d)	\$500.00
35	Fail to secure Hot Tub with cover	s. 28 e)	\$1,000.00
36	Fence exceeds height in Front Yard on Lots abutting a Waterway	s. 29 a)	\$500.00
37	Fence exceeds height in Side Yard on Lots abutting a Waterway	s. 29 b)	\$500.00
38	Fence does not meet Rear Yard specifications on Lots abutting a Waterway	s. 29 c)	\$500.00
39	Fence exceeds height in (Commercial) (Industrial)(Institutional) Zoned Area	s. 33	\$500.00
40	Erect barbed wire Fence in Residential Area	s. 34	\$500.00
41	Fail to meet minimum height for barbed wire	s. 34	\$500.00
42	Exceed maximum voltage on electrified Fence	s. 39 a)	\$500.00
43	Permitted use of electrified Fence other than containing animals	s. 39 b)	\$500.00
44	Fail to install warning signs of electrified Fence	s. 39 c)	\$500.00
45	Fail to erect Fence on salvage yard	s. 40	\$500.00
46	Fail to maintain sight visibility at intersection	s. 46 a)	\$500.00
47	Fail to maintain sight visibility at driveway	s. 46 b)	\$500.00
48	(Prevent)(hinder)(obstruct) Officer from (exercising a power) (performing a duty) under this By-law	s. 55	\$1,000.00

NOTE: The penalty provision for the offences indicated above is Section 57 of By-law No. 63-2025, a certified copy of which has been filed.