



## THE CORPORATION OF THE CITY OF MISSISSAUGA

### The Fence By-law 0397-1978

(Amended by By-laws 0318-1979, 0499-1981, 0349-1983, 0438-1983, 0177-1984, 1250-1986, 1298-1986, 0755-1987, 0062-1992, 0303-2000, 0236-2001, 0162-2003, 0004-2006, 0298-2008, 0188-2023, 0090-2025, 0020-2026)

THE Council of the Corporation of the City of Mississauga ENACTS as follows:

#### **TITLE**

1. This By-law may be referred to as "The Fence By-law"

#### **DEFINITIONS**

2. In this By-law,

**"abuts"** or **"abutting"** means, with regards to an area of land or a building, to be next to or to have a common boundary with; (0090-2025)

**"Administrative Penalty"** means a monetary penalty as set out in the City's Licensing Administrative Penalty By-law 0135-2014, as amended (or successor) for a contravention of a designated by-law; (0020-2026)

**"City"** means The Corporation of the City of Mississauga; (0020-2026)

**"Commissioner"** means the Commissioner appointed by Council with administrative responsibility for the City of Mississauga's Enforcement Division and includes their designate; (0755-1987, 0004-2006, 0188-2023)

**"corner lot"** means a lot situated at the intersection of two or more streets or private roads, or any combination thereof, having an angle of intersection of not more than one hundred and thirty-five degrees (135°); (0090-2025)

**"Council"** means the Council for the Corporation of the City of Mississauga;

**"effective ground level"** means the mean level of the ground within a radius of 1.25 metres of the ground location being considered; (0090-2025)

**"electrical fence"** means a fence through which electricity passes;

**"erect"** means build, construct, plant, reconstruct, alter and/or relocate and any work preparatory to erection, and **"erection"** has a corresponding meaning; (0090-2025)

**"fence"** includes a railing, wall, hedge, line of posts, shrubs, trees, wire, gate, boards, pickets, golf ball containment netting, or other similar substances, used to enclose or divide in whole or in part a yard or other land, to establish a property boundary, or to

provide privacy or safety; (0236-2001, 0020-2026)

**“golf ball containment netting”** means a high-impact, weather-resistant mesh barrier made of polyethylene, nylon, polyester, or of similar material, knotted or knotless, with a maximum mesh size of 2.54 centimetres, and designed to contain errant golf balls within a designated property, preventing them from causing damage or leaving the intended area and manufactured to a specification that prevents golf balls from passing through; (0020-2026)

**“golf course”** means any golf course operating in the geographic area of the City of Mississauga, and includes a driving range; (0020-2026)

**“hazardous material”** includes, but is not limited to, the following materials: razor wire, razor ribbon, barbed wire, chicken wire, sheet metal, corrugated metal or any other sharp projections attached to a fence, or electrical fences carrying a voltage capable of causing physical injury to humans; (0004-2006, 0090-2025)

**“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.

**“land”** includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water;

**“Licensing Administrative Penalty By-law”** means the City’s Licensing Administrative Penalty By-law 0135-2014, as amended (or successor); (0020-2026)

**“lot”** means an area of land registered at the Land Registry Office as not more than one parcel of land; (0090-2025)

**“Officer”** means a municipal by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing the City’s by-laws, and also includes a police officer employed by the Peel Regional Police or the Ontario Provincial Police; (0020-2026)

**“open construction”** means a fence or privacy screen constructed so that at least one third of the vertical surface area is open space, enabling motorists and pedestrians to have a clear view; (0090-2025)

**“owner”** means a person who is the registered owner of the property, or their agent; (0090-2025)

**“Penalty Notice”** means a penalty notice given to a Person pursuant to the Licensing Administrative Penalty By-law; (0020-2026)

**“person”** means an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization; (0090-2025)

**“privacy screen”** means a visual barrier used to shield any part of a yard from view from any adjacent parcel or highway;

**“professional golf ball trajectory study”** means an assessment completed by a

qualified professional such as, but not limited to, an engineer or sports scientist and includes an analysis of ball flight patterns, potential impact zones and recommended mitigation measures; (0020-2026)

**"property line"** or **"street line"** means the boundary between a highway and private land which separates private land from an abutting highway; (0090-2025)

**"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 6 metres measured along each street line from the point of intersection of the street lines, or (0090-2025)
- (b) such other sight triangle set out:
  - (i) in the relevant sections of the City of Mississauga Zoning By-laws, as amended, or
  - (ii) in a site plan agreement, for a particular lot.

**"street line"** (deleted by By-law 0090-2025)

**"yard"** means any open, uncovered unoccupied space appurtenant to a building, and (0090-2025)

- (a) **"exterior side yard"** means the side yard of a corner lot that extends from the front yard to the rear yard between the side street line and the nearest part of any building or structure on the corner lot. (0090-2025)
- (b) **"front yard"** means a yard extending across the full width of a lot between the front lot line and the nearest part of any building or structure on the lot. (0090-2025)
- (c) **"interior side yard"** means a yard, other than an exterior side yard, extending from the front yard to the rear yard between the interior side lot line and the nearest part of any building or structure on the lot. (0090-2025)
- (d) **"rear yard"** means a yard extending across the full width of a lot between the rear lot line and the nearest part of any building or structure on the lot. (0090-2025)
- (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. (0090-2025)

## **APPLICATION OF BY-LAW**

- 3. (1) This By-law applies to all fences and privacy screens erected in the City of Mississauga on and after the date of enactment and passage of this by-law, and except as provided in sub-section 2 of this section, applies to all fences in the City of Mississauga whenever erected.

- (2) Sections 5, 6, 7 and 8 of this By-law do not apply to a fence or privacy screen which on the date of enactment and passage of this by-law was already erected and in place.
- (3) In the event of any conflict between the provisions of this by-law and any provisions of City of Mississauga Swimming Pool Enclosure By-law 0191-2011, as amended or replaced from time to time, relating to fencing, or any conflict with any of the provisions of the City of Mississauga zoning by-laws relating to fencing, the provisions of those by-laws shall prevail over the provisions of this by-law. (0090-2025)
- (4) The provisions of Sections 5, 6, 7 & 8 of this by-law do not apply to fencing or privacy screen provisions contained in site plans or site plan agreements approved or executed by the City of Mississauga under The Planning Act.

## **AUTHORITY**

- 4. The Commissioner shall be responsible for the administration and enforcement of this By-law. (0755-1987, 0004-2006)

## **GENERAL FENCE PROVISIONS**

- 5. (1) No person shall in any yard on any land used for residential or commercial purposes erect or cause to be erected a fence that reaches a height that is higher than two (2) metres above effective ground level. (0236-2001, 0090-2025)
- (2) The provisions of sub-section (1) 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.
- (3) The provisions of subsection 1 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. (0318-1979)
- (4) The provisions of subsection (1) do not apply to a person who erects or causes to be erected a fence which is an acoustical barrier which approval, under an Engineering or similar Agreement. (1250-1986, 0090-2025)
- (5) The provisions of subsection 5(1) do not apply to a person who erects or causes to be erected golf ball containment netting or a fence of chain link construction at a golf course for the purpose of absorbing the impact of golf balls and preventing golf balls from leaving the originating property. (0020-2026)
- 5(1.1) Notwithstanding subsection 5(1), there shall be no maximum height for hedges, shrubs and trees, except in the circumstances mentioned in Sections 6 and 8. (0090-2025)
- 6. (1) Deleted by By-law 0090-2025. (0349-1983)
- (2) Notwithstanding the provisions of section 5, no person shall erect, cause to be erected, or, in the case of trees, hedges or shrubs, maintain or allow a fence to grow: (0349-1983, 0236-2001)

- (a) higher than 1 metre above effective ground level if the fence is of solid type construction or; (0090-2025)
- (b) higher than 1.5 metres above effective ground level if the fence is of open type construction; (0090-2025)

within 4.5 metres of the nearest streetline, in a front yard on any land used for residential or commercial purposes. (0090-2025)

- (3) Subsection 2 does not apply to the erection of an ornamental gateway or entranceway or similar structure. (0349-1983)
- (4) Where a rear yard of one property abuts the front yard of an adjoining property, the fence must be a fence of open construction if it is erected within 4.5 metres of a driveway on an adjoining lot. (0349-1983, 0090-2025)

### **PRIVACY SCREEN**

7. (1) Except as provided in subsection (2) of this section, no person shall erect, or cause to be erected, a privacy screen on any land lawfully used for residential or commercial purposes.
- (2) A privacy screen may be erected in a side yard or rear yard, if:
  - (a) it is more than 4.5 metres from the street line; (0090-2025)
  - (b) it is more than 1.25 metres from any side lot line, provided, however, that where the privacy screen is located so as to provide a visual barrier between dwelling units divided by a common wall, such screen may be placed closer to any side lot line, and; (0090-2025)
  - (c) it is more than 1.25 metres from the rear lot line, (0090-2025)
  - (d) the privacy screen is not more than 12 metres in total length, and no single individual length is longer than 9 metres. (0090-2025)
  - (e) the privacy screen is not more than 3 metres above effective ground level. (0090-2025)

### **FENCES OR PRIVACY SCREENS WITHIN SIGHT TRIANGLES**

8. No person shall erect, cause to be erected, or, in the case of trees, hedges or shrubs, maintain or allow a fence or privacy screen to grow to a height that is higher than 1 metre above effective ground level within a sight triangle unless such fence or privacy screen is of open construction and does not obstruct the visibility of motorists and pedestrians. (0349-1983, 0236-2001, 0090-2025)

### **FENCES ALONG HIGHWAYS AND ON OTHER PUBLIC LANDS**

9. No person shall erect, or cause to be erected, any fence or privacy screen on any lands owned by the City of Mississauga or on any highway or road allowance, opened or unopened, or on any City right-of-way, or City easement, without first having received the written authorization of Council.

10. Repealed by By-law 0162-2003

### **FENCES WITH BARBED WIRE OR OTHER HAZARDOUS MATERIAL**

11. (1) No person shall erect or cause to be erected along any highway adjacent to any residential land or on any land used for residential purposes, a fence which contains, or is constructed of any hazardous material.

(2) Deleted by By-law 0090-2025.

### **ELECTRICAL FENCES**

12. (1) Except as provided in subsection 2 of this section, 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 15.25 metres intervals, a sign warning that the fence carries electricity. (0090-2025)

### **GOLF BALL CONTAINMENT (0020-2026)**

12.1 Every owner of property that is used as a golf course shall, at any and all location(s) on the property where there is a safety risk to neighbouring properties from errant golf balls, erect or cause to be erected golf ball containment netting or a fence of chain link construction for the purpose of absorbing the impact of golf balls and preventing golf balls from leaving the originating property. (0020-2026)

12.2 For the purposes of Section 12.1, a safety risk shall be deemed to be present if a golf course is located adjacent to homes, schools, parks, roads, or other public spaces where errant golf balls may pose a hazard and one (1) or more of the following criteria are identified upon inspection by an Officer: (0020-2026)

- (a) there is a documented history of golf balls causing property damage, personal injury, or entering neighbouring properties; (0020-2026)
- (b) a professional golf ball trajectory study indicates a likelihood of stray shots travelling beyond the golf course property boundary; (0020-2026)
- (c) trees, berms, or other natural features that previously mitigated risk have been removed or altered, increasing exposure. (0020-2026)

### **EXEMPTIONS (0004-2006)**

13. (1) Any Owner may apply for an exemption from the provisions of this by-law. (0090-2025)

(2) Every application for an exemption shall be in writing and shall contain the following supporting documentation:

- (a) a property survey;
- (b) a site plan;
- (c) specifications pertaining to the description of the fence;
- (d) specifications pertaining to the construction and installation of the fence; (0298-2008)
- (e) proof of circulation of a notice of intention to apply for any exemption to this by-law, in the form of a flyer as prescribed by the City, to all abutting neighbours to the subject property, containing the information required by subsections 13(2)(c) and (d) and subsections 13(3)(a) through (d) except that the telephone number of the applicant is not required to be included; (0298-2008, 0090-2025)
- (f) the application fee. (0298-2008)
- (g) at least two (2) photographs of the subject property showing the existing and/or proposed fence location(s) and surrounding elements; (0090-2025)
- (h) any other documentation deemed necessary by the Commissioner to evaluate the application for an exemption. (0090-2025)

(3) An application for an exemption shall include:

- (a) the name, address and telephone number of the applicant;
- (b) reference to the section of the by-law from which the exemption is being sought.
- (c) a statement whether the proposed fence or privacy screen will be temporary or permanent; and
- (d) reasons why the exemption is being sought.

(4) An application for an exemption, completed in accordance with section 13(2) and 13(3), shall be delivered to the Commissioner. (0298-2008)

(5) The Commissioner may grant an exemption in whole or in part, with terms and conditions, subject to the provisions of this By-law. (0298-2008)

(6) In considering the completed application for an exemption, the Commissioner shall take into account the following: (0298-2008)

- (a) any special circumstances or conditions applying to the fence or privacy screen referred to in the application;
- (b) whether strict application of the provisions of this by-law would result in practical difficulties or unnecessary hardship to the applicant;
- (c) whether the fence or privacy screen may affect surrounding sight lines

and create, or potentially create, a hazardous condition for persons or vehicles; and

- (d) whether the affected Ward Councillor is in agreement with granting the exemption or any conditions that may be attached.
- (e) any correspondence received regarding the application as a result of the distribution of the notice referred to in subsection 13(2)(e). (0090-2025)

(7) Deleted by By-law 0090-2025. (0298-2008)

13.1(1) After a decision is made by the Commissioner, written notice of that decision shall be given to the Owner advising the Owner of the Commissioner's decision with respect to the application for an exemption. (0090-2025)

13.1(2) The written notice to be given under subsection 13.1(1), shall set out the grounds for the decision and give reasonable particulars of the grounds. (0090-2025)

13.1(3) Section 13 (Exemptions) does not apply to an owner of a golf course with respect to golf ball containment. (0020-2026)

## **GENERAL**

14. In this by-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

## **INSPECTIONS AND ORDERS** (0020-2026)

14.1(1) An Officer may enter upon land at any reasonable time in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, for the purpose of carrying out an inspection to determine whether or not this By-law or any orders issued pursuant to this By-law are being complied with. (0020-2026)

14.1(2) For the purposes 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; (0020-2026)
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; (0020-2026)
- (c) require information from any person concerning a matter related to the inspection; and (0020-2026)
- (d) 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. (0020-2026)

14.1(3) A receipt shall be provided for any document or thing removed under subsection 14.1(2)(b) and the document or thing shall be promptly returned after the copies or extracts are made. (0020-2026)

14.1(4) No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law. (0020-2026)

14.1(5) An Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention. (0020-2026)

14.1(6) An order made pursuant to subsection 14.1(5) shall include: (0020-2026)

- (a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; (0020-2026)
- (b) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done; and (0020-2026)
- (c) direct that if the thing or matter that is required to be done is not completed by the time set out in the order, the matter or thing will be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. (0020-2026)

14.1(7) For the purposes of subsection 12.2(b), an Officer may order the owner of a property that is used as a golf course to supply, at the owner's expense, a professional golf ball trajectory study, as specified in the order. (0020-2026)

14.1(8) No person shall fail to comply with an order made pursuant to subsection 14.1(5). (0020-2026)

14.1(9) Any order required to be given to or served upon a person pursuant to this By-law may be served: (0020-2026)

- (a) personally; (0020-2026)
- (b) by email to the last known email address on record; or (0020-2026)
- (c) by registered mail to the last known mailing address on record, which service shall be deemed to be five (5) days after mailing. (0020-2026)

14.1 (10) If the City is unable to effect service under subsection 14.1(9) or the delay necessary to serve an order would result in an immediate danger to the health or safety of any person, the order may be placed in a conspicuous place upon the property and shall be deemed to be sufficiently given to or served upon the person to whom the order is directed. (0020-2026)

## **PENALTY**

15. (1) Every person who contravenes any provision of this By-law, when given a Penalty Notice, is liable to pay to the City an Administrative Penalty in the amount specified in the Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the Licensing Administrative Penalty By-law. If a person is required to pay an Administrative

Penalty, the person shall not be charged with an offence in respect of the same contravention. (0499-1981, 0062-1992, 0090-2025, 0020-2026)

- (2) Notwithstanding subsection 15(1), every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as both may be amended from time to time. (0090-2025, 0020-2026)
- (3) In addition to subsections 15(1) and 15(2), any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, to a minimum fine of \$500 and a maximum fine not exceeding \$100,000. (0020-2026)

## **SEVERABILITY**

- 16. 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.

## **BY-LAWS REPEALED**

- 17. (1) By-law Number 73-50, and any other by-law, or those parts of any other by-law, except any City of Mississauga Zoning by-laws, with respect to fencing, enacted and passed by Council of the Corporation of the former Town of Streetsville, be and the same are hereby repealed.
- (2) Any by-law, or those parts of any by-law, except any City of Mississauga Zoning By-laws, with respect to fencing, enacted and passed by the Council of the Corporation of the former Town of Mississauga, or the Corporation of the former Township of Toronto, be and the same is hereby repealed.
- (3) Any By-law, or those parts of any By-law, except any City of Mississauga Zoning By-laws, with respect to fencing, enacted and passed by the Council of the Corporation of the former Village or Town of Port Credit, including Section 8 under The General Regulations of By-law No. 577, enacted and passed on the 19th day of May, 1947, by the Council of the Corporation of the former Village of Port Credit, be and the same is hereby repealed.
- (4) Any By-law, or those parts of any By-law, except any City of Mississauga Zoning By-laws, with respect to fencing, enacted and passed by the Council of the Corporation of the Town of Oakville which applies to that part of the Town of Oakville annexed to the City of Mississauga pursuant to The Regional Municipality of Peel Act, 1973, S.O. 1973, c. 60, as amended, be and the same is hereby repealed.
- (5) Any By-law, or those parts of any By-law, except any City of Mississauga Zoning By-laws, with respect to fencing, enacted and passed by the Council of the Corporation of the City of Brampton, which applies to that part of the City of Brampton annexed to the City of Mississauga pursuant to The Regional Municipality of Peel Act, 1973, S.O. 1973, c. 60, as amended, be and the same is hereby repealed.

ENACTED and PASSED this 26<sup>th</sup> day of June, 1978.  
Signed by R. A. Searle, Mayor and Terence L. Julian, Clerk