



Fence By-Law

Pursuant to the authority conferred by Section 8 of the Towns and Local Service Districts Act, (SNL 2023 T-6.2), the Town of Grand Falls-Windsor has made the following Fence By-Law.

1. This By-Law may be cited as the Town of Grand Falls-Windsor Fence By-Law.
2. Interpretations: In this By-Law unless the context otherwise requires:
 - a) “Act” means the Towns and Local Service Districts Act, (SNL 2023, T-6.2).
 - b) “Council” means the Town Council of the Town of Grand Falls-Windsor.
 - c) “Director” means the Director of Public Works and Development, or their designate.
 - d) “Fence” is a constructed barrier that divides and separates property, and which may provide privacy, security and protection .
 - e) “Lot” means any plot, tract or parcel of Land which can be considered as a unit of land for a particular land use or Building.
 - f) “Residential Zone” means any land use zone designated for residential or multi-unit residential purposes under the Town’s Development Regulations.
 - g) “Non-Residential Zone” means any land use zone that is not classified as a residential zone under the Town’s Development Regulations.
 - h) “Owner” means a person or an organization of persons owning or having the legal right to use the land under consideration;
 - i) “Public Authority” means any government body, agency, or utility having jurisdiction over lands or infrastructure.
 - j) “Playground” means any publicly accessible area designed or designated for recreational use, including parks, playfields, and school grounds.
 - k) “Maintain” or “Maintenance” means to keep a fence in a safe, structurally sound, and aesthetically acceptable condition, including but not limited to ensuring it is complete, stable, free of damage, and not hazardous.

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- l) “Municipal Enforcement Officer (MEO)” means a person appointed or designated by Council to enforce municipal by-laws.
 - m) “Inspector” means a person appointed or designated by Council to carry out inspections and enforce provisions of this By-Law.
 - n) “Violation Notice” means a notice issued by the Town requiring payment of a prescribed penalty for a contravention of this By-Law.
- 3. No fence shall be permitted to be erected that obscures a clear view of street intersections, pedestrian pathways, driveways or other points of access or egress of vehicles or pedestrian traffic.
 - 4. Appropriate zoning will determine location of fencing.
 - 5. A fence may only be constructed of wood, masonry materials (excluding poured concrete), metal, pre-cast manufactured perforated or decorated concrete blocks or panels, and any combination thereof.
 - 6. Fencing in Residential Zone

Fencing in residential and multi-unit residential zones shall comply with the Town’s Development Regulations with respect to location. No fence shall exceed a height of 1.8 m unless otherwise approved by the Director of Public Works and Development, in which case the height shall not exceed 2.44m.

Notwithstanding the above, no fence located between the front wall of the main building and the front property line shall exceed a height of 1.0 m. Where a lot abuts two streets, no fence located within 6.0 m of the intersection of an exterior side lot line and a front lot line shall exceed a height of 1.0 m in order to maintain adequate sightlines.

Where a fence is erected within a required front yard or a side yard abutting a flanking street, it shall be constructed as a visually permeable fence using picket, rail, metal, or other approved materials. A fence shall be considered visually permeable where openings between vertical elements meet the following minimum spacing requirements:

- 32 mm spacing for 89 mm wide palings; or
- 44 mm spacing for 140 mm wide palings.

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The installation of electrical, barbed, or razor fencing is prohibited in all residential and multi-unit residential zones.

7. Maintenance

Every person who owns a fence shall maintain such fence in a good state of repair. A good state of repair shall mean:

- a) The fence is complete and in a structurally sound condition, plumb and securely anchored.
- b) Protected by weather resistant materials.
- c) Fence components are not broken, rusted, rotten or in a hazardous condition.
- d) The fence does not present an unsightly appearance to abutting properties or the neighborhood.

8. In all zones other than residential zones, the maximum height of a fence shall be 2.0m, except:

- where provided for elsewhere within the Development Regulations.
- Open mesh or chain link type fences erected on a cemetery, public playground, park, playfield, elementary or high school area, industrial storage yards and utility yards. In these instances, fences may be erected to a maximum of 3m.

9. Retaining Wall

- To prevent erosion and damage to adjacent properties, a retaining wall is required for common boundaries with slopes greater than 1:1.
- Retaining walls are the responsibility of the property owner whose property is at the higher elevation, as they are required to support their land relative to the adjacent lower property.
- Council may require an engineering-stamped drawing to be submitted to the Town's Public Works and Development Department for approval.

10. Where, in the opinion of Council, a fence creates a safety hazard or obstruction due to its location, height or construction materials, the Town may issue an order to the

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property owner stating that the fence or portions thereof be removed, reconstructed or repaired within specified time, in order to correct the safety hazard or obstruction and the cost to remove, reconstruct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not comply within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

11. Enforcement

A member of the RCMP, a Grand Falls-Windsor Municipal Enforcement Officer (MEO), a Grand Falls-Windsor Inspector, or any person designated by Council may enforce this By-Law.

12. Offence

- (1) A person who contravenes a provision of these By-Laws or who neglects or refuses to comply with a provision of these By-Laws commits an offence contrary to section 289(1)(f) of the Towns and Local Service Districts Act.
- (2) Each day upon which the same offence is committed or continued is a separate offence in accordance with section 289(3) of the Towns and Local Service Districts Act.
- (3) Every person who commits an offence under these By-Laws may:
 - (a) be subject to an Order pursuant to section 285(1) of the Towns and Local Service Districts Act;
 - (b) be issued a Violation Notice pursuant to section 287 of the Towns and Local Service Districts Act; or
 - (c) where the Town Council has not issued a violation notice, or where a violation notice has been issued but not complied with, be charged by way of summons, including a summons issued by means of a ticket under the Provincial Offences Act, pursuant to section 288 of the Towns and Local Service Districts Act.



13. Violation Notice

- (1) Where a person contravenes a provision of these By-Laws, the Town Council may issue a Violation Notice in accordance with section 287 of the Towns and Local Service Districts Act.
- (2) Where the Council issues a Violation Notice to a person in respect of a contravention of these By-Laws, that person may make a voluntary out of court payment to the Council.
- (3) Where the person makes a voluntary payment to the Council under 14(2) the amount of the voluntary payment shall be:
 - i. \$50.00 if the person makes a voluntary payment to the Council no later than seven (7) days from the date of issuance of a Violation Notice; or
 - ii. \$75.00 if the person makes the voluntary payment after the expiration of the time period in subsection (i), but not later than (14) days from the date of issuance of the Violation Notice.
- (4) Where the person makes a voluntary payment to the Council under 14(2), no further action will be taken by the Council in respect to the contravention.
- (5) Where the Council issues a Violation Notice to a person, and that person fails to make a voluntary payment pursuant to section 14(2), the Council shall issue a summons with respect to the contravention noted in the Violation Notice.
- (6) The Council may charge the person referred to in 14(5) by way of summons, including a summons that is issued by means of a ticket under the Provincial *Offences Act*, pursuant to section 288 of the Towns and Local Service District Act.
- (7) Where a person has received a Violation Notice is convicted of an offence with respect to the same subject matter for which the Violation Notice was issued, the penalty for that offence shall be \$100.

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14. Penalty

Pursuant to Section 290 of the Act, any person who violates any provision of these By-Laws shall be guilty of an offence and be liable on summary conviction;

- a) for a first offence, to a fine of not less than \$100 and not more than \$1,000 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
- b) for a subsequent offence to a fine of not less than \$1,000 and not more than \$2,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.



Darren Finn
CAO

Approved by Council at Meeting
on May 26, 2026.

Revision Dates

Oct 1, 2019	Oct 13, 2020	May 26, 2026		

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