

Authority: Planning and Transportation Committee Report No. 9, Clause No. 7, adopted as amended,
by the City of Toronto Council on October 3, 4 and 5, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 721-2000

To require fencing of construction and demolition sites.

WHEREAS under clauses 7(i) and (j) of the Building Code Act, 1992, a municipality may pass by-laws requiring a person to whom a construction or demolition permit is issued to erect and maintain fences to enclose the construction or demolition site and prescribing the height and description of the fences;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Definition

In this by-law, “residential site” means a construction or demolition site for a building that is used only for residential purposes and that is not more than three storeys in building height and not more than one level below grade.

2. Fence required

(1) Unless granted an exemption under subsection (2), a person issued a construction or demolition permit under the Building Code Act, 1992 for any work in the City of Toronto shall erect and maintain a fence to enclose the construction or demolition site including any areas where equipment is operated or equipment or material is stored.

(2) The Chief Building Official is authorized to grant an exemption from the requirement in subsection (1) to erect a fence if the Chief Building Official is satisfied that conditions at a site would not present a particular hazard to the public after having regard for:

- (a) the proximity of the site to occupied dwellings;
- (b) the proximity of the site to places frequented by the public, including streets, parks, businesses and workplaces;
- (c) the effectiveness of any existing fencing adjacent to the site;
- (d) the feasibility and effectiveness of fencing the site;
- (e) any proposed security measures to deter entry to the site;
- (f) the hazard presented by the activity occurring and materials used on the site;
- (g) the expected duration of the hazard; and

(h) any other safety considerations.

(3) Where work on a construction or demolition site is substantially suspended or abandoned, the Chief Building Official may revoke an exemption granted under subsection (2) by serving written notice of the revocation on the permit holder.

3. General requirements

Every fence required by this by-law shall:

- (a) be erected at the perimeter of the site to fully enclose the site;
- (b) be built to deter entry by unauthorized persons or vehicles;
- (c) have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
- (d) contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the fence except where required for access to and from the site;
- (e) at any access opening, be equipped with gates that shall,
 - (i) contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
 - (ii) be built to specifications that provide performance and safety at least equivalent to the fence; and
 - (iii) deter entry by unauthorized persons;
- (f) be maintained,
 - (i) in good repair with no gaps larger than 100 millimetres below the fencing;
 - (ii) free from health, fire and accident hazards; and
 - (iii) so that any access opening is closed and locked or securely reinstalled when the site is unattended; and
- (g) be removed not later than thirty days after completion of the construction or demolition work.

4. Fence height

A fence required by section 2 shall,

- (a) if erected on a residential site between an excavation on the site and a public sidewalk or lane that is within 3.0 metres of the excavation, have a height not less than 1.8 metres above the grade outside the enclosed area;
- (b) if erected on any other residential site, have a height not less than 1.2 metres above the grade outside the enclosed area; and
- (c) if erected on any other construction or demolition site, have a height not less than 1.8 metres above the grade outside the enclosed area.

5. Fence construction standards

A fence required by section 2 shall be built to the following minimum standards:

- (a) If erected between an excavation and a public sidewalk or lane that is within 3.0 metres of the excavation, the fence shall be built of wood.
- (b) If built of wood, the outside face shall be smooth exterior grade plywood or wafer board 12.5 millimetres thick that is close-boarded, securely nailed or screwed to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 metre centres and embedded sufficiently deep into the ground to provide a rigid support, and securely nailed or screwed to 39 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top, bottom and intermediate locations at 600 millimetre centres.
- (c) If built with plastic mesh, the fencing shall be fastened securely at 200 millimetre centres to steel T or 50 millimetre wide U posts, spaced at not more than 1.2 metre centres and embedded at least 600 millimetres into the ground, with the top and bottom of the plastic mesh secured horizontally by an 11 gauge lacing cable threaded through the mesh and looped and fastened to each post.
- (d) If built with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4 metre centres and embedded at least 600 millimetres into the ground, and to top and bottom horizontal steel rails or 9 gauge steel wire.
- (e) Any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence.

- (f) The fence may be a combination of the fence types specified in this by-law or may be built of other materials if the fence can be shown to provide performance and safety equivalent to fence types specified and the Chief Building Official authorizes its use.

6. Conflict

Where this by-law conflicts with any other by-law, the more restrictive by-law applies.

7. Repeal, transition

- (1) The following are repealed:

- (a) Municipal Code Chapter 113, Construction Site Fencing, of the former City of Etobicoke; and
- (b) By-law No. 31856 of the former City of North York.

(2) If erected before the day this by-law comes into force, the following fences are deemed to comply with section 2 of this by-law:

- (a) any fence in the former City of Etobicoke erected and maintained in compliance with Municipal Code Chapter 113, Construction Site Fencing, of the former City of Etobicoke; and
- (b) any fence in the former City of North York erected and maintained in compliance with By-law No. 31856 of the former City of North York.

(3) If erected before April 23, 1998, any fence in the former City of Toronto erected and maintained in compliance with former City of Toronto Municipal Code Chapter 146, Building Construction and Demolition, Section 5.1 (Fencing of Construction and Demolition Sites) is deemed to comply with section 2 of this by-law.

ENACTED AND PASSED this 5th day of October, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)