



TOWN OF KINGSVILLE
REGULAR MEETING OF COUNCIL
AGENDA

Monday, November 3, 2025, 6:00 PM

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

View Livestream at the time of the proceedings at
<https://www.kingsville.ca/livestream>

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk at atoole@kingsville.ca

Pages

A. Call to Order

B. Land Acknowledgement

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomi and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would also like to acknowledge all the moccasins who have walked lands of Turtle Island.

C. Moment of Silent Reflection and National Anthem

D. Mayor's Welcome and Remarks

E. Amendments to the Agenda

F. Disclosure of Pecuniary Interest

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

G. Report Out of Closed Session

H. Delegations

I. Presentations

J. Matters Subject to Notice

K. Reports - Planning and Development Services

1. Application for Part Lot Control Exemption by Cottam Solar Limited (Gary Taveirne). Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road

1

Recommended Action

That Part Lot Control Exemption By-law 61-2025 to allow Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road to be exempt from Section 50(5) of the Planning Act, **be adopted** during the By-law stage of the Council Agenda;

And that Administration **be directed** to forward By-law 61-2025 for Part Lot Control Exemption application to the County of Essex for final approval and register any by-law on title as required.

2. Proposed Site Alteration By-law

4

Recommended Action

That By-law 64-2025, being a by-law to prohibit and regulate site alterations in the Town of Kingsville, **be approved** during the By-law stage of this Council Agenda;

And that Administration **be authorized** to submit the set fines appended to By-law 64-2025 to the Ministry of the Attorney General for approval.

L. Reports - Finance and Corporate Services

1. Yard Maintenance & Fence By-law Updates

15

Recommended Action

That By-law 62-2025, being a by-law to regulate and govern yard maintenance in the Town of Kingsville, **be adopted** during the By-law stage of this Council Agenda;

And that By-law 63-2025, being a by-law to regulate and govern the building and maintenance of fences in the Town of Kingsville, **be adopted** during the By-law stage of this Council Agenda;

And that Administration **be authorized** to submit the set fines appended to By-law 62-2025 and By-law 63-2025 to the Ministry of the Attorney General for approval.

2. Asset Management Plan – Financial Strategy

40

Recommended Action

That the Asset Management Plan Financial Strategy outlined in this report, **be adopted**;

And that Administration **be directed** to incorporate the Proposed Reserve Strategy outlined in Table 3 into future draft municipal budgets for Council's annual deliberation and approval.

M. Reports - Fire Rescue Services

1.	Replacement of Aerial 219	46
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Recommended Action

That Council **authorize** Administration to proceed with issuing a public Request for Quote/Tender for the replacement of Aerial 219 to be delivered in the 2029 Budget year, with an estimated cost of \$3,200,000 CAD.

2.	Marine Fire and Rescue Service – Program Update	49
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Recommended Action

That Administration **be directed** to discontinue boat rescue operations provided by the Kingsville Fire Department;

And that Administration **be directed** amend the Town's Establish & Regulate (E & R) By-law to remove boat rescue operations from the scope of services, while confirming that Kingsville Fire will continue to perform shore-based ice and water rescue.

N. Reports - CAO's Office

1.	2026 Municipal Election – Vote Method and Preparation	52
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Recommended Action

That Council **approves** traditional in-person voting with paper ballots as the voting method of the 2026 Municipal and School Board Election;

And that By-law 66-2025, being a By-law to Authorize the use of optical scan vote tabulators for the 2026 Municipal and School Board Election, **be adopted** during the By-law stage of this Agenda.

O. Consent Agenda

1.	Committee of Adjustment & Appeals Minutes - August 19, 2025	60
2.	Regular Council Meeting Minutes - October 20, 2025	65

P. Correspondence

Q.	Notices of Motion	
R.	Unfinished Business and Announcements	
S.	By-laws	69

Recommended Action

That the following By-laws be given three readings and finally pass:

61-2025 - Being a By-law to exempt certain lands from Part Lot Control (Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road);

62-2025 - Being a By-law to Regulate and Govern Yard Maintenance in the Town of Kingsville;

63-2025 - Being a By-law to Regulate and Govern the Building and Maintenance of Fences in the Town of Kingsville;

64-2025 - Being a By-law to Prohibit and Regulate Site Alterations in the Town of Kingsville;

65-2025 – Being A By-law to amend By-law 2-2021 being a By-law to establish and regulate a Fire Department for the Town of Kingsville;

66-2025 - Being a By-law to authorize the use of Optical Scan Vote Tabulators and Accessible Voting Equipment for the 2026 Municipal and School Board Election; and

67-2025 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its November 3, 2025, Regular Meeting of Council.

T. Adjournment

Recommended Action

That Council adjourns this Regular Meeting at p.m.



Date: November 3, 2025

To: Mayor and Council

Author: Allen Burgess, Manager of Planning

RE: Application for Part Lot Control Exemption by
Cottam Solar Limited (Gary Taveirne).
Part Victor Lane, Lot 26, 27, 28, 29,
Plan 12M-392; Concession North Talbot Road

RECOMMENDED ACTION

That Part Lot Control Exemption By-law 61-2025 to allow Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road to be exempt from Section 50(5) of the Planning Act, **be adopted** during the By-law stage of the Council Agenda;

And that Administration **be directed** to forward By-law 61-2025 for Part Lot Control Exemption application to the County of Essex for final approval and register any by-law on title as required.

BACKGROUND

The Town received an application for Part Lot Control Exemption under Section 50 of the Planning Act for Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road, known locally as 47, 49, 51, 53 and 55 Bellevue Drive, (see Appendix A Location Map).

In August 2025, the Town of Kingsville approved by-law 48-2022 to exempt the subject land from Section 50(5) of the Planning Act. The Builder (BK Cornerstone) proceeded to construct homes on all but one lot (55 Bellevue Dr.) but due to economic conditions the sales of these homes had not been completed prior to the expiry of the by-law in August of this year. So, the applicant has refiled an application to proceed with the passing of a Part Lot Control Exemption By-law so that the sale of these homes can proceed.

DISCUSSION

The subject lands are designated Residential in the Official Plan and zoned 'Residential Zone 2 Rural/Urban Exception 2 (R2.2)' under the Kingsville Comprehensive Zoning By-law.

Exemption from part lot control is required to provide the developer the ability to convey the individual units via completion of a reference plan rather than individual consents

(severance) on each parcel, in this case the 12R-29013 was deposited back on May 11, 2022, and will be utilized to complete the legal transfers.

The application is not subject to a public hearing or appeal because Council and the County of Essex has already approved the subdivision.

As per the delegation of authority by-law, approval for a Part Lot Control application has been delegated to the Director of Community and Development Services. Council is required to pass a by-law so that it may be registered on title.

FINANCIAL CONSIDERATIONS

None.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

No public or agency consultation is required by the *Planning Act* when considering a Part Lot Control Exemption By-law.

PREPARED BY:



Allen Burgess, RPP, MCIP
Manager of Planning

REVIEWED BY:

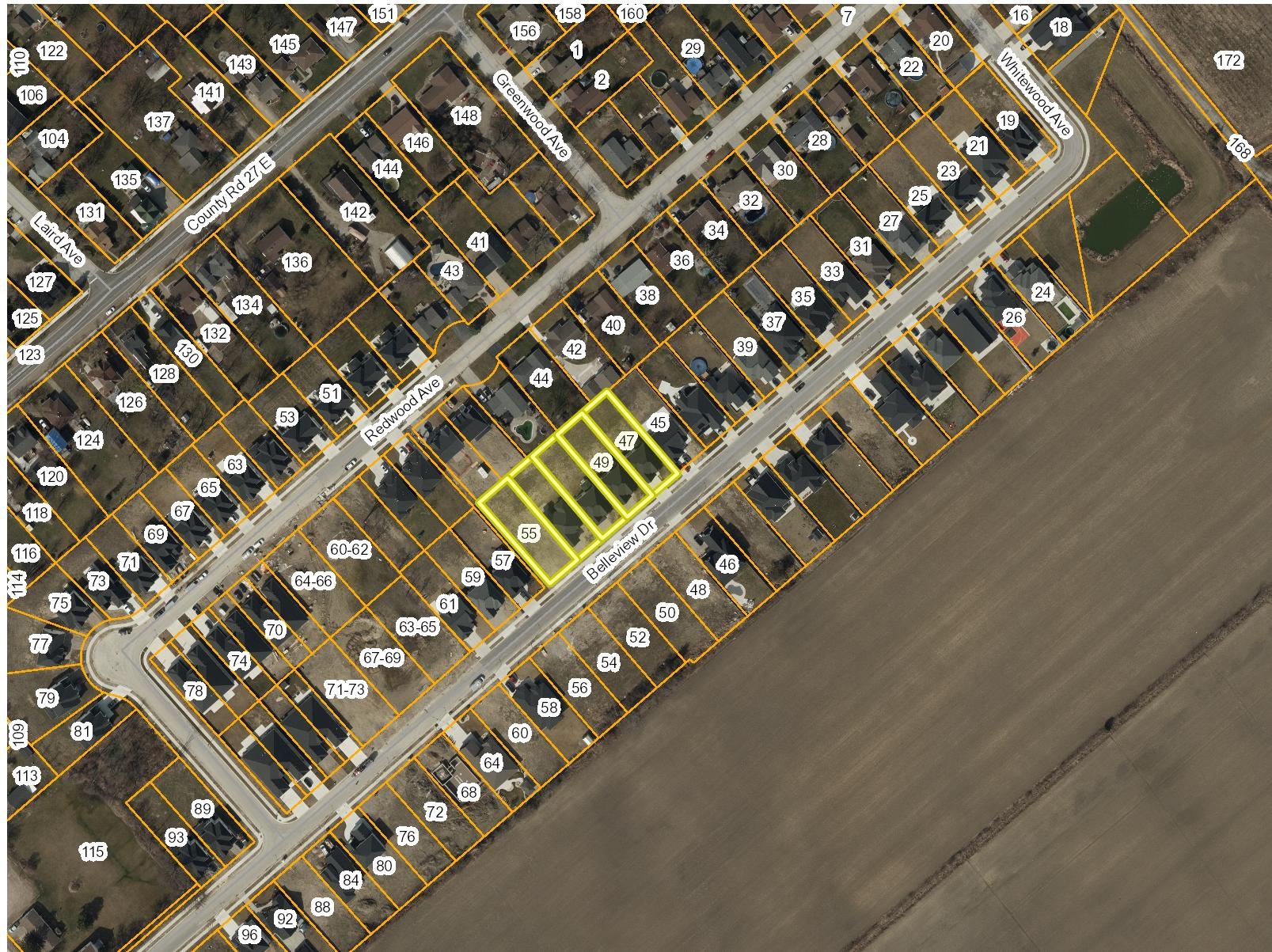


Richard J.H. Wyma
Director of Planning and Development



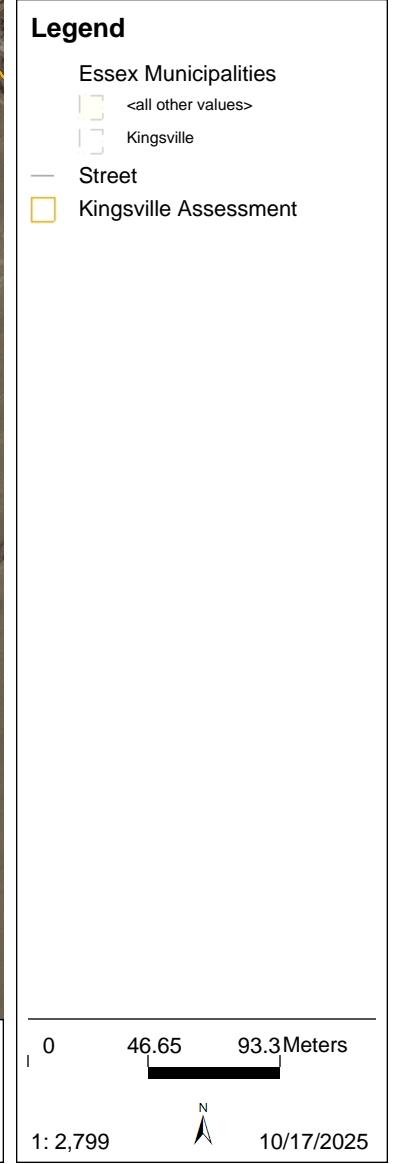
John Norton
CAO

Appendix A - 47-55 Bellevue Drive


Notes

Location Map

THIS MAP IS NOT TO BE USED FOR NAVIGATION
 Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.





Date: November 3, 2025
To: Mayor and Council
Author: Tim Del Greco, Senior Manager, Capital Projects and Engineering
RE: Proposed Site Alteration By-law

RECOMMENDED ACTION

That By-law 64-2025, being a by-law to prohibit and regulate site alterations in the Town of Kingsville, **be approved** during the By-law stage of this Council Agenda;

And that Administration **be authorized** to submit the set fines appended to By-law 64-2025 to the Ministry of the Attorney General for approval.

BACKGROUND

On occasion, the movement and placement of fill in Kingsville has resulted in negative impacts for neighboring properties, particularly from a drainage perspective.

In addition, the importation or movement of contaminated soil into the community can have negative long-term environmental and health impacts.

To resolve this issue, the Town can pass a Site Alteration By-law as permitted by the Municipal Act.

Many municipalities in Ontario have Site Alteration By-laws and accompanying permitting processes. The Town of Kingsville does not.

A Site Alteration By-law can govern how the elevation of land can be modified and regulate activities to prevent drainage impacts on neighbouring properties, including:

- Placing or dumping fill;
- Removing soil; or
- Significantly altering the grade of land.

The primary purpose of a Site Alteration By-law is to:

- Protect the environment and natural features from complications arising from earth moving;
- Prevent erosion and drainage issues;
- Ensure public safety; and
- Prevent the movement of contaminated soil to inappropriate locations.

DISCUSSION

Attached to this Report is a Draft Site Alteration By-law as prepared by Administration. If approved by Council, property owners would be required to obtain a permit from the Town prior to completing any qualifying site alteration. To obtain a permit, property owners will have to submit their proposed plans along with a permit fee for Town review. If the proposed alteration is significant, the applicant may be required to provide drainage plans and/or soil characterization reports.

The ultimate intent of this By-law is to prohibit significant Site Alterations from happening without Town review and oversight. Accordingly, it should be noted that this By-law does not apply to a number of situations involving the movement of fill, including:

- Planning approvals such as Site Plan, Plans of Subdivision, Consents, etc.
- Work that is undertaken as the result of a Building Permit issuance.
- Licensed activities by a quarry as permitted by the Aggregate Resources Act.
- Work that is undertaken as an incidental part of drain construction under the Drainage Act.
- Work that is undertaken as an incidental part of normal agricultural practices.
- Fill that is placed on lands for the purpose of lawn dressing, landscaping, or gardening, provided that the ground elevation of the lands is not increased more than 10cm from the existing grade, it does not cause an adverse impact, and it does not contain any contaminated soil.

Property owners that do not adhere to this By-law or the conditions of their permit will be subject to enforcement. This may include orders against the property owner to restore the land, financial penalties, and invoicing for any work completed by the Town as necessary.

The development of a formal permit application will follow approval of this By-law as next steps, along with determining appropriate permit fees.

FINANCIAL CONSIDERATIONS

Permit fees, once determined, will be included in the 2026 Draft Fees and Charges By-law for Council's review prior to year end.

ENVIRONMENTAL CONSIDERATIONS

As noted above, this By-law will protect natural environment features and prevent the movement of contaminated soil to inappropriate locations.

CONSULTATIONS

Kingsville Administration

PREPARED BY:



Tim Del Greco, P. Eng.
Senior Manager, Capital Projects and Engineering

REVIEWED BY:



Richard Wyma
Director of Planning and Development



John Norton
CAO

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 64-2025

Being a By-law to Prohibit and Regulate Site Alterations 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 142 of the Municipal Act provides that a local municipality may prohibit or regulate the placing or dumping of fill, the removal of topsoil and the alteration of the grade of the land, and require that a permit be obtained for the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land, and impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to the grading, filling or dumping, the removal of topsoil and the rehabilitation of the site;

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 site alterations of land;

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

Definitions

1. In this By-law:

“**Adverse Impact**” means a negative consequence or impact (loss, destruction or modification) that can have a direct, indirect or cumulative effect whether short or long term in duration;

“**Clerk**” means the Clerk of the Town or their designate(s);

“**Contaminated Soil**” means soil that contains a contaminant in excess of the applicable standards set out in the Ministry of the Environment, Conservation and Parks’ Soil, Ground Water and Sediment Standards under the Environmental Protection Act, or as determined in accordance with Ontario Regulation 153/04 or Ontario Regulation 406/19 (On-Site and Excess Soil Management), as amended from time to time;

“**Drainage**” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method;

“Designated Official” means an employee, officer or agent of the Town who is appointed and/or retained to administer this By-law or their designate(s);

“Dump” or “Dumping” means the deposit or placement of Fill Material from one location to another and includes from one location at a site to another location at a site on the same Land;

“Existing Grade” means the elevation of the existing ground surface of the Lands prior to the alteration of the Land;

“Fill” or “Filling” means the alteration of the Existing Grade of the Land through the addition of Fill Material;

“Fill Material” means any type of material capable of being removed from or deposited on Land, and may include soil, Topsoil, stone, sod, turf, concrete, asphalt, either singly or in combination, but does not include Contaminated Soil as defined under the *Environmental Protection Act*;

“Grade” or “Grading” means the elevation of the ground surface of Land;

“Land” means any real property within the geographical boundaries of the Town of Kingsville;

“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 Chief Building Official, Designated Official, Supervisor of By-law Enforcement, Building Inspectors, Property Standards Officers, and By-law Enforcement Officers;

“Owner” means the Person that is the registered owner of the Land pursuant to the laws of the Province of Ontario, beneficial owner, lessee, tenant, or person in care and control of the Land;

“Person” means an individual, a corporation, a partnership, and an association as the context requires, and includes an applicant for a Permit under this By-law;

“Permit” means a permit issued pursuant to the provisions of this By-law;

“Qualified Professional” means Professional Engineer licensed by the Association of Professional Engineers of Ontario, licensed Ontario Land Surveyor, or other suitable professions in the sole discretion of the Designated Official;

“Site Alteration” means placing Fill Material on Land, Dumping on Land, removing Topsoil from Land, including the removal of Topsoil for sale, exchange or other disposition, and/or altering the Grade of Land;

“Topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat; and

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

Interpretation

2. This By-law may be referred to as the “Site Alteration By-law”.
3. 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.
4. Headings are inserted for ease of reference only, form no part of this By-law, and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

5. References to any statute or by-law includes any amendment to that statute or by-law and any successor thereto.
6. Nothing in this By-law shall serve to relieve any Person from the obligation to comply with all other applicable law.

Exemptions

7. This By-law shall not apply to:
 - a. any activities listed under Section 142 (5), (6), and (7) of the *Municipal Act, 2001*;
 - b. actions taken in accordance with a building permit issued by the Designated Official for the erection of a building or structure, if the lot grading accompanying the building permit application provides sufficient information to determine that the placing or Dumping of Fill conforms with the provisions of this By-law; and
 - c. soil that is placed on Lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that all of the following conditions are met:
 - i. the ground elevation of the Lands is not increased more than 10 centimetres from the Existing Grade;
 - ii. any Filling or Dumping does not cause an Adverse Impact; and
 - iii. any Fill Material does not contain any Contaminated Soil.
8. This By-law does not apply to the Town, the Corporation of the County of Essex, and the Essex Region Conservation Authority (“ERCA”).

General Prohibitions

9. No Person shall engage in Site Alteration, or cause or permit any Site Alteration without a Permit.
10. No Person shall engage in Site Alteration, or cause or permit Site Alteration contrary to the terms and conditions of a Permit or contrary to the representations, plans, specifications or drawings that form the basis upon which the Permit was issued.
11. No Person shall place or Dump Fill or cause Fill to be placed or Dumped in the areas of the Town defined and designated as natural hazard lands by ERCA or natural environment, natural environment overlay, or watercourse protection lands or any other significant environmental features or water resources within the Town’s Official Plan, except as may be provided for in the Official Plan policies.
12. Where required under this By-law, no Permit shall be issued under this By-law until approval has been obtained from ERCA.

Permit Application

13. A completed application for Site Alteration shall be submitted to the Designated Official in the form prescribed by the Town from time to time, and shall be accompanied by the following:
 - a. payment of the fee prescribed in the Town’s Fees and Charges By-law in effect at the time;
 - b. proposed final Grades to be used upon completion of the Filling operation;

- c. a description of the proposed Fill, including a list of the source, geotechnical and environmental analysis reports as to content and quality, prepared by qualified experts in that regard;
- d. a plan, which shall be prepared by a Qualified Professional, if the Designated Official so requires, showing the design details required by the Designated Official to ensure compliance with this By-law; and
- e. security in a form and amount to be determined by the Designated Official to secure performance of the work for which the Permit is being applied, which the Town may draw upon to recover the cost of the Town performing any required work that the Owner has failed to perform and any fee that applies as prescribed in the Town's Fees and Charges By-law in effect at the time.

Issuance of Permit

14. Subject to Section 16 of this By-law, the Designated Official shall issue a Permit upon being satisfied that:

- a. Receipt of payment for any applicable fee;
- b. Receipt of payment for any Qualified Professional retained by the Town to review any required documents, if any;
- c. Receipt of any security required by the Designated Official to secure performance of the work;
- d. a Grading plan satisfactory to the Designated Official has been received;
- e. there is no Adverse Impact on neighbouring Land;
- f. the Fill does not contain any Contaminated Soil;
- g. any Topsoil being removed is being used to restore the Land for which the Permit is being issued unless it can be shown to the satisfaction of the Designated Official that the Topsoil is not needed to restore the Land in which case the Topsoil may be removed from the Land provided a Permit has been issued for the Land to which the Topsoil is being applied; and
- h. satisfactory dust control, traffic control, noise control, hours of operation and vehicle travel routes are established for all vehicles and equipment involved in the Dumping, Filling or Grading operation as not to contravene any Town by-laws.

15. It shall be a condition of every Permit that:

- a. every reasonable step be taken to prevent any Adverse Impact related to dust and noise emanating from the activities undertaken pursuant to that Permit; and
- b. all vehicles and equipment involved in the Dumping, Filling, removing or Grading or alteration shall follow the vehicle travel route (haul route) established by the Designated Official when travelling to or from the property for which the Permit was issued.

16. The Designated Official may refuse to issue a Permit if the application is incomplete, inaccurate, or fails to comply with any of the provisions of this By-law or any other applicable legislation or regulation.

Expiry and Renewal

17. A Permit shall expire on the earlier of the date indicated on the Permit or twelve (12) months from the date of its issue. The Designated Official

shall have the discretion to issue Permits for shorter terms where potential impacts are greater.

18. A Permit that has expired may be renewed within sixty (60) days of its date of expiry upon written application to the Designated Official, accompanied by the applicable fee as prescribed in the Town's Fees and Charges By-law in effect at the time, as well as an updated deposit, if required, and provided that the proposed work has not been revised.

Revocation

19. The Designated Official in their sole discretion shall have the authority to revoke a Permit under any of the following circumstances:
 - a. if it was obtained on mistaken, false or incorrect information;
 - b. if it was issued in error;
 - c. if the Owner or Permit holder requests in writing its revocation;
 - d. if the Owner or Permit holder fails to comply with the terms and condition of the Permit;
 - e. if work authorized under the Permit has not been commenced within six (6) months of the issuance of the Permit; or
 - f. if an Owner or Permit holder fails to comply with any of the provisions of this By-law.

Appeal

20. An applicant for a Permit may appeal a decision of the Designated Official to refuse to issue a Permit, revoke a Permit, or eliminate or modify a condition of a Permit, by providing written notice to the Clerk within fourteen (14) days of the Designated Official's decision.
21. The Clerk will schedule a public meeting of the Committee of Adjustment and Appeals to hear the appeal.
22. The Committee of Adjustment and Appeals has the authority to confirm, amend, or substitute the decision of the Designated Official and such decisions of the Committee of Adjustment and Appeals shall be final and not subject to any further appeal.
23. A request to appeal a decision of the Designated Official does not act as a stay of the decision, including any condition or requirement imposed.

Enforcement

24. The provisions of this By-law may be enforced by an Officer.
25. In accordance with Section 436 of the Municipal Act, an Officer may enter onto 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.
26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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

32. 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

33. 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.

34. Any Person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

35. 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.

36. Any corporation which contravenes any provision of the By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

37. 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.

Severability

38. 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.

Enactment

39. 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

Town of Kingsville
Part I Provincial Offences Act
By-law 64-2025: Site Alteration By-law

Page 1 of 1

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Site Alteration without a permit	s. 9	\$1,000.00
2	Site Alteration contrary to terms and conditions of permit	s. 10	\$1,000.00
3	Dump or place Fill in designated natural areas	s. 11	\$1,000.00
4	(Prevent)(hinder)(obstruct) Officer from (exercising a power) (performing a duty) under this By-law	s. 31	\$1,000.00

NOTE: The penalty provision for the offences indicated above is Section 33 of By-law No. 64-2025, a certified copy of which has been filed.



Date: November 3, 2025

To: Mayor and Council

Author: Daryl Flacks, Supervisor of By-law Enforcement
Ryan McLeod, Director of Finance & Corporate Services

RE: Yard Maintenance & Fence By-law Updates

RECOMMENDED ACTION

That By-law 62-2025, being a by-law to regulate and govern yard maintenance in the Town of Kingsville, **be adopted** during the By-law stage of this Council Agenda;

And that By-law 63-2025, being a by-law to regulate and govern the building and maintenance of fences in the Town of Kingsville, **be adopted** during the By-law stage of this Council Agenda;

And that Administration **be authorized** to submit the set fines appended to By-law 62-2025 and By-law 63-2025 to the Ministry of the Attorney General for approval.

BACKGROUND

Administration is committed to periodically reviewing and improving Town by-laws based on changing community expectations, legislative developments and lived experience in their interpretation and enforcement.

After a thorough internal review, Administrative is proposing to update the following By-laws;

- By-law 85-2015 – Commonly referred to as the “Yard Maintenance By-law”
- By-law 127-2017 – Commonly referred to as the “Fence By-law”

DISCUSSION

Yard Maintenance By-law

The intent of this by-law is to impose basic yard maintenance responsibilities on private land owners to prevent the creation of nuisances or public health and safety hazards.

The existing Yard Maintenance By-law (85-2015) was passed in August of 2015 with no amendments since that time.

Key aspects of this by-law include requirements to;

- Limit the height of grass, weeds and ground cover to no more than 25 centimeters (10 inches)
- Keep properties clear of dead or decaying trees, hedges and other landscaping
- Keep properties clear of noxious weeds
- Keep yards free of refuse, rodents and pests
- Maintain the area between the road and their abutting property
- Prohibit the storage of inoperative vehicles

The proposed new Yard Maintenance By-law (62-2025) attempts to address various application and enforcement issues which have arisen over time.

The key changes include:

- The introduction of exemptions to the grass cutting requirements in Rural Residential and Agricultural zones with respect to those portions of the Property that are within 61 meters (200 feet) of a Highway (Section 5)
- Clarification of the areas where overgrowth of hedges, shrubs, trees and other landscaping is of concern and therefore restricted (Section 9)
- Prohibiting yard waste from being deposited on unauthorized properties i.e. leaves, grass clippings, dirt, & snow (Section 12)
- Permitting the use of temporary shipping or storage containers for up to 60 days (Section 24)
- The removal of site alteration or fill provisions, which due to the complexity of this issue, will be addressed in a standalone “Site Alteration” by-law.

Fence By-law

The intent of this By-law is to ensure yard and pool fences are constructed and maintained to an acceptable standard.

The existing Fence By-law (127-2017) was passed in December of 2017 with no amendments since that time.

Key aspects of this by-law include;

- Establishing the maximum height for residential fences
- Preventing the use of certain materials (i.e. barb wire, electric fences, etc) in residential zones
- Requiring a uniform appearance on both sides
- Protecting sight visibility triangles
- Specify pool fence requirements for public safety
- Special considerations for residential properties abutting a waterway to protect views

The proposed new Fence By-law (63-2025) attempts to address various application and enforcement issues which have arisen over time.

The key changes include:

- Enhancing the description of restricted materials (Section 11)
- Establishing the maximum height of residential fences as 2.13 meters or 7 ft (total), a change from 6 ft plus 1 ft of 'open' construction permitted under the current by-law (Section 13)
- Detailed construction specifications for acceptable Swimming Pool fences (Section 21)
- Establishing specific parameters for Hot Tubs, which are now clearly distinguished from Swimming Pools (Section 28)
- Improved enforcement provisions, including the identification of an Officer's power of entry, in accordance with section 436 of the Municipal Act (Section 47-55)
- Opting out of the *Line Fences Act* (Section 64).

The *Line Fences Act* provides a dispute resolution mechanism for boundary fences. This legislation allows the Town to establish a 'Fence-Viewers' panel to adjudicate responsibilities and costs for boundary fences when abutting property owners can not agree. Historically, the Town has experienced low uptake on the utilization of this Act, with the most recent appeal dating back to 2013. Given the civil nature of fence disputes which are often more complex than just the cost, Administration is of the opinion that these matters would be more appropriately resolved by professional mediators or in a civil court proceeding.

Enforcement

Both the Yard Maintenance and Fence By-laws will continue to be enforced under the direction of the Town's Supervisor of By-law Enforcement. In most cases, Officers will issue orders when infractions occur and property owners will be provided with a specific period of time to remedy the issue. If the property owner fails to adequately address the order, the Town has the ability to perform the work on their behalf and recover the costs through the property tax roll. Officers may also issue fines under the *Provincial Offences Act* where appropriate.

FINANCIAL CONSIDERATIONS

Adopting clear and enforceable by-laws provides for efficient administration and enforcement. This reduces the staff time and third-party legal expenses required to achieve compliance with the by-law's objectives.

CONSULTATIONS

The Planning, Building, Legal and Corporate Service teams were consulted in the preparation of these by-laws.

PREPARED BY:

Daryl Flacks

Daryl Flacks
Supervisor of By-law Enforcement



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services

REVIEWED BY:



John Norton
CAO

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 62-2025

Being a By-law to Regulate and Govern Yard Maintenance 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(2)(6) of the Municipal Act provides that a lower tier municipality may pass by-laws respecting the health, safety, and well-being of persons;

And whereas Section 127 of the Municipal Act provides that a local municipality may regulate when and how an Owner or occupant of land may be required to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

And whereas Section 128 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And whereas Section 131 of the Municipal Act provides that a local municipality to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

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 desirable to pass a by-law for the maintenance of land to prevent a nuisance or public health and safety hazard;

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

Definitions

1. In this By-law:

“**Accessory Structure**” means a detached structure that is secondary to the main Building on the Property, serving a purpose incidental to the principal use of the Property;

“**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;

“Deposit” means throw, place, blow or set down;

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

“Ground Cover” means plants or shrubs characteristically forming an extensive dense growth close to earth;

“Highway” means a common and public right of way, street, road, highway or common way vested in the Town, the county, the province or any other public authority having jurisdiction over the same and includes a bridge, sidewalk, or any other structure in the public right of way, or part thereof;

“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;

“Inoperative Vehicle” means a licensed or unlicensed vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes both a motor and electric vehicle that does not have affixed to it a valid licence plate;

“Means of Egress” means a continuous, unobstructed path from any point in a Building to a place of safety, such as an open public thoroughfare;

“Noxious Weed” means weeds designated under the *Weed Control Act* including any weed designated as a local or noxious weed under a by-law of the Town passed under the *Municipal Act*;

“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;

“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);

“Occupant” means any person(s) eighteen (18) years of age or older in possession of the Property;

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

“Property” means any means any real Property within the geographical boundaries of the Town of Kingsville, and **“Lot”** shall have a corresponding meaning;

“Refuse” means any article, thing, matter, substance or effluent that is or appears to be: cast aside, discharged or abandoned, discarded from its usual and intended use, used up in whole or in part or is expended or worn out in whole or in part, belonging to or associated with a house or household or any industry, trade or business, including but not limited to:

- i. grass clippings, weeds, tree and garden cuttings, brush, leaves and garden waste;
- ii. paper, cardboard, clothing, lumber, metal or wood products;
- iii. household appliances and furniture;
- iv. inoperable vehicles, vehicle parts and accessories, mechanical equipment, trailers; and
- v. materials resulting from, or as part of, construction or demolition projects, such as piping, tubing, conduits, wires, or other accessories;

“Shipping or Storage Container” means an industrial, standardized, reusable vessel designed for the temporary movement and storage of goods;

“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;

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

“Untraveled Portion of Highway” means the portion of highway adjacent to the roadway/ shoulder including the ditch, grassy boulevard, and the sidewalk.

“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. This By-law does not apply to the Town, the Corporation of the County of Essex, and the Essex Region Conservation Authority.

Grass, Weeds and Ground Cover

- 4. Every Owner of Property shall ensure the grass, weeds and Ground Cover on their Property is trimmed or cut to a height of 25 centimeters (10 inches) or less.
- 5. Notwithstanding Section 4 of this By-law, all agricultural and rural residential zoned properties will be required to ensure the grass, weeds and Ground Cover on their Property is trimmed or cut to a height of 25 centimeters (10 inches) or less, only with respect to those portions of the Property that are within 61 meters (200 feet) of a Highway.
- 6. Every Owner of Property shall destroy and remove Noxious Weeds.

Trees and Landscaping

- 7. Every Owner of Property shall ensure that the yard is kept free of dead, decayed or damaged trees or other natural growth, and the branches or limbs thereof which create an unsafe or unsightly condition.
- 8. Every Owner of Property shall ensure that all dead, diseased or decaying hedges, plantings, trees, or other landscaping which may be a hazard in the opinion of the Officer be removed or returned to a healthy condition.
- 9. Every Owner of Property shall ensure hedges, shrubs, trees and other landscaping on a Property shall be maintained in a healthy condition that

is not unreasonably overgrown, in the opinion of the Officer, and does not:

- a. interfere with or adversely affect the health and safety of the public;
- b. wholly or partially conceal or interfere with the use of any public infrastructure;
- c. obstruct a Means of Egress from a Property or Dwelling.

Refuse

10. Every Owner of Property shall keep their land free and clear of Refuse.
11. No Person shall Deposit any Refuse on private Property or Town-owned Property.
12. No Person shall Deposit leaves, grass clippings, dirt, or snow on a Highway, sidewalk, Town-owned Property or on private Property unless permission has been granted by the private Property owner.
13. Every Owner or Occupant of Property shall maintain the Property free from rodents, vermin or other pests and free from conditions that may attract such.

Non-Applicability to Agricultural Operations

14. Notwithstanding Sections 4 to 13 of this By-law, nothing in these sections shall be deemed to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Protection Act, 1998*, S.O. 1998, c.1, as amended, from carrying out a "normal farm practice" as defined by that Act.

Maintenance of Abutting Untravelled Portion of Highway

15. Every Owner of Property shall ensure that the Untravelled Portion of Highway abutting their residential home on their Property be kept free of Refuse and shall ensure that grass and Ground Cover is trimmed or cut to a height of 25 centimetres (10 inches) or less and shall ensure that weeds are removed or destroyed.

Inoperative Vehicles and Machinery

16. No Person shall keep Inoperative Vehicles or parts thereof upon a yard. Vehicles lacking current valid license plates shall be parked or stored only within an enclosed private garage or other buildings on the Property that is properly Zoned by the Town to permit that use.
17. Every Owner of Property, including vacant Lots, shall ensure every yard is kept clean and free from unusable, wrecked, dismantled, discarded or partially dismantled or abandoned appliances, machinery, boats, vehicles, trailers or parts thereof.
18. Notwithstanding Section 16 of this By-law, inoperative agricultural machinery and inoperative agricultural vehicles may be kept on a Property Zoned agricultural, provided that the inoperative agricultural machinery or inoperative agricultural vehicles are neatly placed or arranged so as not to create a safety or health hazard to Persons on the Property, in the opinion of the Officer.
19. No Person shall use any Property in the Town for storing Inoperative Vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including for purposes of repairing other vehicles except where appropriately Zoned by the Town to permit that use.

Standing Water

20. Every Owner of Property shall ensure that any depression in or on the yard is kept free of standing water and that all depressions do not hold standing water for a period of more than four (4) days, under normal weather conditions.
21. Every Owner of Property shall maintain Swimming Pools, Hot Tubs, and artificial ponds in good repair and working condition.
22. Notwithstanding Section 21 of this By-law, every Owner of Property shall take all necessary steps to prevent or remove standing water when a Swimming Pool is not open and operational.

Temporary Storage Containers

23. No Person shall use any Property for the storage of Shipping or Storage Containers unless appropriately Zoned by the Town to permit that use and all applicable building permits have been obtained.
24. Notwithstanding Section 23 of this By-law, temporary use of Shipping or Storage Containers is permitted where:
 - a. there is no more than one (1) such container on a Property at a time;
 - b. it is not present on the Property for more than sixty (60) days; and
 - c. it is not deemed unsafe or unhealthy in the opinion of the Officer.

Enforcement

25. The provisions of this By-law may be enforced by an Officer.
26. 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.
27. 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.
28. 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.
29. 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.

30. 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.

31. An order under this By-law may be served Personally, or by regular mail to the address of any Person on file with the Town, or by posting the notice on the land in a conspicuous place.

32. 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.

33. 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

34. Where the Town has carried out the work pursuant to Section 32 of 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

35. 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.

36. 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.

37. 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

38. This By-law shall be known as the "Yard Maintenance By-law".

39. 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.

40. 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.

41. 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.

Repeal

42. By-law 83-2015 and all amendments thereto are hereby repealed upon the coming into force of this By-law.

Enactment

43. 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

DRAFT

Town of Kingsville
 Part I Provincial Offences Act
 By-law 62-2025: Yard Maintenance By-law

Page 1 of 1

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Fail to maintain (grass)(weeds)(Ground Cover) below maximum height	s. 4	\$500.00
2	Fail to (destroy)(remove) Noxious Weeds	s. 6	\$500.00
3	Fail to maintain (trees)(natural growth)	s. 7	\$500.00
4	Fail to remove dead or damaged (hedges)(plantings)(trees) (landscaping)	s. 8	\$500.00
5	Fail to maintain (hedges)(shrubs) (landscaping)	s. 9	\$500.00
6	Fail to keep land free of Refuse	s. 10	\$500.00
7	Deposit Refuse on (private)(Town-owned) property	s. 11	\$500.00
8	Deposit (leaves)(grass clippings)(dirt) (snow) on (Street)(sidewalk)(Town-owned property)(private property)	s. 12	\$500.00
9	Fail to maintain property free of (rodents)(vermin)(pests)	s. 13	\$500.00
10	Fail to maintain Untravelled Portion of Highway free of Refuse and grass below maximum height	s. 15	\$500.00
11	Keep Inoperative Vehicles on Yard	s. 16	\$500.00
12	Fail to maintain property free of discarded (appliances)(machinery) (boats)(vehicles)(trailers)	s. 17	\$500.00
13	Store Inoperative Vehicle for (wrecking)(dismantling)(salvaging)	s. 19	\$500.00
14	Fail to keep depression free of standing water	s. 20	\$500.00
15	Fail to maintain (Swimming Pool)(Hot Tub)(artificial pond) in good repair	s. 21	\$500.00
16	Store Shipping or Storage Container without authorization	s. 23	\$500.00
17	(Prevent)(hinder)(obstruct) Officer from (exercising a power) (performing a duty) under this By-law	s. 33	\$1,000.00

NOTE: The penalty provision for the offences indicated above is Section 35 of By-law No. 62-2025, a certified copy of which has been filed.

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 or 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

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

Page 1 of 2

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

Page 2 of 2

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.



Date: November 3, 2025

To: Mayor and Council

Author: Ryan McLeod, Director of Finance & Corporate Services

RE: Asset Management Plan – Financial Strategy

RECOMMENDED ACTION

That the Asset Management Plan Financial Strategy outlined in this report, **be adopted**;

And that Administration **be directed** to incorporate the Proposed Reserve Strategy outlined in Table 3 into future draft municipal budgets for Council's annual deliberation and approval.

BACKGROUND

In 2017, the Province introduced O. Reg. 588/17 under the *Infrastructure for Jobs and Prosperity Act, 2015* to establish standard content for municipal Asset Management Plans (AMPs). Specifically, this regulation requires that all AMPs include replacement costs, condition assessments, current and proposed levels of service, lifecycle activities and a financial strategy.

On April 28, 2025, Council adopted an updated Core Asset Management Plan which focuses on Roads, Bridges, Water, Wastewater and Stormwater assets. On August 11, 2025, Council adopted an AMP for Facilities, Parks, Parking Lots, and Equipment.

The final AMP component required to satisfy O. Reg. 588/17 is the adoption of a Financial Strategy.

DISCUSSION

The approved Asset Management Plans calculate the Total Replacement Cost and Annual Funding Requirement for each of the Town's major asset classes. The Annual Funding Requirement refers to the average amount of money that the Town should set aside each year to keep its infrastructure in a state of good repair.

Table 1 – Total Replacement Cost and Annual Funding Requirement

Asset Class	Current Replacement Cost	Annual Funding Requirement
Transportation	\$232,433,000	\$6,530,000
Bridges & Culverts	\$59,842,000	\$1,378,000
Water	\$189,396,000	\$2,151,000
Wastewater	\$162,424,000	\$2,352,000
Stormwater	\$130,885,000	\$2,025,000
Facilities	\$75,852,170	\$1,712,863
Parks & Parking lots	\$19,788,328	\$1,149,813
Equipment	\$19,314,000	\$1,413,601
Total	\$889,934,498	\$18,712,277

When comparing the Annual Funding Requirement identified in the AMPs to the current level of funding provided in the 2025 Municipal Budget, there is a significant deficit. As outlined in Table 2 below, the Town is currently only funding 56% the Annual Funding Requirement for its assets.

Table 2 – Annual Funding Requirement vs. Current Level of Funding

Asset Class	Annual Funding Requirement	2025 Lifecycle Funding Levels	2025 Funding Level %
Transportation	\$6,530,000	\$4,611,087	71%
Bridges & Culverts	\$1,378,000	\$910,000	66%
Water	\$2,151,000	\$1,317,000	61%
Wastewater	\$2,352,000	\$1,272,600	54%
Stormwater	\$2,025,000	\$150,000	7%
Facilities	\$1,712,863	\$935,000	55%
Parks & Parking lots	\$1,149,813	\$120,000	10%
Equipment	\$1,413,601	\$1,162,400	82%
Total	\$18,712,277	\$10,478,087	56%

The Town has made significant increases to its lifecycle funding over the past 8 years. However, rapidly increasing replacement values (i.e. inflation) in recent years have made it difficult to close this funding gap. Failing to address this funding deficit will result in one or more of the following outcomes;

- i) Lower levels of service as assets degrade and reach the end of their useful lives.
- ii) Volatile tax rate increases in years of necessity.

iii) Significant debt financing.

What this means for the average resident is; rougher roads, less reliable water and wastewater systems and facility closures. Degrading infrastructure or volatile tax rate increases, does not make Kingsville an attractive place to live, visit or do business. Increasing debt to replace existing assets has its limitations. The more tax dollars directed towards paying principle and interest on previously completed capital projects, means fewer tax dollars available for community enhancements.

Given rising construction costs, if the Town maintains its status quo funding levels, the Annual Funding Deficit will grow larger each year. According to Statistics Canada's Non-Residential Construction Index, costs have increased by an average of 6.1% per year, over the past 10 years.

FINANCIAL CONSIDERATIONS

The Town's strategic plan identified the goal of funding 85% of its Core Asset Annual Funding Requirement by 2030. However, due to rapidly increasing replacement values in recent years, the Administration is proposing the following funding strategy to reach this target by 2040.

Table 3 – Proposed Reserve Strategy

Asset Class	Annual Increase in Lifecycle Reserves*	% of Tax Levy	% of Water Revenue	% of Wastewater Revenue
Transportation	\$407,000	1.6%		
Bridges & Culverts	\$102,000	0.4%		
Water	\$173,000		3.8%	
Wastewater	\$196,000			4.3%
Stormwater	\$240,000	<i>Note A</i>		
Facilities	\$127,000	0.5%		
Parks & Parking lots	\$102,000	0.4%		
Equipment	\$102,000	0.4%		
Total	\$1,449,000	3.3%	3.8%	4.3%

*The dollar values represent the proposed 2026 increase. To address inflationary pressures on replacement values, the dollar value increase in any given year will be based on the respective % increase noted in the table.

Tax Levy Impact

Roads, bridges, facilities, parks and the majority of our equipment are all funded by the general tax levy, therefore, any increase in reserve contributions for these assets would have a direct impact on taxation. Based on the proposed strategy, the lifecycle reserve increases would require an annual tax levy increase of 3.3%.

Transportation

The current level of funding assumes the Canada Community Benefit Fund (formally known as Federal Gas Tax) and Ontario Community Infrastructure Fund (OCIF) remains relatively stable and will continue to be directed towards the replacement of existing road infrastructure.

Water

Funding the replacement of water infrastructure is provided through the Town's water rates. Increasing capital reserve contributions is expected to cost the average household approx. \$17 per year. Please note this increase refers to the capital contribution only. Further rate increases will be required to address municipal and UWSS operating cost escalations.

Wastewater

Funding the replacement of waste water infrastructure is provided through the Town's sewage rates. Kingsville residents currently enjoy one of the lowest sewage rates in the County, and a 4.3% increase to wastewater rates for capital replacement needs represents approx. \$22 per year for the average household. Again, further increases will be required to address rising operating and treatment expenses (i.e. OCWA contract).

Storm water

Storm water infrastructure funding is somewhat of a complicated topic for Municipalities with a mix of urban and rural populations, such as Kingsville. Under the Drainage Act, most of the costs associated with rural drainage systems are assessed directly to the benefiting property owners, so it would be unfair to expect rural property owners to also fund urban storm water infrastructure through general property tax rates.

The level of funding that the Town currently directs toward urban and rural storm drainage is relatively comparable. However, if Council is supportive of closing the infrastructure deficit on the urban storm sewer network, then an area specific storm sewer levy should be adopted. The development of such a levy requires considerable research and analysis of both costs and watershed. Administration recommends implementing an urban storm sewer levy in the 2027 municipal budget.

Overall

To be clear, the Annual Funding Requirements and rate increases proposed above refer to level of funding required to maintain existing infrastructure and other assets. Further rate increases will be required to respond to operating cost increases. Any additions or enhancements to our existing asset base would have to be funded through Development Charges or additional tax or user fee increases.

This proposed funding strategy is intended to provide long-term fiscal sustainability. Until the Town reaches a fully funded state, Administration may be required to borrow from one reserve to fund expenses in another asset category from time to time (i.e. internally debt finance).

Similar to the underlying Asset Management Plans, the proposed reserve strategy is based on the best information available at present time. As new information becomes available or environmental factors change, the reserve strategy may need to be altered from time to time. Administration intends to review this financial strategy at least once during every term of Council.

ENVIRONMENTAL CONSIDERATIONS

Proper asset management planning will ensure municipal infrastructure continues to operate at adequate levels of service, is properly maintained, and is replaced when required. This will have a positive impact on the environment. Some brief examples include:

- Well-maintained storm sewers will mitigate flooding and protect bodies of water from harmful stormwater runoff.
- Well-maintained sanitary sewers will mitigate flooding and reduce environmental spills.
- Extending the life of all assets through proper maintenance will reduce the frequency of major replacements. This reduces waste and the need for more non-renewable resources.

CONSULTATIONS

PREPARED BY:



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services

REVIEWED BY:



John Norton
CAO



Date: November 3, 2025
To: Mayor and Council
Author: Scott Moore, Fire Chief
RE: Replacement of Aerial 219

RECOMMENDED ACTION

That Council **authorize** Administration to proceed with issuing a public Request for Quote/Tender for the replacement of Aerial 219 to be delivered in the 2029 Budget year, with an estimated cost of \$3,200,000 CAD.

BACKGROUND

Aerial 219, a 2004 E-One 95' rear-mount tower apparatus, was identified in the Town of Kingsville Fleet Management Summary for replacement in 2029.

Industry standards and the current fire department Fleet Management Program support the scheduled replacement based on age, functionality, and compliance with national fire service benchmarks.

DISCUSSION

Aerial apparatus such as Aerial 219 plays a critical role in emergency response capabilities to residential structures, particularly in multi-storey and complex structure incidents. As a 2004-unit, Aerial 219 will be 25 years old at the time of its scheduled replacement, aligning with the recommended life expectancy for aerial devices under the National Fire Protection Association (NFPA) guidelines.

The Fire Underwriters Survey only recognizes apparatus for a maximum of 25 years (front line 20-years & 25-years for reserve) in municipalities of our population size. Continuing to operate this apparatus past this age may negatively impact our fire protection grading and insurance ratings for the community.

Administration reviewed all viable replacement approaches to identify the option that best serves the community and makes the most financial sense.

Option 1 — New Order (Custom Build), recommended: Tender a custom 100-foot aerial tower tailored to Kingsville Fire Department operational needs, estimated at approximately \$3,200,000 CAD with an estimated 44–48 months from order to delivery;

this path maximizes operational fit, lifecycle, warranty coverage, and alignment with National Fire Protection Association guidance and Fire Underwriters Survey recognition, though it requires increased reserve funding during the build phase.

Option 2 — New Stock (Dealer/Plant): Purchase a near completion stock 95' rear Mount Platform, for example a 95-foot rear-mount platform at approximately \$2,900,000 CAD with factory completion in 2027, or a 100-foot platform at approximately \$2,975,000 CAD with factory completion in early 2029; delivery is faster than full custom and includes full warranty and modern safety systems, but reduced customization may limit operational efficiency and pricing approaches that of a custom unit with less fit.

Option 3 — Used Apparatus: Conducted a market acquisition of a 2012–2015 100-foot platform in the range of approximately \$830,000 to \$1,110,000 CAD; this minimizes upfront capital and can provide near-immediate availability as a bridge solution, but entails shorter remaining service life, limited or expired warranties, higher maintenance risk and downtime, and weaker alignment with current tactics.

Option 4 — Do Nothing / Borrow from Neighbouring Municipalities: Defer replacement and rely on neighbouring aerials via Essex County mutual/automatic aid; while this avoids immediate capital outlay it is intended for exceptional, unplanned incidents, not to provide planned first-alarm aerial coverage because availability and response times are not guaranteed, it conflicts with departmental strategies where the aerial is a second-out apparatus for key fireground functions. It also increases operational and liability risk while undermining reliability and insurance/grade context.

FINANCIAL CONSIDERATIONS

Budgetary pricing from vendors currently ranges between \$2,800,000 and \$3,200,000 for an aerial truck that meets our specifications. Fire apparatus pricing has been increasing at a rate of approximately 8–10% annually, driven by material costs, supply chain disruptions, and demand for specialized components. A more precise cost will be available upon receipt of competitive tenders.

The replacement of the aerial truck has been identified in the Town's Fleet Management Program since the early 2000s. However, due to rapidly increasing equipment costs in recent year and the anticipated replacement of a \$1.1 million Engine (previously awarded) in 2026, the Town will not have sufficient reserves to fund this acquisition based on current contribution levels.

Funding this apparatus will require a combination of;

- i) steady increases to the Fire Fleet Management Reserve between 2026 – 2029 (time of delivery);
- ii) the allocation of any departmental budget surpluses to the fleet reserve
- iii) short-term borrowing from other Municipal Fleet Reserves

A detailed funding strategy will be provided to Council when the Tender is awarded.

The purchase of a new aerial apparatus is the most responsible and reliable option to ensure continuous service, safety, and long-term value.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

Jeromy Garant, Deputy Chief

Ryan McLeod, Director of Finance and Corporate Services/Treasurer

John Norton, CAO

PREPARED BY:



Scott Moore
Fire Chief

REVIEWED BY:



John Norton
CAO



Date: November 3, 2025

To: Mayor and Council

Author: Scott Moore, Fire Chief

RE: Marine Fire and Rescue Service – Program Update

RECOMMENDED ACTION

That Administration **be directed** to discontinue boat rescue operations provided by the Kingsville Fire Department;

And that Administration **be directed** amend the Town's Establish & Regulate (E & R) By-law to remove boat rescue operations from the scope of services, while confirming that Kingsville Fire will continue to perform shore-based ice and water rescue.

BACKGROUND

Under the Fire Protection and Prevention Act ("FPPA"), Council sets the level of fire protection services for the Town. The Town's Fire Department Establishing and Regulating By-law ("E & R By-law") operationalizes Council's direction. The current E & R Bylaw contemplates water rescue. If Council confirms that Kingsville Fire will not provide boat rescue operations, the E & R By-law should be amended accordingly to reflect shore-based ice and water rescue only.

DISCUSSION

Jurisdiction and Role

Ontario Provincial Police ("OPP") and Canadian Coast Guard ("CCG") have primary jurisdiction for marine rescue on our lakes. Kingsville Fire will continue to respond from shore (ice and water—shore-based) to support these agencies and provide life safety interventions consistent with our training and equipment.

Service Level and Council Authority

This recommendation is presented to enable Council to set the municipal service level under the Fire Protection and Prevention Act ("FPPA") and to align the E & R By-law with that decision.

Operational Considerations

Maintaining a safe and effective boat rescue program requires a dedicated vessel, specialized equipment, and a sustained training and competency program for enough members to ensure coverage. Given current staffing levels and competing training demands, the ongoing discipline cannot be reliably maintained to the standard expected for marine operations.

Costs and Resourcing

The capital cost for a compliant vessel and trailer is estimated at approximately \$250,000, with additional annual operating costs (fuel, storage, insurance, maintenance, dockage) and significant training and certification costs for a 12-member marine team. Discontinuing boat rescue operations avoids these costs and reduces risk exposure, while preserving shore-based capability.

Implementation Steps (If Approved)

- Amend the E & R By-law to confirm shore-based ice and water rescue only;
- Notify OPP, CCG, and dispatch of the service-level change; update response matrices;
- Update KFD SOGs/SOPs and training plans to emphasize shore-based rescue operations; and
- Dispose of any marine-specific assets that are no longer required in accordance with Town policy.

FINANCIAL CONSIDERATIONS

Avoided capital: approximately \$250,000 (previously contemplated vessel: ~\$235,000; trailer: ~\$15,000).

Avoided operating/training: annual costs associated with vessel operation and marine team training.

Ongoing costs: continuation of shore-based ice and water rescue training and equipment within existing budgets.

ENVIRONMENTAL CONSIDERATIONS

None

CONSULTATIONS

Ryan McLeod, Director of Finance and Corporate Services/Treasurer
John Norton, CAO

PREPARED BY:



Scott Moore, Fire Chief

REVIEWED BY:



John Norton
CAO



Date: November 3, 2025
To: Mayor and Council
Author: Angela Toole, Manager of Municipal Governance / Acting Clerk
RE: 2026 Municipal Election – Vote Method and Preparation

RECOMMENDED ACTION

That Council **approves** traditional in-person voting with paper ballots as the voting method of the 2026 Municipal and School Board Election;

And that By-law 66-2025, being a By-law to Authorize the use of optical scan vote tabulators for the 2026 Municipal and School Board Election, **be adopted** during the By-law stage of this Agenda.

BACKGROUND

The 2026 Municipal and School Board Election (“2026 Election”) will take place on October 26, 2026. The Municipal Elections Act, 1996 (the “MEA”) governs the administration of municipal elections in Ontario. Per the MEA, the Clerk has independent legislative authority to administer all municipal and school board elections as the Returning Officer and is tasked with planning and conducting municipal elections in line with the principles of the MEA, which are premised on the importance of free and fair elections, and are generally recognized as follows:

- The secrecy and confidentiality of the voting process is paramount;
- The election shall be fair and non-biased;
- The election shall be accessible to all voters;
- The integrity of the voting process shall be maintained throughout the election;
- There is to be certainty that the results of the election reflect the votes cast; and,
- Voters and candidates shall be treated fairly and consistently.

Under Section 42 of the MEA, Council may authorize the use of alternative voting methods and vote-counting equipment by By-law. While the MEA exclusively provides for in-person voting with paper ballots and manual counting, the MEA allows municipal Councils to authorize the use of alternative methods such as Vote by Mail and internet and/or telephone voting, as well as vote counting equipment. These vote methods may be implemented individually or in combination with one another.

Selecting a vote method is the only decision Council must make in advance of the 2026 Election. In making its recommendation, Administration has considered both the

legislative framework and the community's expectation of a secure and transparent election and has taken into consideration factors such as cost, accessibility, security and integrity, and public confidence.

Across Essex County, local Councils have selected their vote methods as follows:

Municipality	Vote Method
Town of Amherstburg	Traditional - Paper Ballots
Town of Essex	Traditional - Paper Ballots
Municipality of Lakeshore	Traditional - Paper Ballots
Town of LaSalle	Internet and/or Telephone
Municipality of Leamington	Traditional - Paper Ballots
Town of Tecumseh	Internet and/or Telephone

As shown above, the majority of Essex County Councils have opted to select traditional in-person voting with paper ballots, signaling a lack of confidence in internet and telephone voting, which is reflective of both Council and electorate opinion.

DISCUSSION

Since 2003, the Town of Kingsville has largely conducted elections using Vote by Mail ("VbM"), sometimes supplemented by internet and/or telephone voting. In 2014 and 2022, VbM was the sole vote method, with internet and/or telephone voting used in 2018, as a supplement to the VbM method. The 2000 Municipal and School Board Election was the last time Kingsville used the traditional in-person method with paper ballots.

Administration is committed to encouraging voter participation regardless of the vote method Council selects, recognizing that high turnout reflects healthy civic engagement. While Administration will work diligently to encourage voter participation, it is important to note that overall turnout is influenced by a variety of factors, such as the number of positions contested, whether positions are acclaimed, perceived levels of competition, voter interest, understanding of the electoral process, and availability of information. Other factors may include significant municipal issues, voting accessibility and convenience and weather conditions on Voting Day.

Internet and/or Telephone Voting

While internet and/or telephone voting has increased in use across Ontario, and is considered a safe and legitimate method of conducting a municipal election, it presents significant challenges related to cybersecurity, transparency, and the absence of consistent provincial standards.

Administration will continue to monitor developments at the provincial level and may revisit internet and/or telephone voting as an option for future election cycles.

Vote by Mail

Vote by Mail (“VbM”) is a method permitted under the MEA that allows voters to cast their ballots remotely, providing a convenient and accessible option for those who may face barriers to in-person voting. While VbM can enhance election accessibility, its success depends on the timely and reliable delivery of ballots through Canada Post. Given recent and ongoing concerns regarding postal delays and potential labour disruptions at Canada Post, reliance on the postal system introduces uncertainty that could jeopardize the timely administration and integrity of the 2026 Election.

Although VbM has served Kingsville well in past elections, the combination of delivery risks and rising administrative costs makes it less suitable for the 2026 Election.

Traditional In-Person Voting with Paper Ballots

After evaluating all available options, Administration recommends that the 2026 Election be conducted using the traditional in-person method with paper ballots, supported by optical scan vote tabulators. This approach aligns with the principles of the MEA, promotes transparency, provides opportunity for post-election auditing if necessary, and reflects the predominant method to be used across Essex County in 2026.

In accordance with the MEA, the default method for counting votes is by hand, and any alternative methods require explicit authorization by Council. Many municipalities have moved away from manual counting of ballots due to the time and labour involved in counting composite ballots after the close of polls on Voting Day. The use of vote tabulators has proven to be a reliable and efficient solution that maintains the integrity of the paper-ballot system while facilitating timely reporting of results.

For the 2026 Election, Administration is recommending the use of optical scan vote tabulators to support efficiency, accuracy, and timely results. The devices will scan and tally ballots securely while maintaining the integrity of the physical ballot. This hybrid approach of manual voting with automated counting balances transparency with modern efficiency.

If Council authorizes the use of tabulators, Administration will issue an RFP for their supply and servicing. Administration has also contacted Elections Ontario to explore the potential use of tabulators through their lending program, which could result in significant cost savings.

Preparation for the 2026 Election

As stated previously, the Clerk has independent legislative authority to administer the election. Council’s role under the Act is limited to authorizing, by By-law, the vote method. The information that follows is provided for Council’s information only, to demonstrate how the 2026 Election will be effectively administered through thorough

planning and preparation, given that the recommended vote method is the most labour-intensive and has not been used by Kingsville since 2000. These plans are tentative and subject to change. When available, finalized plans will be shared with Council and the public.

Maintenance of the Voters' List

Per the MEA, the Clerk is responsible for ensuring the accuracy of and administering the use of the Voters' List. One positive change for the 2026 Election is a significant improvement in the quality of the Voters' List. Elections Ontario is now responsible for compiling and providing the List for municipal use (see "[Voter Registration](#)"), as opposed to the Municipal Property Assessment Corporation ("MPAC"). Where the Voter's List compiled by MPAC was property-centric, relying on property ownership information and each municipal election cycle to update its voter data, Elections Ontario has access to several sources of information, such as data related to Driver's Licences, Health Cards and vital statistics.

Moreover, Elections Ontario uses data from its own list, known as the Permanent Register of Electors for Ontario ("PREO"), as well as the federal list, known as the National Register of Electors ("NRE"). Given that there were both provincial and federal elections in 2025, and as such, voter data in both the PREO and NRE would have received updates, the Voters' List can be assumed to have improved significantly, which will inevitably aid the administration of the 2026 Election. Unfortunately, while Elections Ontario maintains the Voters List, MPAC is still responsible for collecting and maintaining school support data. Voters will be able to view their school support through Elections Ontario, but must use the MPAC [Online School Support Tool](#) to make any changes.

Voting Places and the "Vote Anywhere" Model

To enhance accessibility and voter convenience, the Acting Clerk is exploring a "Vote Anywhere" model that would allow voters to cast their ballots at voting places, which are yet to be determined, regardless of where in Kingsville they reside. This system would be supported by a Voters' List platform capable of real-time updates, ensuring that each voter votes only once. While voting place locations are yet to be determined, the Acting Clerk plans to set them strategically throughout Kingsville with consideration given to geography and population distribution.

Advance Voting

The Acting Clerk is exploring three (3) Advance Vote days in order to provide Kingsville voters with several opportunities to vote in advance of Voting Day.

Communications and Accessibility Planning

The Acting Clerk is developing a comprehensive Public Outreach and Education Plan in consultation with the Communications Department to ensure Kingsville voters are fully informed about the 2026 Election. The plan will encourage participation and provide clear information on candidates, voting places, voting options, and key dates.

An Accessibility Plan is also being prepared in accordance with Section 12.1 of the MEA to identify, remove, and prevent barriers for both voters and candidates. Planned accessibility measures include magnifying sheets, an audio-tactile interface with sip-and-puff paddles, and the ability for voters with disabilities to mark their ballots independently. Election officials will also visit Kingsville's three long-term care facilities (Venvi Kingsville Retirement Living, AgeCare Royal Oak, and Southgate Village) to ensure all residents have an opportunity to vote.

A list of Key Dates has been appended to this report as Schedule A, illustrating the significant planning and coordination required to administer the 2026 Election effectively.

FINANCIAL CONSIDERATIONS

Administration has prepared rough cost estimates for each vote method. It should be noted that these costs are estimates only at this time and cannot be finalized until after the RFP process, confirmation of voting place locations, etc.

Vote Method	Estimated Cost	Notes
Traditional (Paper Ballots with Tabulators)	\$190,000	Includes tabulator lease, ballot printing, voter card mailing, staffing and supplies
Vote By Mail	\$170,000	Includes printing, mailing and return postage, staffing, supplies and tabulator lease
Internet and/or telephone voting	\$150,000	Includes procuring a third-party vote provider, and printing and mailing of Voter Information Letters, staffing

The Town sets aside money every year to smooth out the budget impact of election expenses. The Town currently has \$90,000 in a reserve dedicated to election-related costs. The difference between the estimated cost and the reserve balance will be reflected in the 2026 budget.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

John Norton, CAO
Ryan McLeod, Director of Finance and Corporate Services / Treasurer
Natalie Sharp, Supervisor of Municipal Governance / Deputy Clerk

PREPARED BY:



Angela Toole
Manager of Municipal Governance / Acting Clerk

REVIEWED BY:

Ryan McLeod
Director of Finance and Corporate Services / Treasurer

John Norton
CAO

Schedule A – Key Dates
2026 Municipal and School Board Election
In accordance with the *Municipal Elections Act, 1996*

Key Date	Event
Thursday, April 30, 2026	Last day for municipalities and local boards to establish rules and procedures regarding the use of municipal and board resources during a campaign period
Friday, May 1, 2026	First day to file a nomination: <ul style="list-style-type: none"> • Once filed, a candidate may begin raising and spending money on their campaign. • Preliminary spending and contribution limits provided to candidates.
Monday, June 1, 2026	Last day to establish procedures and forms for the use of voting and vote-counting equipment authorized by By-law.
Friday, August 21, 2026	Nomination day – deadline to (between 9:00 am and 2:00 pm): <ul style="list-style-type: none"> • File a nomination; • Withdraw a nomination; or, • Change office.
Monday, August 24, 2026	Deadline to certify nominations (by 4:00 pm)
Wednesday, August 26, 2026	Deadline for additional nominations, if applicable
Thursday, August 27, 2026	Deadline to certify additional nominations
Tuesday, September 1, 2026	Voters' List Available
Saturday, September 26, 2026	First possible day to hold an advance vote in the 30 days before Election Day
Wednesday, September 30, 2026	Final spending and contribution limits provided to candidates
Monday, October 26, 2026	Election Day – voting opens at 10:00 am and ends at 8:00 pm
Saturday, November 14, 2026	2022-2026 Term of Office ends
Monday, November 16, 2026	New Term of Office begins

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW XX-2025

Being a By-law to authorize the use of Optical Scan Vote Tabulators and Accessible Voting Equipment for the 2026 Municipal and School Board Election

Whereas Section 42(1)(a) of the *Municipal Elections Act, 1996*, S.O. 1996 c. 32, as amended, (the “Municipal Elections Act”) provides that a Council of a municipality may, by by-law, authorize the use of vote counting equipment for the purpose of counting votes at municipal and school board elections;

And whereas the Council of the Corporation of the Town of Kingsville (“Council”) deems it appropriate to conduct the 2026 Municipal and School Board Elections in-person using paper ballots;

And whereas Council deems it appropriate to authorize the use of optical scanning vote tabulators and accessible voting equipment for the 2026 Municipal and School Board Election;

And whereas such By-law must be passed on or before May 1 in the year of a regular election for it to apply.

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

1. That the use of optical scan vote tabulators for the purpose of counting votes and accessible equipment for the purpose of voting is authorized in accordance with the Municipal Elections Act, 1996, for Voting Day and Advance Voting Days for the 2026 Municipal and School Board Election.
2. That the Acting Clerk is hereby authorized and directed to enter into an agreement with a qualified service provider for tabulators and accessible equipment.
3. 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



The Corporation of the Town of Kingsville

Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville

Tuesday, August 19, 2025

6:00 p.m.

Unico Community Centre
37 Beech Street
Kingsville, ON N9Y 1A9

Members Present:

Nicole Hackett, Chair
Thomas Neufeld, Councillor
Ed Cornies
Russell Horrocks

Members Absent:

Phil Caruana

Administration Present:

Richard Wyma, Director of Planning and Development
Angelina Pannunzio, Office Support
Haris Wilkinson, Summer Student - Planning
Matthew Ducharme, Recording Secretary

A. Call to Order

The Chair called the meeting to order at 6:00 p.m.

B. Disclosures of Pecuniary Interest

The Chair asked members if there were any disclosures of pecuniary interest. None were noted.

C. Adoption of Minutes

COAA-36-20250819

Moved By: Ed Cornies

Seconded By: Russell Horrocks

That the Minutes of the Committee of Adjustment and Appeals meeting dated July 15, 2025, **be adopted** as presented.

Carried

D. Committee of Adjustment Hearings

1. Requests for Withdrawal or Deferral

None.

2. Current Applications

a. B-2025-10 & A-2025-04 - Application for Consent and Minor Variance

Richard Wyma, Director of Planning and Development, presented the report.

Wayne Mills, representing the applicant, spoke to the application and was available for questions from the members.

COAA-37-20250819

Moved By: Thomas Neufeld, Councillor

Seconded By: Ed Cornies

That the Committee of Adjustment and Appeals **approve** consent application B-2025-10, to create a new lot with an area of approximately 572.38 square metres (6,161 square feet) and a frontage of approximately 12.2 metres (40.01 feet), as shown on the draft survey, for the property known as 1465 Heritage Road, in the Town of Kingsville, subject to the following conditions:

1. That the following be provided by the applicant to the satisfaction of the Town:
 - a. Confirmation that no services cross the proposed lot lines; and
 - b. A registered 12-R Plan;

2. That the necessary deed(s), transfer(s), or related legal documentation be submitted electronically, signed, and fully executed, including a copy of the reference plan (R-Plan), prior to certification; and
3. The conditions imposed above shall be fulfilled by August 11, 2027, or this application shall be deemed to be refused in accordance with Section 53(41) of *the Planning Act*.

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-04, to permit a reduced side yard setback of 1.22 metres (3.99 feet) for the existing chimney on the retained parcel, whereas the required side yard setback is 1.5 metres (5 feet), as per the Town of Kingsville Comprehensive Zoning By-law (1-2014).

Carried

Juan Rey Froufe, property owner of 1441, 1455 and 1437 Heritage Road, spoke after the approval of the application and questioned the impact of drainage on his properties.

- b. A-2025-05 - Application for Minor Variance

Richard Wyma, Director of Planning and Development, presented the application.

Joanne Rivest, representing the applicant, spoke to the application and was available for questions from the members.

Mark Damphouse, owner of the farm that surrounds the subject property, spoke to the application and noted his concerns related to his tile drainage.

COAA-38-20250819

Moved By: Thomas Neufeld, Councillor
Seconded By: Russell Horrocks

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-05, to permit the construction of an Additional Dwelling Unit (ADU) in the front yard of the property known as 3039 McCain Side Road.

Carried

c. A-2025-06 - Application for Minor Variance

Richard Wyma, Director of Planning and Development, presented the application.

Cindy Prince, representing the applicant, spoke to the application and was available for questions from the members.

COAA-39-20250819

Moved By: Thomas Neufeld, Councillor
Seconded By: Russell Horrocks

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-06, for the property known as 3695 County Road 31, to provide relief from Section 4.35.1 of the Kingsville Comprehensive Zoning By-law (1-2014), to permit only:

- An increased maximum floor area of 102.7 square metres (1,106 square feet), from the permitted 100 square metres (1,076 square feet), which shall not include the unfinished basement and single car garage; and
- A separation distance of 60.9 metres (200 feet) between the Additional Dwelling Unit and the main dwelling, where a maximum of 30.5 metres (100 feet) is permitted.

Carried

d. A-2025-07 - Application for Minor Variance

Richard Wyma, Director of Planning and Development, presented the application.

Robert Brown, representing the applicant, spoke to the application and was available electronically for questions from the members.

COAA-40-20250819

Moved By: Russell Horrocks
Seconded By: Ed Cornies

That the Committee of Adjustment and Appeals **approve** minor variance application A-2025-07, applicable to Blocks 1 through 12 at the proposed subdivision located at 175 Wigle Avenue, to permit an unenclosed deck located in the rear yard and more than 0.7 metres (2.3 feet) above grade, to extend up to 3 metres

(approximately 10 feet) into the required rear yard setback of 5.5 metres (18 feet) and within 2.5 m (8.2 ft) of the rear lot line, as per the Town of Kingsville Comprehensive Zoning By-law.

Carried

E. Court of Revision

None at this time.

F. Property Standards Appeal Hearings

None at this time.

G. By-law Appeal Hearings

None at this time.

H. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is September 16, 2025, at 6:00 p.m. at the Unico Community Centre.

I. Adjournment

COAA-41-20250819

Moved By: Thomas Neufeld, Councillor

Seconded By: Russell Horrocks

That the meeting **be adjourned** at 6:47 p.m.

Carried

Chair

Recording Secretary



Regular Meeting of Council Minutes

Monday, October 20, 2025

6:00 PM

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Present	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
Staff Present	CAO, John Norton Acting Clerk, Angela Toole

A. Call to Order

Mayor Rogers called the Regular Meeting to order at 6:00 p.m.

B. Land Acknowledgement

Mayor Rogers read the Land Acknowledgement Statement.

C. Moment of Silent Reflection and National Anthem

D. Mayor's Welcome and Remarks

E. Amendments to the Agenda

F. Disclosure of Pecuniary Interest

Mayor Rogers reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

Deputy Mayor DeYong declared a conflict on Item N.1 Kingsville Community Centre Impact Summary, as she is employed by the author of the correspondence.

G. Report Out of Closed Session

None.

H. Delegations

Tom Harmon, Chair of Kingsville Community Centre, appeared before Council regarding Correspondence Item N.1. Kingsville Community Centre Impact Summary. Mr. Harmon highlighted areas of the impact summary and extended a thank you to Council.

I. Presentations

1. Fire Master Plan 2025

Bill Lorimer, Fire & Life Safety Manager from The Loomex Group, appeared before Council and presented the 2025 Fire Master Plan.

J. Matters Subject to Notice

1. Orton Sideroad Drain – Bridge Legalization

167-10202025

Moved By: Councillor Patterson
Seconded By: Councillor Neufeld

That the Engineer's Report prepared by Peralta Engineering pursuant to Section 78 of the Drainage Act and dated January 24, 2025, on the Orton Sideroad Drain for the legalization of a bridge for Roll # 400-04205, **be adopted**;

And that corresponding By-law 30-2025, being a by-law to provide for the legalization of the culvert over the Orton Sideroad Drain, at Parcel No. 400-04205 at a total estimated cost of \$13,113, **be approved** during the by-law stage of the agenda.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

K. Reports - Fire & Rescue

1. Information Report - Fire Master Plan 2025

L. Reports - Finance and Corporate Services

1. 2026 Regular Meeting of Council Schedule

168-10202025

Moved By: Councillor Gaffan
Seconded By: Councillor Jarvis-Chausse

That Council **approves** the 2026 Regular Council Meeting Schedule, as presented in Appendix A, attached hereto and forming part of this report.

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Carried (7 to 0)

M. Consent Agenda

1. Accessibility Advisory Committee Minutes - June 25, 2025
2. Heritage Advisory Committee Minutes - July 2, 2025
3. Fantasy of Lights Committee Minutes - August 19, 2025
4. Communities in Bloom Committee Minutes - September 2, 2025
5. Regular Council Meeting Minutes - October 7, 2025

169-10202025

Moved By: Councillor Lowrie
Seconded By: Deputy Mayor DeYong

That Items 1 through 5 on the Consent Agenda, **be received**.

Carried

N. Correspondence

1. Kingsville Community Centre Impact Summary dated September 25, 2025

O. Notices of Motion

None.

P. Unfinished Business and Announcements

None.

Q. By-laws

170-10202025

Moved By: Deputy Mayor DeYong
Seconded By: Councillor Lowrie

That the following By-laws be given first and second reading:

30-2025 - Being a By-law to provide for the legalization of the culvert over the Orton Sideroad Drain at Parcel No. 400-04205 at a total estimated cost of \$13,113 in the Town of Kingsville, in the County of Essex.

Carried

171-10202025

Moved By: Deputy Mayor DeYong
Seconded By: Councillor Jarvis-Chausse

That the following By-laws be given three readings and finally pass:

26-2025 - Being a By-law to authorize the execution of a Franchise Agreement between the Corporation of the Town of Kingsville and Enbridge Gas Inc; and

60-2025 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its October 20, 2025, Regular Meeting of Council.

Carried

R. Adjournment

172-10202025

Moved By: Councillor Patterson
Seconded By: Councillor Neufeld

That Council adjourns this Regular Meeting at 6:54 p.m.

Carried

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 61-2025

**Being a By-law to exempt certain lands from Part Lot Control
(Part Victor Lane, Lot 26, 27, 28, 29,
Plan 12M-392; Concession North Talbot Road)**

Whereas sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the "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 the *Planning Act*, R.S.O. 1990 c.P.13, as amended, provides that part-lot control shall apply where land is within a plan of subdivision registered before or after the coming into force of the Act;

And whereas Subsection 7 of Section 50 of the said *Planning Act* provides that the council of a municipality may by by-law provide that part-lot control does not apply to land that is within such registered plan or plans of subdivision or parts thereof as is or are designated in the by-law, and where the by-law is approved by the planning authority, Subsection 5 of Section 50, ceases to apply to such land;

And whereas it is deemed expedient that the provisions of Subsection 5 of Section 50 of the *Planning Act* shall not apply to certain lands that are within Registered Plan 12M-392, in the Town of Kingsville;

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

1. **That** Subsection 5 of Section 50 of the *Planning Act*, R.S.O. 1990, c.P.13, does not apply to those parts of the registered plan described as follows:

All and singular those certain parcels or tracts of land and premises lying and being in the Town of Kingsville, being Part Victor Lane, Lot 26, 27, 28, 29, Plan 12M-392; Concession North Talbot Road, locally known as Cottam Solar Limited, Phase 2

2. **That** the development of the lands more particularly described in Section 1 of this by-law shall only be by way of descriptions of lands on a registered Reference Plan, which Reference Plan has been duly approved by the Corporation.
3. **That** this By-Law comes into force and takes effect on the day of the final passing thereof
4. **That** this by-law shall expire on November 3rd, 2027.

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

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 62-2025

Being a By-law to Regulate and Govern Yard Maintenance 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(2)(6) of the Municipal Act provides that a lower tier municipality may pass by-laws respecting the health, safety, and well-being of persons;

And whereas Section 127 of the Municipal Act provides that a local municipality may regulate when and how an Owner or occupant of land may be required to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

And whereas Section 128 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And whereas Section 131 of the Municipal Act provides that a local municipality to prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

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 desirable to pass a by-law for the maintenance of land to prevent a nuisance or public health and safety hazard;

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

Definitions

1. In this By-law:

“**Accessory Structure**” means a detached structure that is secondary to the main Building on the Property, serving a purpose incidental to the principal use of the Property;

“**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;

“Deposit” means throw, place, blow or set down;

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

“Ground Cover” means plants or shrubs characteristically forming an extensive dense growth close to earth;

“Highway” means a common and public right of way, street, road, highway or common way vested in the Town, the county, the province or any other public authority having jurisdiction over the same and includes a bridge, sidewalk, or any other structure in the public right of way, or part thereof;

“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;

“Inoperative Vehicle” means a licensed or unlicensed vehicle having missing bodywork, components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function, and includes both a motor and electric vehicle that does not have affixed to it a valid licence plate;

“Means of Egress” means a continuous, unobstructed path from any point in a Building to a place of safety, such as an open public thoroughfare;

“Noxious Weed” means weeds designated under the *Weed Control Act* including any weed designated as a local or noxious weed under a by-law of the Town passed under the *Municipal Act*;

“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;

“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);

“Occupant” means any person(s) eighteen (18) years of age or older in possession of the Property;

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

“Property” means any means any real Property within the geographical boundaries of the Town of Kingsville, and **“Lot”** shall have a corresponding meaning;

“Refuse” means any article, thing, matter, substance or effluent that is or appears to be: cast aside, discharged or abandoned, discarded from its usual and intended use, used up in whole or in part or is expended or worn out in whole or in part, belonging to or associated with a house or household or any industry, trade or business, including but not limited to:

- i. grass clippings, weeds, tree and garden cuttings, brush, leaves and garden waste;
- ii. paper, cardboard, clothing, lumber, metal or wood products;
- iii. household appliances and furniture;
- iv. inoperable vehicles, vehicle parts and accessories, mechanical equipment, trailers; and
- v. materials resulting from, or as part of, construction or demolition projects, such as piping, tubing, conduits, wires, or other accessories;

“Shipping or Storage Container” means an industrial, standardized, reusable vessel designed for the temporary movement and storage of goods;

“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;

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

“Untraveled Portion of Highway” means the portion of highway adjacent to the roadway/ shoulder including the ditch, grassy boulevard, and the sidewalk.

“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. This By-law does not apply to the Town, the Corporation of the County of Essex, and the Essex Region Conservation Authority.

Grass, Weeds and Ground Cover

- 4. Every Owner of Property shall ensure the grass, weeds and Ground Cover on their Property is trimmed or cut to a height of 25 centimeters (10 inches) or less.
- 5. Notwithstanding Section 4 of this By-law, all agricultural and rural residential zoned properties will be required to ensure the grass, weeds and Ground Cover on their Property is trimmed or cut to a height of 25 centimeters (10 inches) or less, only with respect to those portions of the Property that are within 61 meters (200 feet) of a Highway.
- 6. Every Owner of Property shall destroy and remove Noxious Weeds.

Trees and Landscaping

- 7. Every Owner of Property shall ensure that the yard is kept free of dead, decayed or damaged trees or other natural growth, and the branches or limbs thereof which create an unsafe or unsightly condition.
- 8. Every Owner of Property shall ensure that all dead, diseased or decaying hedges, plantings, trees, or other landscaping which may be a hazard in the opinion of the Officer be removed or returned to a healthy condition.
- 9. Every Owner of Property shall ensure hedges, shrubs, trees and other landscaping on a Property shall be maintained in a healthy condition that

is not unreasonably overgrown, in the opinion of the Officer, and does not:

- a. interfere with or adversely affect the health and safety of the public;
- b. wholly or partially conceal or interfere with the use of any public infrastructure;
- c. obstruct a Means of Egress from a Property or Dwelling.

Refuse

10. Every Owner of Property shall keep their land free and clear of Refuse.
11. No Person shall Deposit any Refuse on private Property or Town-owned Property.
12. No Person shall Deposit leaves, grass clippings, dirt, or snow on a Highway, sidewalk, Town-owned Property or on private Property unless permission has been granted by the private Property owner.
13. Every Owner or Occupant of Property shall maintain the Property free from rodents, vermin or other pests and free from conditions that may attract such.

Non-Applicability to Agricultural Operations

14. Notwithstanding Sections 4 to 13 of this By-law, nothing in these sections shall be deemed to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Protection Act, 1998*, S.O. 1998, c.1, as amended, from carrying out a "normal farm practice" as defined by that Act.

Maintenance of Abutting Untravelled Portion of Highway

15. Every Owner of Property shall ensure that the Untravelled Portion of Highway abutting their residential home on their Property be kept free of Refuse and shall ensure that grass and Ground Cover is trimmed or cut to a height of 25 centimetres (10 inches) or less and shall ensure that weeds are removed or destroyed.

Inoperative Vehicles and Machinery

16. No Person shall keep Inoperative Vehicles or parts thereof upon a yard. Vehicles lacking current valid license plates shall be parked or stored only within an enclosed private garage or other buildings on the Property that is properly Zoned by the Town to permit that use.
17. Every Owner of Property, including vacant Lots, shall ensure every yard is kept clean and free from unusable, wrecked, dismantled, discarded or partially dismantled or abandoned appliances, machinery, boats, vehicles, trailers or parts thereof.
18. Notwithstanding Section 16 of this By-law, inoperative agricultural machinery and inoperative agricultural vehicles may be kept on a Property Zoned agricultural, provided that the inoperative agricultural machinery or inoperative agricultural vehicles are neatly placed or arranged so as not to create a safety or health hazard to Persons on the Property, in the opinion of the Officer.
19. No Person shall use any Property in the Town for storing Inoperative Vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including for purposes of repairing other vehicles except where appropriately Zoned by the Town to permit that use.

Standing Water

20. Every Owner of Property shall ensure that any depression in or on the yard is kept free of standing water and that all depressions do not hold standing water for a period of more than four (4) days, under normal weather conditions.
21. Every Owner of Property shall maintain Swimming Pools, Hot Tubs, and artificial ponds in good repair and working condition.
22. Notwithstanding Section 21 of this By-law, every Owner of Property shall take all necessary steps to prevent or remove standing water when a Swimming Pool is not open and operational.

Temporary Storage Containers

23. No Person shall use any Property for the storage of Shipping or Storage Containers unless appropriately Zoned by the Town to permit that use and all applicable building permits have been obtained.
24. Notwithstanding Section 23 of this By-law, temporary use of Shipping or Storage Containers is permitted where:
 - a. there is no more than one (1) such container on a Property at a time;
 - b. it is not present on the Property for more than sixty (60) days; and
 - c. it is not deemed unsafe or unhealthy in the opinion of the Officer.

Enforcement

25. The provisions of this By-law may be enforced by an Officer.
26. 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.
27. 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.
28. 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.
29. 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.

30. 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.

31. An order under this By-law may be served Personally, or by regular mail to the address of any Person on file with the Town, or by posting the notice on the land in a conspicuous place.

32. 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.

33. 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

34. Where the Town has carried out the work pursuant to Section 32 of 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

35. 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.

36. 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.

37. 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

38. This By-law shall be known as the "Yard Maintenance By-law".

39. 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.

40. 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.

41. 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.

Repeal

42. By-law 83-2015 and all amendments thereto are hereby repealed upon the coming into force of this By-law.

Enactment

43. 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

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 or 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

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 64-2025

Being a By-law to Prohibit and Regulate Site Alterations 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 142 of the Municipal Act provides that a local municipality may prohibit or regulate the placing or dumping of fill, the removal of topsoil and the alteration of the grade of the land, and require that a permit be obtained for the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land, and impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to the grading, filling or dumping, the removal of topsoil and the rehabilitation of the site;

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 site alterations of land;

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

Definitions

1. In this By-law:

“**Adverse Impact**” means a negative consequence or impact (loss, destruction or modification) that can have a direct, indirect or cumulative effect whether short or long term in duration;

“**Clerk**” means the Clerk of the Town or their designate(s);

“**Contaminated Soil**” means soil that contains a contaminant in excess of the applicable standards set out in the Ministry of the Environment, Conservation and Parks’ Soil, Ground Water and Sediment Standards under the Environmental Protection Act, or as determined in accordance with Ontario Regulation 153/04 or Ontario Regulation 406/19 (On-Site and Excess Soil Management), as amended from time to time;

“**Drainage**” means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method;

“Designated Official” means an employee, officer or agent of the Town who is appointed and/or retained to administer this By-law or their designate(s);

“Dump” or “Dumping” means the deposit or placement of Fill Material from one location to another and includes from one location at a site to another location at a site on the same Land;

“Existing Grade” means the elevation of the existing ground surface of the Lands prior to the alteration of the Land;

“Fill” or “Filling” means the alteration of the Existing Grade of the Land through the addition of Fill Material;

“Fill Material” means any type of material capable of being removed from or deposited on Land, and may include soil, Topsoil, stone, sod, turf, concrete, asphalt, either singly or in combination, but does not include Contaminated Soil as defined under the *Environmental Protection Act*;

“Grade” or “Grading” means the elevation of the ground surface of Land;

“Land” means any real property within the geographical boundaries of the Town of Kingsville;

“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 Chief Building Official, Designated Official, Supervisor of By-law Enforcement, Building Inspectors, Property Standards Officers, and By-law Enforcement Officers;

“Owner” means the Person that is the registered owner of the Land pursuant to the laws of the Province of Ontario, beneficial owner, lessee, tenant, or person in care and control of the Land;

“Person” means an individual, a corporation, a partnership, and an association as the context requires, and includes an applicant for a Permit under this By-law;

“Permit” means a permit issued pursuant to the provisions of this By-law;

“Qualified Professional” means Professional Engineer licensed by the Association of Professional Engineers of Ontario, licensed Ontario Land Surveyor, or other suitable professions in the sole discretion of the Designated Official;

“Site Alteration” means placing Fill Material on Land, Dumping on Land, removing Topsoil from Land, including the removal of Topsoil for sale, exchange or other disposition, and/or altering the Grade of Land;

“Topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat; and

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

Interpretation

2. This By-law may be referred to as the “Site Alteration By-law”.
3. 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.
4. Headings are inserted for ease of reference only, form no part of this By-law, and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

5. References to any statute or by-law includes any amendment to that statute or by-law and any successor thereto.
6. Nothing in this By-law shall serve to relieve any Person from the obligation to comply with all other applicable law.

Exemptions

7. This By-law shall not apply to:
 - a. any activities listed under Section 142 (5), (6), and (7) of the *Municipal Act, 2001*;
 - b. actions taken in accordance with a building permit issued by the Designated Official for the erection of a building or structure, if the lot grading accompanying the building permit application provides sufficient information to determine that the placing or Dumping of Fill conforms with the provisions of this By-law; and
 - c. soil that is placed on Lands for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that all of the following conditions are met:
 - i. the ground elevation of the Lands is not increased more than 10 centimetres from the Existing Grade;
 - ii. any Filling or Dumping does not cause an Adverse Impact; and
 - iii. any Fill Material does not contain any Contaminated Soil.
8. This By-law does not apply to the Town, the Corporation of the County of Essex, and the Essex Region Conservation Authority (“ERCA”).

General Prohibitions

9. No Person shall engage in Site Alteration, or cause or permit any Site Alteration without a Permit.
10. No Person shall engage in Site Alteration, or cause or permit Site Alteration contrary to the terms and conditions of a Permit or contrary to the representations, plans, specifications or drawings that form the basis upon which the Permit was issued.
11. No Person shall place or Dump Fill or cause Fill to be placed or Dumped in the areas of the Town defined and designated as natural hazard lands by ERCA or natural environment, natural environment overlay, or watercourse protection lands or any other significant environmental features or water resources within the Town’s Official Plan, except as may be provided for in the Official Plan policies.
12. Where required under this By-law, no Permit shall be issued under this By-law until approval has been obtained from ERCA.

Permit Application

13. A completed application for Site Alteration shall be submitted to the Designated Official in the form prescribed by the Town from time to time, and shall be accompanied by the following:
 - a. payment of the fee prescribed in the Town’s Fees and Charges By-law in effect at the time;
 - b. proposed final Grades to be used upon completion of the Filling operation;

- c. a description of the proposed Fill, including a list of the source, geotechnical and environmental analysis reports as to content and quality, prepared by qualified experts in that regard;
- d. a plan, which shall be prepared by a Qualified Professional, if the Designated Official so requires, showing the design details required by the Designated Official to ensure compliance with this By-law; and
- e. security in a form and amount to be determined by the Designated Official to secure performance of the work for which the Permit is being applied, which the Town may draw upon to recover the cost of the Town performing any required work that the Owner has failed to perform and any fee that applies as prescribed in the Town's Fees and Charges By-law in effect at the time.

Issuance of Permit

14. Subject to Section 16 of this By-law, the Designated Official shall issue a Permit upon being satisfied that:

- a. Receipt of payment for any applicable fee;
- b. Receipt of payment for any Qualified Professional retained by the Town to review any required documents, if any;
- c. Receipt of any security required by the Designated Official to secure performance of the work;
- d. a Grading plan satisfactory to the Designated Official has been received;
- e. there is no Adverse Impact on neighbouring Land;
- f. the Fill does not contain any Contaminated Soil;
- g. any Topsoil being removed is being used to restore the Land for which the Permit is being issued unless it can be shown to the satisfaction of the Designated Official that the Topsoil is not needed to restore the Land in which case the Topsoil may be removed from the Land provided a Permit has been issued for the Land to which the Topsoil is being applied; and
- h. satisfactory dust control, traffic control, noise control, hours of operation and vehicle travel routes are established for all vehicles and equipment involved in the Dumping, Filling or Grading operation as not to contravene any Town by-laws.

15. It shall be a condition of every Permit that:

- a. every reasonable step be taken to prevent any Adverse Impact related to dust and noise emanating from the activities undertaken pursuant to that Permit; and
- b. all vehicles and equipment involved in the Dumping, Filling, removing or Grading or alteration shall follow the vehicle travel route (haul route) established by the Designated Official when travelling to or from the property for which the Permit was issued.

16. The Designated Official may refuse to issue a Permit if the application is incomplete, inaccurate, or fails to comply with any of the provisions of this By-law or any other applicable legislation or regulation.

Expiry and Renewal

17. A Permit shall expire on the earlier of the date indicated on the Permit or twelve (12) months from the date of its issue. The Designated Official

shall have the discretion to issue Permits for shorter terms where potential impacts are greater.

18. A Permit that has expired may be renewed within sixty (60) days of its date of expiry upon written application to the Designated Official, accompanied by the applicable fee as prescribed in the Town's Fees and Charges By-law in effect at the time, as well as an updated deposit, if required, and provided that the proposed work has not been revised.

Revocation

19. The Designated Official in their sole discretion shall have the authority to revoke a Permit under any of the following circumstances:
 - a. if it was obtained on mistaken, false or incorrect information;
 - b. if it was issued in error;
 - c. if the Owner or Permit holder requests in writing its revocation;
 - d. if the Owner or Permit holder fails to comply with the terms and condition of the Permit;
 - e. if work authorized under the Permit has not been commenced within six (6) months of the issuance of the Permit; or
 - f. if an Owner or Permit holder fails to comply with any of the provisions of this By-law.

Appeal

20. An applicant for a Permit may appeal a decision of the Designated Official to refuse to issue a Permit, revoke a Permit, or eliminate or modify a condition of a Permit, by providing written notice to the Clerk within fourteen (14) days of the Designated Official's decision.
21. The Clerk will schedule a public meeting of the Committee of Adjustment and Appeals to hear the appeal.
22. The Committee of Adjustment and Appeals has the authority to confirm, amend, or substitute the decision of the Designated Official and such decisions of the Committee of Adjustment and Appeals shall be final and not subject to any further appeal.
23. A request to appeal a decision of the Designated Official does not act as a stay of the decision, including any condition or requirement imposed.

Enforcement

24. The provisions of this By-law may be enforced by an Officer.
25. In accordance with Section 436 of the Municipal Act, an Officer may enter onto 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.
26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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

32. 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

33. 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.

34. Any Person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

35. 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.

36. Any corporation which contravenes any provision of the By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

37. 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.

Severability

38. 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.

Enactment

39. 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

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 65 - 2025

A By-law to amend By-law 2-2021 being a By-law to establish and regulate a Fire Department for the Town of Kingsville

Whereas Council passed By-law 2-2021 being a By-law to establish and regulate a Fire Department for the Town of Kingsville, on February 8, 2021;

And whereas Council amended By-law 2-2021 to update position titles in Section 5, which pertains to the appointment of Officers and employees for the Fire Department, on November 25, 2025;

And whereas Council is desirous of further amending its By-law to establish and regulate a Fire Department for the Town;

Now Therefore The Council Of The Corporation Of The Town Of Kingsville Enacts As Follows:

1. That Section B.1.18 in Schedule "B" of By-law 2-2021 is deleted and replaced with:

"B.1.18 Water and Ice Rescue Services:
 - Surface Water Rescue —Service shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents, and may include shore based and water entry;
 - Swift Water Rescue — Service shall not be provided;
 - Ice Rescue — Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard;
 - Recovery services to retrieve animals, property, or human remains by entering into or onto a body of water, or onto ice over a body of water, shall not be provided by the Fire Department.
 - Surface Water Rescue/ Ice Rescue services shall be provided at the Technician Level by the Fire Department only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
 - i. A scene risk assessment has been completed, and the level of risk reasonably justifies conducting the rescue operation;
 - ii. Sufficiently Trained Firefighter staffing is deployed at the scene;
 - iii. Adequate fireground supervision and support is provided."
2. That this By-law shall come into force on the date of its passing.

Read a first, second, and third time and finally passed this 3rd day of November, 2024.

Mayor, Dennis Rogers

Acting Clerk, Angela Toole

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 66-2025

Being a By-law to authorize the use of Optical Scan Vote Tabulators and Accessible Voting Equipment for the 2026 Municipal and School Board Election

Whereas Section 42(1)(a) of the *Municipal Elections Act, 1996*, S.O. 1996 c. 32, as amended, (the “Municipal Elections Act”) provides that a Council of a municipality may, by by-law, authorize the use of vote counting equipment for the purpose of counting votes at municipal and school board elections;

And whereas the Council of the Corporation of the Town of Kingsville (“Council”) deems it appropriate to conduct the 2026 Municipal and School Board Elections in-person using paper ballots;

And whereas Council deems it appropriate to authorize the use of optical scanning vote tabulators and accessible voting equipment for the 2026 Municipal and School Board Election;

And whereas such By-law must be passed on or before May 1 in the year of a regular election for it to apply.

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

1. That the use of optical scan vote tabulators for the purpose of counting votes and accessible equipment for the purpose of voting is authorized in accordance with the Municipal Elections Act, 1996, for Voting Day and Advance Voting Days for the 2026 Municipal and School Board Election.
2. That the Acting Clerk is hereby authorized and directed to enter into an agreement with a qualified service provider for tabulators and accessible equipment.
3. 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

THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 67-2025

**Being a By-law to confirm the proceedings of the
Council of the Corporation of the Town of Kingsville at its
November 3, 2025 Regular Meeting of Council**

Whereas sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “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 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise;

And whereas it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the “Town”) be confirmed and adopted by by-law;

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

1. The actions of the Council at its November 3, 2025, Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. 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