

A by-law to amend various City by-laws to  
address safety hazards due to errant golf  
balls

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*"), authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 6 of subsection 11(2) authorizes by-laws respecting the health, safety and well-being of persons and paragraph 7 of subsection 11(3) authorizes by-laws respecting structures, including fences and signs;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001*, provide that a municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention;

AND WHEREAS The Corporation of the City of Mississauga (the "City") enacted Fence By-law 0397-1978, as amended, on June 26, 1978;

AND WHEREAS under subsection 15.1(3) of the *Building Code Act, 1992*, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the City enacted Property Standards By-law 0654-1998, as amended, on December 16, 1998;

AND WHEREAS on February 11, 2026, the Council of The Corporation of the City of Mississauga passed Resolution \_\_\_\_\_ approving General Committee Recommendation \_\_\_\_\_ to amend Fence By-law 0397-1978, as amended, to address golf ball safety hazards and to amend Property Standards By-law 0654-1998, as amended, to provide for the maintenance of golf ball containment netting;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. That Fence By-law 0397-1978, as amended, is hereby further amended as follows:
  - (a) by deleting the definition of "**fence**" in Section 2 and replacing it with the following:
 

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

- (b) by adding the following definitions to Section 2, in alphabetical order:

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

**“City”** means The Corporation of the City of Mississauga;

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

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

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

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

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

**“professional golf ball trajectory study”** means an assessment completed by a qualified professional such as, but not limited to, an engineer or sports scientist and includes an analysis of ball flight patterns, potential impact zones and recommended mitigation measures;

- (c) by adding a new subsection 5(5) as follows:

5(5) The provisions of subsection 5(1) do not apply to a person who erects or causes to be erected golf ball containment netting or a fence of chain link construction at a golf course for the purpose of absorbing the impact of golf balls and preventing golf balls from leaving the originating property.

- (d) by adding a new Section 12.1 including the header as follows:

**GOLF BALL CONTAINMENT**

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

- (e) by adding a new Section 12.2 as follows:

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

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

- (f) by adding a new subsection 13.1(3) as follows:
- 13.1(3) Section 13 (Exemptions) does not apply to an owner of a golf course with respect to golf ball containment.
- (g) by adding a new Section 14.1 including the header as follows:

**INSPECTIONS AND ORDERS**

- 14.1(1) An Officer may enter upon land at any reasonable time in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, for the purpose of carrying out an inspection to determine whether or not this By-law or any orders issued pursuant to this By-law are being complied with.
- 14.1(2) For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
  - (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 purposes of the inspection.
- 14.1(3) A receipt shall be provided for any document or thing removed under subsection 14.1(2)(b) and the document or thing shall be promptly returned after the copies or extracts are made.
- 14.1(4) No person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
- 14.1(5) An Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.
- 14.1(6) An order made pursuant to subsection 14.1(5) shall include:
- (a) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (b) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done; and
  - (c) direct that if the thing or matter that is required to be done is not completed by the time set out in the order, the matter or thing will be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- 14.1(7) For the purposes of subsection 12.2(b), an Officer may order the owner of a property that is used as a golf course to supply, at the owner's expense, a professional golf ball trajectory study, as specified in the order.

- 14.1(8) No person shall fail to comply with an order made pursuant to subsection 14.1(5).
- 14.1(9) Any order required to be given to or served upon a person pursuant to this By-law may be served:
  - (a) personally;
  - (b) by email to the last known email address on record; or
  - (c) by registered mail to the last known mailing address on record, which service shall be deemed to be five (5) days after mailing.
- 14.1(10) If the City is unable to effect service under subsection 14.1(9) or the delay necessary to serve an order would result in an immediate danger to the health or safety of any person, the order may be placed in a conspicuous place upon the property and shall be deemed to be sufficiently given to or served upon the person to whom the order is directed.

(h) by deleting Section 15 in its entirety and replacing it with the following:

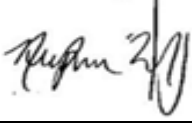
- 15(1) Every person who contravenes any provision of this By-law, when given a Penalty Notice, is liable to pay to the City an Administrative Penalty in the amount specified in the Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the Licensing Administrative Penalty By-law. If a person is required to pay an Administrative Penalty, the person shall not be charged with an offence in respect of the same contravention.
- 15(2) Notwithstanding subsection 15(1), every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, and the *Municipal Act, 2001*, S.O. 2001, c. 25, as both may be amended from time to time.
- 15(3) In addition to subsections 15(1) and 15(2), any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, to a minimum fine of \$500 and a maximum fine not exceeding \$100,000.

2. That Property Standards By-law 0654-1998, as amended, is hereby further amended as follows:

(a) by deleting the definition of "**fence**" in Section 2 and replacing it with the following:

"**fence**" means any structure, except a structural part of a building, used wholly or partially to screen from view, to enclose or divide a yard or other land, to mark or substantially mark the boundary between adjoining land, and includes swimming pool enclosures, privacy screens, retaining walls, noise attenuation walls, any barrier, hedge or grouping of shrubs, golf ball containment netting as defined in Fence By-law 0397-1978, as amended, or other combination of fencing components which form a continuous barrier for the same purposes;

ENACTED and PASSED this 11<sup>th</sup> day of February, 2026.

Approved by Legal Services <b>City Solicitor</b> City of Mississauga

Nupur Kotecha
Date: January 27, 2026
File: BL.01-25.45

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK