

### **POOL/HOT TUB ENCLOSURE PERMIT GUIDELINES**

Please submit the following items with your permit application as per Fence By-law 2007-75, as amended. Failure to provide all required information will result in your application being forwarded back to you.

- Completed Pool Enclosure Permit Application
- Pool Enclosure Permit Fees
  - Permit Application Fee
  - Permit Application Deposit (not required for Hot Tubs)
  - Septic Review Fee (if property is serviced by a private sewage system)
  - Road Occupancy Permit Fee (required for all commercial vehicles that will be parked on the roadway during the installation of the pool)
- Pool Brochure
- Road Occupancy Permit Application (drawing of the location of all commercial vehicles being parked on the road is required – to be drawn on the Road Occupancy Application). Permit is required if driveway will not accommodate all commercial vehicles during pool installation.
- 2 Copies of your site plan (must be a true representation of the property, no larger than 8 ½" x 14") showing:
  - All structures on the property
  - Private sewage system location
  - Pool location with setbacks from fencing, lot lines, all structures, sewage system, pool equipment, patios, decks, fire pits, etc...
  - Gate locations – must indicate self-closing/self-latching
  - All new and existing fencing locations
  - New and existing fence construction details (see By-law 2007-75 for construction requirements)
  - Any man doors/entrances into pool area must be indicated on plan (from house, garage, accessory building). The doors that permit entrance into pool area must be equipped with a bolt/chain latch at a minimum height of 5 feet above the inside floor level
  - Drainage plan
  - Hot Tubs do not require fencing if: the Hot Tub has a lockable cover that will support a weight of at least 60 pounds – this information must be noted on the plan

*“Our town, Our future”*



**POOL/HOT TUB ENCLOSURE PERMIT GUIDELINES Pg. 2**

- If your property is located within the Lake Simcoe Region Conservation Authority's fill regulated area, you will be required to obtain their approval prior to applying for a pool permit. Their contact number is 905-895-1281
- If your property is located within the Oak Ridge Moraine you may be required to obtain approval from the Town's Planning Department prior to applying for a pool permit
- If you are located in a new subdivision, you may be required to obtain an approval letter from the Developer authorizing you to install a pool/fencing
- Review of your pool permit application will not commence until all approvals and requirements of the application are submitted with your application. Review time is approximately 15 business days, however, reviews could take longer due to the volume of applications
- When construction of the pool is complete with fencing, please contact the By-law Department at 905-478-4282 for a final inspection of the pool enclosure

If you have questions regarding an application for a Pool Enclosure Permit, please contact the By-law Department at 905-478-4282.



Town of  
**East Gwillimbury**

**Application for Swimming Pool Enclosure Permit**

<b>Date Received:</b>	<b>Permit No.</b>
<b>Roll No:</b>	<b>Zoning:</b>

**A. Location of Proposed Swimming Pool**

<b>Street Address:</b>	<b>Unit#</b>	<b>Lot/Con</b>
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**B. Owner Information**

**Applicant is:**  **Owner**  **Authorized Agent**

<b>Last Name:</b>	<b>First Name:</b>	<b>Company:</b>
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**Street Address:**

<b>Town:</b>	<b>Postal Code:</b>	<b>Prov.</b>	<b>E-mail:</b>
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<b>Phone No:</b>	<b>Fax No:</b>	<b>Cell No:</b>
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**C. Applicant/Contractor Information**

<b>Last Name:</b>	<b>First Name:</b>	<b>Company:</b>
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**Street Address:**

<b>Town:</b>	<b>Postal Code:</b>	<b>Prov.</b>	<b>E-mail:</b>
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<b>Phone No:</b>	<b>Fax No:</b>	<b>Cell No:</b>
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**D. Type of Swimming Pool**

**Above Ground**       **In-ground**       **Inflatable**       **Hot Tub**       **On-ground**

**Estimated Construction Cost: \$** \_\_\_\_\_

**E. Type of Enclosure**

**Chain Link**       **Board-on-board**       **Surround Deck**       **Wrought Iron**       **Other**

**Comments:** \_\_\_\_\_  
\_\_\_\_\_

**F. Declaration of Applicant**

I \_\_\_\_\_ **certify that:**  
(print name)

- The information contained in this application, attached schedules, attached plans and specifications and other attached documentation is true to the best of my knowledge;
- I have the authority to bind the corporation partnership

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**G. Application Requirements – Office Use**

<b>Permit Application</b> <input type="checkbox"/>	<b>Road Occupancy Permit</b> <input type="checkbox"/>
<b>Site Plan</b> <input type="checkbox"/>	<b>Application Fee</b> <input type="checkbox"/>
<b>LSRCA Approval (If Required)</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/> _____
<b>ORM Approval</b> <input type="checkbox"/>	

**H. Fees – Office Use**

<b>1. Pool Permit Fee</b> <input type="checkbox"/>	<b>Permit Total \$</b> _____
<b>2. Pool Permit Deposit</b> <input type="checkbox"/>	
<b>3. Septic Review Fee</b> <input type="checkbox"/>	<b>Return Deposit to:</b> _____
<b>4. Road Occupancy Fee</b> <input type="checkbox"/>	
<b>5. Other \$</b> _____	

**I. Authorization – Office Use**

**Approved by:** \_\_\_\_\_ **Date of Final Inspection:** \_\_\_\_\_  
**Date:** \_\_\_\_\_



**ROAD OCCUPANCY PERMIT  
APPLICATION (UTILITY/CONTRACTOR)**

**The undersigned hereby applies for:  
ROAD OCCUPANCY PERMIT, WATER, SEWER**

**APPLICANT INFORMATION:**

Contractor: _____	For: _____ (Utility Co.)
Contractor Address: _____	Address: _____
Contact Phone: _____	Cell: _____
Fax: _____	Email: _____
Date: _____	Time: _____
YYYY / MM / DD	HH MM

**LOCATION AND DATE(S) OF ROAD OCCUPANCY:**

LOCATION/ADDRESS \_\_\_\_\_

CROSS STREET \_\_\_\_\_

To be occupied From: \_\_\_\_\_ To: \_\_\_\_\_

**SUPPORTING DOCUMENTATION**

Book 7 Traffic Management Plan attached  YES  NO

**DESCRIPTION OF WORKS (Briefly describe and sketch the work to be undertaken - may be attached)**

Hand Dig Within 1m (3.28ft) as measured horizontally from the field markings: depth varies and must be determined by hand

\_\_\_\_\_

**APPLICANT REQUIREMENTS**

*Upon obtaining the Road Occupancy Permit the applicant agrees to the following:*

- (a) Abide by and adhere to the Town of East Gwillimbury By-law Number 73-28
- (b) Before commencing work provide and during the course of the occupancy maintain and abide by a Traffic Management Plan according to the standards set forth in Ontario Traffic Manual Book 7 – Temporary Conditions.
- (c) All installations within municipal right of way must be a minimum of 1 metre in depth.
- (d) Any sidewalk bays that are removed, are to be temporarily replaced with asphalt – no more than ¾” deficiency/lip. Concrete to be replaced within 30 days of work completion.
- (e) No spray paint on sidewalks. Use of flags only.

Signature: \_\_\_\_\_

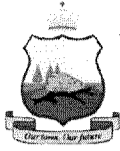
Date: \_\_\_\_\_

***For office use only:***

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



Town of  
East Gwillimbury

## THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

### BY-LAW 2007-75

#### BEING A BY-LAW TO PRESCRIBE THE HEIGHT AND DESCRIPTION OF FENCES

**WHEREAS** Section 11 (3), and 8(3) of the Municipal Act, 2001, as amended, authorize municipalities to pass by-laws with respect to “structures, including fences and signs”, including by-laws to regulate or prohibit respecting such matters, to require persons to do things, to provide for a system of permits and to impose conditions as a requirement of obtaining a permit;

**AND WHEREAS** the Council of the Corporation of the Town of East Gwillimbury considers it necessary to enact such a By-law;

**NOW THEREFORE**, THE Council of the Corporation of the Town of East Gwillimbury enacts as follows;

#### **SHORT TITLE**

This by-law may be cited as the Fence By-Law.

#### **SCOPE**

This by-law applies to all private property in the Town of East Gwillimbury.

#### **PART 1 DEFINITIONS**

1. In this By-law unless the context otherwise requires:

##### **Building**

- (a) “Building means”;
- (i) a structure, temporary or permanent, consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,
  - (ii) structures designated in the Ontario Building Code, as amended, and
  - (iii) a tent as specified in the Ontario Building Code, and
  - (iv) a building and structure as defined in the Town Zoning By-law, as amended.

(b) **Collector Road**

“Collector Road” means a road that has numerous intersections with local roads and limited direct access to properties;

(c) **Construct**

“Construct” means to construct, erect, build, install, alter, reconstruct or replace a fence, or to cause or permit another person to do so, and does not include repair if repair involves 50% of the fence along a lot line;

(d) Construct a Pool

“Construct a Pool” means to excavate for, construct, build or erect a pool, or to cause or permit another person to excavate for, construct, build or erect a pool;

(e) Council

“Council” means the Council to the Town;

(f) Established Building Line

“Established Building Line” means the average distance from the street line to the nearest wall of any existing permitted main building on the lot fronting on a street;

(g) Existing

“Existing” means existing as of the date of the final passing of this By-law;

(h) Fence

- (i) “Fence” shall mean a barrier or partition including all gates constructed and which may or may not define the lot line of a property but shall not include a building as defined in the Town of East Gwillimbury Zoning By-Law, as amended;
- (ii) In the case of a fence which encloses an outdoor swimming pool, a fence shall include buildings which abut the fence or structures but shall not include bushes, hedges, berms or other landscape material, etc.

(i) Height

“Height” shall mean the distance measured perpendicularly from the native ground level, on which a lawful fence is constructed or maintained, to the top of such fence. Where the ground levels are not the same on both sides of the fence the higher of such levels shall be considered the ground level for the purposes of the height. The height of a fence surrounding a privately owned outdoor swimming pool shall be measured at the outside of the fence which separates the pool from the remainder of the land.

(j) Local Road

“Local Road” means a road that serves individual residences or businesses and distributes traffic to collector and arterial roadways;

(k) Lot

“Lot” means a parcel or tract of land:

- (i) which is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purposes of this paragraph does not include a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed pursuant to the Planning Act, as amended;
- (ii) which fronts a street and is in valid separate ownership from all adjoining properties;
- (iii) the description of which is the same as in a deed, registration of which has been given consent pursuant to the Planning Act, as amended, but for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has been conveyed to or acquired by the Town, the Ministry of Transportation or The Regional Municipality of York; or

- (iv) which is the remnant parcel remaining to an owner or owners after a conveyance has been made for which consent has been given pursuant to the Planning Act, as amended.

(l) Lot, Corner

“Corner Lot” means a lot abutting one or more streets where the angle of the lot lines abutting the street lines are not more than 135 degrees;

(m) Lot Frontage

“Lot Frontage” means the continuous horizontal distance between the side lot lines measured at right angles. Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage shall be measured, by a line 7.5 metres (25 feet) back from and parallel to the chord of the lot frontage. Such chord is a straight line obtained by joining the two points of intersection between the side lot lines and the front lot line;

(n) Lot, Interior

“Interior Lot” means a lot situated between adjacent lots and having access to one street;

(o) Lot Line

“Lot line” means any boundary of a lot;

(p) Lot Side Line, Exterior

“Exterior Side Lot Line” means a side lot line immediately adjoining a street on a corner lot;

(q) Lot Line, Front

“Front Lot Line” means the lot line that divides the lot from the street to the nearest part of the main building and for the purposes of this By-law is determined by the direction of the main entrance of the building;

(r) Lot Line, Rear

“Lot Line Rear” means the closest lot line opposite the front lot line. For the purpose of this section a point can be deemed as a rear lot line;

(s) Lot Line, Side

“Side Lot Line” means the lot line other than front, rear, or exterior side lot line;

(t) Lot, Through

“Through Lot” means a lot bounded on two opposite sides by streets. If any lot qualifies as being a corner lot and a through lot as hereinbefore defined, such lot shall be deemed a corner lot for the purposes of this By-law;

(u) Open Construction

“Open Construction” means that for every 300 mm (1 foot) of horizontal fence there is a minimum of 25 mm (1 inch) free space between vertical components except when vertical components abut the fence posts;

(v) Outdoor Pool

“Outdoor Pool” means any body of water located outdoors on privately-owned property and for private use contained in whole or in part by artificial means and used or capable of being used for swimming, the depth of which can exceed .6 m (24 inches) and pool shall include hot tubs and whirlpools,

except where such body of water is designed for primarily an agricultural use and pool shall have a corresponding meaning;

(w) Owner

“Owner” means the owner, lessee or occupier of the lot;

(x) Person

“Person” includes a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

(y) Pit

“Pit” means an opening or excavation in the working of the ground for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel, peat or loam, or which a smelting furnace, mill work, machine or place is used for or in connection with crushing, reducing, smelting, refining or treating any of the substances listed in this definition, and all ways, works, plants, buildings and premises either below or above the ground and belonging to or used in connection with any activities listed in this definition, and also includes a quarry;

(z) Region Road

“Region Road” means a highway designated as a regional road by The Regional Municipality of York;

(aa) Scrap or Salvage Yard

“Scrap or Salvage Yard” means a lot and/or premises used for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, shall include waste paper, rags, bottles, used bicycles, motor vehicles, tires, metal and/or other scrap material and salvage;

(bb) Service Entrance

“Service Entrance” shall mean the entrance into a building other than the main entrance;

(cc) Setback

“Setback” means the required set back for that zone as per the Town Zoning By-law, as amended;

(dd) Sight Triangle

“Sight Triangle” means an area free of building, structures or obstructions and which area is to be determined by measuring from the point of intersection of street lines on a corner, or the distance required by the Town’s Zoning By-law, as amended, along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the point is the “sight triangle”. It can be located on privately owned property;

(ee) Street

“Street” means a public highway that includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles and further defined as per Schedule “B”;



(f f) Street Line

"Street Line" means the limit of road or street allowance serving as the dividing line between a lot and a street;

(gg) Wrought Iron

"Wrought Iron" means a fence constructed of metal;

(hh) Zone

"Zone" shall mean the designation given such land in the Town Zoning By-law, as amended.

**PART 2 GENERAL PROVISIONS**

2. No person shall construct or permit to be constructed a fence on any lot except in compliance with the provisions of this by-law.

3. Obstruction of Streets

No person shall construct or permit to be constructed a fence either permanently or temporarily on any street except for emergency protection measures, or with the approval of Council.

4. Maintenance

All fences shall be:

- (a) maintained in good repair;
- (b) maintained in a structurally sound condition;
- (c) maintained so that it is not in an unsafe or unsightly condition;
- (d) protected from deterioration by the timely application of paint or other suitable protective material;
- (e) within any six month period where fifty percent (50%) or more of any fence is to be replaced or repaired, after the passing of this by-law, such replacement and or repairs shall meet the requirements of this by-law.

5. Fence on Boundary of Different Zones

Where a lot line is indicated as following a zone boundary, the fence that may be erected shall be constructed to the specifications of the zone with the maximum height restriction. Where the zone boundary is located on a street line this subsection shall not apply.

6. Setbacks

All setbacks for fences shall be measured on the owner's lot from the lot lines on which the fence is erected or proposed to be erected and may meet an established building line.

7. Town and Park Property

No person shall erect a fence which contains a gate or opening structure that abuts Town property.

8. Lake Simcoe Region Conservation Authority

All fences constructed on lands over which Lake Simcoe Region Conservation Authority has jurisdiction require approval from the Conservation Authority prior to installation of the fence.

### **PART 3 EXEMPTIONS**

9. The provisions of this by-law shall not apply to fences constructed by or as requested by the Town of East Gwillimbury, The Regional Municipality of York, The Government of Ontario, The Government of Canada, Hydro One, Ontario Power Authority, gas or power generation companies and Lake Simcoe Region Conservation Authority.
10. A requirement of this By-law does not apply to a fence that has been exempted from that requirement granted by Council and a payment of the enclosure variance fee set out in Schedule "A" of this by-law has been paid.
11. Within any six month period the requirements of this by-law do not apply to a fence that was constructed lawfully prior to the day on which this by-law came into force unless fifty percent (50%) or more of the fence is to be replaced or repaired.

### **PART 4 RESTRICTIONS IN ALL RESIDENTIAL ZONES**

12. No person shall construct or permit to be constructed a fence on any lot in a residential zone except in accordance with the following provisions:

- (a) any fence constructed shall be of open construction only;
- (b) no person or owner shall use or allow the use of barbed wire or other barbed material or any material of a nature which could be injurious to the public in the construction, maintenance, or used as a fence;
- (c) no person or owner shall construct a fence from chicken wire, or degraded used material;
- (d) notwithstanding any other provision in this By-law a 1.2 metre (4 feet) high chain link fence or a 0.9 metre (3 feet) high fence may be constructed along any lot line in a residential zone, except within a sight triangle.

#### 13. Interior Lots

No person shall erect, construct or permit to be erected or constructed a fence on an interior lot except in accordance with the following regulations:

- (a) a fence within the front yard shall not exceed a height of 0.9 metres (3 feet), except a chain link fence which shall not exceed a height of 1.2 metres (4 feet); and
- (b) a fence within any rear yard or interior side yard shall not exceed a height of 1.83 metres (6 feet).

#### 14. Through Lots

No person shall erect, construct or permit to be erected or constructed, a fence on a through lot except in accordance with the following regulations:

- (a) a fence within the front yard or rear yard shall not exceed a height of 0.9 metres (3 feet), except a chain link fence which shall not exceed a height of 1.2 metres (4 feet); and
- (b) a fence within any rear yard or interior side yard shall not exceed a height of 1.83 metres (6 feet) and shall be set back 7.5 metres (25 feet) from the rear lot line.

#### 15. Corner Lots

No person shall erect, construct, or permit to be erected or constructed a fence on a corner lot except in accordance with the following regulations:

- (a) a fence not exceeding 0.9 metres (3 feet) in height may be erected within any part of a front yard and an exterior side yard, except a chain link fence which shall not exceed a height of 1.2 metres (4 feet); and
- (b) a fence having a maximum height of 1.83 metres (6 feet) may be erected in an exterior side yard and rear yard provided it is set back the minimum required set back for the main building on the lot from an exterior side lot line on lots with 18.28 metres (60 feet) frontage or less; and
- (c) a fence having a maximum height of 1.83 metres (6 feet) may be erected in an exterior side yard and rear yard provided it is set back a minimum of 7.25 metres (25 feet) from an exterior side lot line on lots with greater than 18.28 metres (60 feet) frontage; and
- (d) no fence exceeding 0.9 metres (3 feet) in height may be erected within any sight triangle.

#### **PART 5 RESTRICTIONS IN OTHER ZONES**

16. No person shall construct or permit to be constructed, a fence on any lot zoned commercial, industrial restricted and general industrial, and transitional, except in accordance with the following provisions:
- (a) no fence shall be constructed having a height in excess of 1.83 metres (6 feet) from the rear lot line to the established building line of the main building erected on the lot;
  - (b) no fence shall be constructed having a height in excess of 1.2 metres (4 feet) between the established building line of the main building on the lot, and a setback of 3 metres (10 feet) from the front and exterior side lot line;
  - (c) the fence shall be of open construction (except in Industrial (M2) zones);
  - (d) fences for pool enclosures shall comply with Part 9.

#### **PART 6 RESTRICTIONS IN INDUSTRIAL EXTRACTIVE ZONES**

17. No person shall construct or permit to be constructed a fence on a lot zoned industrial extractive except in accordance with the following provisions:
- (a) in an industrial extractive zone, a fence of heavy duty farm fencing with a minimum height of 1.83 metres (6 feet) and maximum height of 2.4 metres (8 feet) shall be erected and maintained around the entire site. Such fence shall follow the contours of the surface of the ground along the perimeter of the lot or area of the lot to be used for a pit operation;
  - (b) fences for pool enclosures shall comply with Part 9.

#### **PART 7 RESTRICTIONS IN INDUSTRIAL STORAGE ZONES AND DISPOSAL ZONES**

18. No person shall construct or permit to be constructed a fence on any lot zoned industrial storage except in accordance with the following provisions:
- (a) where land is used for the purpose of a scrap yard or salvage yard, the use shall be surrounded on all sides by a fence that is in conformity with all of the following provisions;
    - (i) a fence shall be erected having a height of 2.4 metres (8 feet) and,

- (ii) this fence shall be constructed of permanent opaque materials that provide a visual barrier, and
- (iii) this fence shall be erected not closer than 7.5 metres (25 feet) from any front or exterior side lot line.

**PART 8 RESTRICTIONS IN RURAL, OPEN SPACE, INSTITUTIONAL, ENVIRONMENTAL AND AIRFIELD ZONES**

19. No person shall construct or permit to be constructed, a fence on any lot zoned rural, open space, institutional and airfield except in accordance with the following provisions:
- (a) in any rural, open space, institutional or airfield zone a fence may be erected not in excess of 1.5 metres (5 feet) in height along any lot line but not within daylighting triangles;
  - (b) fences for pool enclosures shall comply with Part 9.

**PART 9 FENCES AROUND OUTDOOR SWIMMING POOLS**

20. The owner of a lot which contains an outdoor swimming pool shall construct and maintain a fence of not less than 1.2 metres (4 feet) in height that completely surrounds the pool. The fence shall not have more than 100 millimetres (4 inches) spacing between the vertical components and no more than 100 millimetres (4 inches) spacing between any component and the ground.
21. When a wall of any building located on the same property as the swimming pool enclosure forms part of such enclosure, no entrances to the enclosed pool area from the building shall be permitted through such wall unless:
- (a) the entrance that permits passage from the pool enclosure to the building is locked when the pool is unattended;
  - (b) the door (s) at such entrance way is equipped with a bolt latch or a chain latch at a minimum height of 1500 millimetres (5 feet) above the inside floor level;
  - (c) the care, control and maintenance of the entrance way, the door (s) as described in (a) and (b) and the safety latch as described in (b) of this section is and always shall be the responsibility of the owner.
22. The fence shall be constructed so as to provide an unobstructed view of the swimming pool from the main building or residence located on the same property.
23. The fence may be of chain link, wood construction, or wrought iron as follows:
- (a) for chain link;
    - (i) shall not be less than 12 gauge wire with no more than 38 millimetres (1 ½ inch) mesh, or other chain link of equivalent strength with mesh not exceeding 3.7 centimetres (1 ½ inch) measured across the diagonal of the mesh,
    - (ii) shall not be greater than 38 millimetres (1 ½ inch) mesh; except for a fence that the municipality has erected to the Community Programs and Infrastructure Department's fence standards of 50 millimetres (2 inch) mesh, 9 gauge wire.
  - (b) for wood construction;
    - (i) have the vertical boarding attached to supporting members not more than 100 millimetres (4 inches) apart. Such vertical boards shall not be less than 25 millimetres x 100 millimetres

(1 inch x 4 inches) spaced not more than 100 millimetres (4 inches) apart,

- (ii) be supported by a minimum of 10 millimetres square or 100 millimetres (4 inch) diameter posts, (nominal) dimensions, spaced not more than 2.6 millimetres (8 feet 4 inches) on centres securely embedded a minimum of 1.2 metres (4 feet) below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood 38 millimetres x 89 millimetres, (1 ½ inch x 3 1/2 inches).
- (c) for wrought iron fence;
- (i) shall be erected from the ground to a full height of not less than 1.2 metres (4 feet) with 38 millimetres (1 ½ inch) round or square tube 16 gauge capped posts, single or double, with 25 millimetres (1 inch) square tube 18 gauge horizontal bars spaced not less than 1 metre (3 feet) apart with 12 millimetres (1/2 inch) round or square tube 18 gauge vertical bars with maximum spacing of 100 millimetres (4 inches). Vertical bars must be erected at a maximum of 100 millimetres (4 inches) above ground elevations.
- (d) Other forms of fence may be erected provided that they are constructed as to provide an equivalent degree of safety.
- (e) Any gate in the fence or wall shall meet the following requirements;
- i) shall be of similar chain link fencing or of material of not less than equivalent strength as that of the supporting fence,
  - ii) have not more than 3.7 centimetre (1 ½ inch) mesh,
  - iii) have an equivalent degree of safety as the supporting fence,
  - iv) shall comply with the height requirements for the fence,
  - v) shall be supported by hinges and be equipped with self-closing self-latching devices on the inside of the gate at a point not less than 1.2 metres (4 feet) in height,
  - vi) every gate shall be kept closed and latched and/ or locked at all times.
- (f) All fences, walls and gates shall be constructed so that there shall not be a projection, rail, attachment or bracing that will facilitate the climbing thereof from the outside. Furthermore, swimming pool fences shall be no closer than 1.2 metres (4 feet) from any structure, projection, rail, attachment or bracing;
24. Above ground pools of a minimum height of 1.2 metres (4 feet) in height above native ground level with a deck surrounded in whole or in part will not be required to be fenced provided that above the deck there is a guard conforming to the Ontario Building Code and further provided that all structures below the deck are smooth faced, unclimbable and the steps provided are to swing up to close the top railing with a locking device to secure them in a stationary position as a gate or a similar system.
25. Every fence shall be constructed in a manner that will provide a minimum set back of 1.2 metres ( 4 feet) from such fence or enclosure to the inside wall of the swimming pool on all sides. Above ground pools that have a lesser pre-manufactured width may be acceptable.
26. No person shall excavate for or construct a pool or permit the construction or excavation of a pool unless a permit for fencing has been obtained from the Town of East Gwillimbury. The person shall comply with the terms and conditions of the permit including arranging for an inspection of the pool fence when complete.

27. No person shall place, cause or permit to be placed water in, or allow water to accumulate, in a pool unless:
- (a) a fence that is constructed is inspected and approved by an employee or agent of the Town and such fence has been found to be in compliance with this by-law; and
  - (b) where the addition of water forms part of the construction technique, temporary fence that is constructed is inspected and approved by an employee or agent of the Town and such fence has been found to be in compliance with this by-law.
28. No person shall construct a fence around an outdoor swimming pool until plans are drawn as per Schedule "C" for such fence and has been submitted to the Town and a permit certifying approval of such plans has been issued.
29. The owner of a pool that is in-ground or on-ground/above ground, save and except an inflatable pool, hot tub or whirlpool are subject to securities for lot grading, sewage system, damage to Municipal property and to have a final inspection of the enclosure completed in accordance with Schedule "A".
30. The requirements of this by-law with respect to pool fences applies to a fence whose purpose changes as a result of a pool being constructed after the day on which this By-law came into force and which now acts as a pool fence.
31. Notwithstanding the provisions of this By-law, a pool that is a hot tub or whirlpool and that has a cover that may be locked and that will support a weight of at least 27.2 kg. (60 pounds), is not required to be enclosed by a pool enclosure or temporary enclosure.
32. The owner of a pool that is a hot tub or whirlpool shall ensure that the cover for such pool remains securely closed and locked at all times when such pool is not in use by the owner, its invitees or licensees.

#### **PART 10 POWERS OF ENTRY**

33. The Town may enter on a lot at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) the provisions of this by-law;
  - (b) an Order issued under this by-law; or
  - (c) an Order made under Section 431 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
33. Where an inspection is conducted by the Town, the person conducting the inspection 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 including their name, address, phone number and identification; 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.
34. The Town may undertake an inspection pursuant to an Order issued under s. 438 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.

35. The Town's power of entry may be exercised by an employee, officer, or agent of the Town or by a member of the York Regional Police force, as well as by any person under his or her direction.

#### **PART 11 ORDERS AND REMEDIAL ACTION**

36. If a person is constructing a fence in contravention of any of the provisions of this By-law, the Town may issue an Order to the person and to the owner of the lot on which the fence is being constructed, to discontinue the contravening activity. The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Order. The Order may be served in accordance with the service provisions contained in this By-law.
37. If a person has contravened a provision of this By-law, the Town may issue a Work Order to the person who contravened or permitted the contravention of this By-law, as well as to the owner of the lot on which the contravention occurred, to do work to correct the contravention. The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Order. The Order may also provide that if the person or owner fails to correct the contravention, the Town may do the work to correct the contravention, including the removal of the fence, at the expense of the person and the owner. The Order may be served in accordance with the service provisions contained in this By-law.
38. If the Town has issued an Order directing or requiring a person or an owner to do a matter or thing to correct a contravention of this By-law, and the person or the owner has failed to correct a contravention, the Town may enter upon the lot between the hours of 9:00 a.m. and 5:00 p.m., Monday to Friday, to do all work necessary to correct the contravention, including the removal of all or part of the fence, and the Town may recover the cost 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 of the owner and collecting them in the same manner as property taxes.
39. An Order issued under this By-law may be served personally or may be served by registered mail sent to the last known mailing address of the person as indicated on the Town's assessment roll. If an Order is served on a person by registered mail, it shall be deemed to have been served on the person on the 5<sup>th</sup> day after mailing of the Order, which deemed service may be rebutted by the person proving, on a balance of probabilities, that they did not receive the Order.

#### **PART 12 PENALTY PROVISIONS**

40. Every person who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
41. If a fence has been constructed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
42. If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
43. Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) upon a first conviction, to a fine not less than \$100.00 and not more than \$50,000.00;
  - (b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;

- (c) upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
  - (d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The Total of all fines for each included offence is not limited to \$100,000.00
44. For the purposes of this by-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
45. For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

#### **PART 13 SCHEDULES**

46. Schedule "A" "B" and "C" forms part of this By-law.

#### **PART 14 SEVERABILITY**

47. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.
48. Where the provisions of this By-law conflict with the provisions of any other By-law or Act, the more restrictive provisions shall apply.

#### **PART 15 ENFORCEMENT AND ADMINISTRATION**

49. This By-law shall be enforced and administered by the Town of East Gwillimbury.

#### **PART 16 FEES**

50. The fee for a pool enclosure permit is as per "Schedule A" attached to and forming part of this By-law. Permit fees will be indexed on January 1<sup>st</sup> of each year based on the Consumer Price Index.

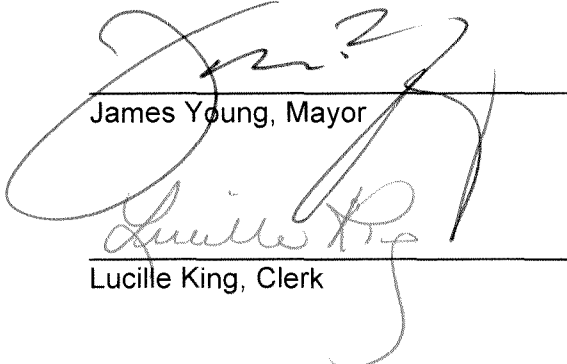
#### **PART 17 COMMENCEMENT**

51. This By-law shall come into force upon third and final reading.

#### **PART 18 REPEALING SECTION**

52. By-law 96-33, 98-32, and 97-64 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16<sup>th</sup> DAY OF July, 2007.

  
James Young, Mayor

  
Lucille King, Clerk



**SCHEDULE "A"****FEE SCHEDULE**

<b>ENCLOSURE</b>	<b>FEE</b>	<b>DEPOSIT</b>	<b>SEPTIC REVIEW FEE</b>	<b>TOTAL</b>
Inground Pool (Serviced Lot)	\$120.00	Lot Grading, Sewage, Damage and final inspection of enclosure Deposit \$1500.00		\$1620.00
Above Ground Pool/ On Ground (Serviced Lot)	\$120.00	Lot Grading, Sewage, Damage and final inspection of enclosure Deposit \$1500.00		\$1620.00
Inground Pool (Privately Serviced Lot)	\$120.00	Lot Grading, Sewage, Damage and final inspection of enclosure Deposit \$1500.00	\$64.05	\$1684.05
Above Ground Pool (Privately Serviced Lot)	\$120.00	Lot Grading, Sewage, Damage and final inspection of enclosure Deposit \$1500.00	\$64.05	\$1684.05
Hot Tub/ Whirlpool	\$120.00			\$120.00
Enclosure Variance	\$106.00			\$106.00

**SCHEDULE "B"****FUNCTION OF MAJOR ROAD FACILITIES**

ROAD CLASSIFICATION	DESIGN REQUIREMENTS
Provincial Highways and Major Arterials	Sight triangles 30 metres x 30 metres at intersections with highways and other arterials and 15 metres x 15 metres at all other roads.
Collector Roads	Sight triangles 30 metres x 30 metres at intersections with highways at intersections with arterials 15 metres x 15 metres, and at intersections with collectors 10 metres x 10 metres.
Local Roads	Sight triangles at intersections with collectors and other local streets 5 metres x 5 metres

**SCHEDULE "C"**  
**SWIMMING POOL PLANS**

**ALL PLANS SUBMITTED MUST:**

1. be a minimum scale of 1:300 (metric) or 1"= 20'0" (imperial),
2. show all existing and proposed lot corner grades as per approved grading control plan as per recent survey (tied to geodetic datum),
3. show location of all underground services; i.e. sewage disposal system (all tanks and leaching beds), water service, storm and sanitary sewers, etc. (where applicable),
4. show proposed grades at front, rear and corners of buildings, around pool structure, as well as swale grades adjacent to all building corners,
5. show all proposed swale grades with arrow identifying direction of flow,
6. show all high point grades in swales,
7. show all existing rear lot drainage structures and inlet elevations,
8. show all proposed "sheet" drainage patterns,
9. show all proposed embankments (maximum 3:1, preferable 4:1 or more),
10. show all proposed and existing retaining walls (maximum 1.0 meter in height or subject to a separate building permit),
11. show pool set backs,
12. show all fencing location and construction and height of fencing,
13. show all structures on lot,
14. show location of pool heater and pumps,