



**Pool Fence Permit & Application Guideline
Per By-law 2009-099**

Prior to excavation or construction of a pool, a temporary safety fence shall be constructed and inspected as per section 2.2 of the Pool Fence By-law No. 2009-099.

Description		Required	Submission Status	Notes
Required Documentation/Information	Permit Application	✓		\$150.00 Fee
	Site Plan (size and shape of lot) include the following; <ul style="list-style-type: none"> ▪ Proposed size and shape of pool and fence. ▪ Fencing details and gate locations as per By-law 2009-099. ▪ Location and extent of existing septic system, site features and buildings. Pools shall not be located within 5 metres of septic distribution pipe or within the septic loading area or sand mantel. ▪ Location of geo thermo system. (if applicable) ▪ Easements. ▪ Site Alteration/Topsoil preservations may be required. ▪ Letter from owner authorizing agent to act on their behalf. 	✓		
Notes	<ul style="list-style-type: none"> ▪ All decks require a separate permit. Please contact the Building Department for more information ▪ Additional documentation or information may be required following a full review of your permit application. 			



PERMIT APPLICATION

Pool Fence

Township Use Only

Application number:	Permit number (if different):
Date received:	Roll number:

A. Project information

Street number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	

B. Applicant Information

Applicant is: Owner or Authorized agent of owner

Last name	First name		
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	
Phone number ()	Email:		

C. Owner (if different from applicant)

Last name	First name		
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	
Phone number ()	Email:		

D. Installer Information (if other than owner)

Individual who reviews and takes responsibility for installation activities

Name	Firm (if applicable)		
Street address		Unit no.	Lot/con.
Municipality	Postal code	Province	
Phone number ()	Email:		

E. 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 authority to bind the corporation or partnership (if applicable).

_____ Date _____ Signature of Applicant

Personal information contained on this form is collected pursuant to *The Municipal Freedom of Information and Protection and Privacy Act*, and will be used for the purpose of collecting information for the issuance of pool fence permits within the Township of Oro-Medonte.

CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE

BY-LAW NO. 2009-099

**Being a By-law to Regulate Fencing around Private Outdoor Swimming Pools
within the Township of Oro-Medonte and to Repeal By-law No. 2005-138**

WHEREAS Section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, provides that councils of local municipalities may pass by-laws respecting fences;

AND WHEREAS the Council of the Corporation of the Township of Oro-Medonte deems it necessary and expedient, and in the public interest to enact a By-law to regulate fencing around private outdoor swimming pools within the Township of Oro-Medonte.

NOW THEREFORE, the Council of the Corporation of the Township of Oro-Medonte enacts as follows:

1. DEFINITIONS

- 1.1 "Owner" shall mean any lessee, tenant or person in possession of property on which a pool is located.
- 1.2 "Enclosure" shall mean a fence, wall or other structure, including doors and gates surrounding a privately owned outdoor pool to restrict access thereto.
- 1.3 "Pool" means a privately owned outdoor body of water:
- (a) Contained in a container that is:
 - (i) Artificial, manufactured or assembled;
 - (ii) Capable of retaining water measuring more than one metre in depth at any point and a surface dimension in excess of three metres; and,
 - (iii) Capable of being used for swimming, bathing, diving, wading or any recreational water activity;
 - (b) And includes:
 - (i) Manufactured swimming pools, both above ground and in ground; and,
 - (ii) Custom built pools;
 - (c) But does not include:
 - (i) Any container which is placed on ground at grade level and has no depth exceeding one metre and no surface dimension exceeding three metres.
 - (ii) Irrigation ponds on farms used for watering livestock or for irrigation;
 - (iii) Naturally formed depressions in the ground surfaces;
 - (iv) Garden or fish ponds used as landscaping features with plant materials grown in and around the pond;
 - (v) Hot tubs and spas; and,
 - (vi) Public swimming pools as defined and regulated by the Ontario Building Code.
- 1.4 "Township" means The Corporation of the Township of Oro-Medonte.

2. PROHIBITIONS

No person shall;

- 2.1 construct or cause to be constructed a privately owned outdoor swimming pool without obtaining a Pool Fence Permit from the Township.
- 2.2 excavate for or commence construction of an in ground pool without having erected a temporary fence which restricts access to the area in which the in ground pool is being excavated and/or constructed.
- 2.3 construct or cause to be constructed a pool enclosure that does not comply with the height and material requirements in this By-law.
- 2.4 place or allow to be placed, water or allow water to remain in a privately owned outdoor swimming pool, at a depth of more than 460 mm, unless the enclosure prescribed in this by-law has been erected and maintained in conformance with provisions of this by-law.
- 2.5 allow the enclosure, as prescribed in this by-law, to be removed, destroyed or become in a state where it does not perform its intended use.

3. PERMITS

Applications for Pool Fence Permits required in this By-law shall be made on the prescribed form and be accompanied by the following;

- 3.1 A detailed site plan of the property showing the location of all buildings, septic and the proposed swimming pool and fence, drawn to scale.
- 3.2 A Zoning Certificate from the Township of Oro-Medonte Development Services Department.
- 3.3 A fee as authorized by the Township of Oro-Medonte's current Fees and Charges By-law.
- 3.4 All permits issued in accordance with this By-law shall have an inspection conducted to ensure compliance at the earlier of: notification of the readiness to inspect or when the permit is more than four weeks old and no notification to inspect has been received.
- 3.5 In the event that the enclosure is not complete and satisfactory, a re-inspection shall be conducted and the appropriate fee as authorized by the Township of Oro-Medonte's current Fees and Charges By-law shall be charged.
- 3.6 As soon as possible following a satisfactory inspection of the completed enclosure, the Township's file shall be closed.
- 3.7 The Township of Oro-Medonte Municipal Law Enforcement Division shall issue permits in accordance with this By-law and shall conduct all required inspections.

4. REGULATIONS FOR ENCLOSURES

The enclosures referred to in this By-law shall be constructed as follows;

- 4.1 The fence shall be a minimum of 1.2 m in height measured from anywhere at the grade of the bottom of the fence vertically to the top. Notwithstanding the minimum height requirement specified, no fence shall be erected in contravention of the Township's Zoning By-law.
- 4.2 There shall be no opening in the fence greater than 100 mm.

- 4.3 The fence shall be constructed of such material and in such a manner as to not facilitate climbing of the fence. If the fence is constructed of lattice or chain link, the openings in the material shall not be greater than 51 mm x 51 mm.
- 4.4 Where the swimming pool is constructed wholly or partly above grade, that portion of the construction above grade may be used in the calculation required for height in Subsection 4.1 above provided that the remaining requirement is met in a safe manner for pool uses.
- 4.5 The fence shall completely encompass the swimming pool excepting that the wall or walls of a building may be substituted for a portion thereof provided the fence is affixed to the building.
- 4.6 All fences required in this by-law, excepting fences as described in Section 4.5 of this by-law, shall be constructed in such a manner that no portion of the fence is closer than 1.5 m to the edge of the swimming pool.
- 4.7 Any opening in the pool enclosure, provided for passage through the enclosure shall be protected by a gate, and that each gate shall be equipped with proper locks with self locking devices and when the pool is not in use, the gates shall be closed and locked..
- 4.8 Gates shall be constructed in a like manner as the fence required in Section 4.1, 4.2 and 4.3 of this by-law.
- 4.9 Gates shall be provided with a lock or locks which require a key or special knowledge to open and be self-closing and equipped with a self-latching device which shall be located on the pool side of the fence at the top of the gate.
- 4.10 Gates shall be kept closed and locked at all times except when the fenced in area is in use by the owner, lessee or tenant of the land, or other authorized responsible person.
- 4.11 For above ground pools, only the ladders, stairs or decks providing access to the above ground pool need to be enclosed in accordance with this by-law provided that the following conditions are maintained:
 - a. The sides of the above ground pool shall be not less than 1.2 metres in height measured from the finished grade or any climbable fixture or feature on the exterior face of the pool wall to the top rail of the pool wall; and
 - b. Pumps, air conditioners, heaters, filters or other appliances or equipment shall be located not less than 1.5 metres from the top rail of the pool walls or shall be enclosed in accordance with this by-law.

5. **OFFENCES**

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*.

6. **SEVERABILITY**

If any court of competent jurisdiction finds any of the provisions of the By-Law are ultra vires of the jurisdiction of the Township, or are invalid for any other reason, such provisions shall be deemed to be severed and shall not invalidate any other provision of the By-Law which shall remain in full force and effect.

7. **CITATION**

This By-law may be cited as the "Pool Fence By-law".

8. **REPEAL**


That By-law No. 2005-138 is hereby repealed in its entirety.

9. That this by-law shall take effect on the final passing thereof.


BY-LAW READ A FIRST AND SECOND TIME THIS 15TH DAY OF JULY, 2009.

BY-LAW READ AND FINALLY PASSED THIS 15TH DAY OF JULY, 2009.

THE CORPORATION OF THE TOWNSHIP OF ORO-MEDONTE



Mayor, H.S. Hughes



Clerk, J. Douglas Irwin