



**Office Consolidation**

**The Corporation of the Town of Orangeville**

**By-law 1993-015**  
**Swimming Pool Enclosure**

**As Amended By:**

**57-2007**

**June 11, 2007**

**~~109-2005~~**

**~~December 12, 2005~~**

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**THE CORPORATION OF THE TOWN OF ORANGEVILLE**

**BY-LAW NO. 15-93**

**A BY-LAW pursuant to the Municipal Act, R.S.O. 1990, c. M.45, Section 210, Paragraph 30 requiring the owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools sufficient to make such pools not readily accessible to small children.**

**NOW THEREFORE THE CORPORATION OF THE TOWN OF ORANGEVILLE BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:**

**SECTION 1 TITLE**

1.1 This By-law may be referred to as the Swimming Pool Enclosure By-law for privately-owned outdoor swimming pools.

**SECTION 2 DEFINITIONS**

For the purposes of the By-law the definitions given in this section shall govern:

- 2.1 "Corporation" means the Corporation of the Town or Orangeville;
- 2.2 "Inspectors" means any such Building Inspector/By-law Enforcement Officer appointed by By-law of the Corporation of the Town of Orangeville for the purpose of enforcement of the Act.
- 2.3 "Owner of lands" means the last registered owner as disclosed by the records of the Land Registrar for the Registry Division of Dufferin (No. 7);
- 2.4 "Exterior face", when used in conjunction with a pool enclosure, means the side of the enclosure from which access to the pool is to be prevented;
- 2.5 "Privately-owned outdoor swimming pool" means any privately-owned body of water located outdoors above or below finished grade on privately owned property, contained in part or in whole by artificial means in which the depth of water at any point can exceed 600 mm (24 inches). Not included in this definition is any swimming pool owned by a public or government body, agency or authority;
- 2.6 "Swimming pool area" means the swimming pool plus any surrounding platforms, walkways, play areas and landscaped areas within the swimming pool enclosure;
- 2.7 "Swimming pool enclosure" means a fence, wall or other structure, doors, gates and other closures, surrounding an outdoor swimming pool.

**SECTION 3 ADMINISTRATION AND AUTHORITY**

3.1 This By-law shall be administered and enforced by the Chief Official and/or the Inspector(s) for the Corporation of the Town of Orangeville.

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**SECTION 4 PERMITS**

- 4.1 No person shall excavate for, or cause or permit excavation for any privately-owned swimming pool, or erect, or cause or permit the erection of any privately-owned swimming pool without first obtaining a permit for a swimming pool enclosure from the Corporation, Building/By-law Department.
- 4.2 An application for a permit to construct a swimming pool enclosure around a privately-owned outdoor swimming pool shall be submitted to the Town of Orangeville, Building/By-law Department. To obtain a permit, an applicant shall file an application, in writing, on forms prescribed by the Chief Official, and supply any other forms deemed necessary, together with plans showing the location of the swimming pool in relation to the property lines and to adjacent buildings and shall provide full details of all required enclosures.
- 4.3 No permit shall be issued unless the application is in compliance with applicable municipal by-laws.

**SECTION 5 SWIMMING POOL ENCLOSURE REQUIREMENTS**

- 5.1 The owner of any lands on which a privately-owned outdoor swimming pool is located or erected or proposed to be located or erected shall erect and maintain in good order a swimming pool enclosure around the entire swimming pool area.
- 5.2 No person shall place water in or cause water to be placed in a privately-owned outdoor swimming pool or allow water to remain therein unless the swimming pool enclosure prescribed by this by-law is erected and maintained.
- 5.3 A privately-owned outdoor swimming pool while under construction shall be enclosed with a temporary enclosure as defined herein except where the permanent swimming pool enclosure requirements have been satisfied.
- 5.4 A temporary enclosure shall consist of a 1.2 m (4 foot) high plastic mesh fence having a mesh not greater than 38 mm (1 1/2 in.), with a steel T-bar post every 3.0 m (10 feet) maximum and a 9 gauge galvanized steel wire located at the top and bottom of such fence; or be constructed of material that will provide an equivalent degree of safety.
- 5.5 The height of an enclosure above grade, measured at any point along the enclosure at the exterior face shall be a minimum of:
  - (i) 1.5 m (5 feet) in the case of a privately-owned outdoor swimming pool serving a detached, semi-detached, row house or multiple family development of not more than four dwelling units; or
  - (ii) 1.8 m (6 feet) for all other privately-owned outdoor swimming pools.
- 5.6 A space of up to 50 mm (2 inches) between the bottom of an enclosure and grade is permitted.

- 5.7 The owner of every privately-owned outdoor swimming pool shall ensure that every gate or door providing access to such swimming pool be kept locked at all times when a responsible person is not present and supervising the pool.
- 5.8 Subject to sentence 5.5, no member or attachment that could facilitate climbing shall be permitted on the exterior face of a swimming pool enclosure, between 100 mm (4 inches) and 1.8 m (6 feet) from grade.
- 5.9 No swimming pool enclosure shall be located closer than 1.2 m (4 feet) to any condition that facilitates the climbing of the enclosure unless alternative measures are implemented to provide an equivalent level of safety as set out in this by-law.
- 5.10 Every swimming pool enclosure shall be constructed in accordance with Sections 6 and 7 of this by-law.

## **SECTION 6 FENCES AS SWIMMING POOL ENCLOSURES**

- 6.1 A fence which forms a swimming pool enclosure or part thereof shall be of:
- (i) chain link construction
  - (ii) vertical board construction
  - (iii) of such other materials and construction that will provide an equivalent degree of safety or
  - (iv) a combination of (i), (ii) and (iii)
- 6.2 A fence of chain link construction shall comprise the following:
- (i) a mesh not greater than 38 mm (1 1/2 inch) consisting of 12 gauge galvanized steel wire, or 14 gauge steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 gauge wire;
  - (ii) galvanized steel supporting posts spaced at maximum 3.0 m (10 feet) intervals; and extended at least 1.2 m (4 feet) below grade for a fence not exceeding 1.5 m (5 feet) high or extended at least 1.2 m (4 feet) below grade for a fence not exceeding 1.8 m (6 feet) high;
  - (iii) end posts and corner posts of minimum 48 mm (1 7/8 inches) diameter encased in concrete at least 50 mm (2 inches) thick all around below grade;
  - (iv) intermediate posts of minimum 38 mm (1 1/2 inches) diameter encased in concrete at least 50 mm (2 inches) thick all around below grade when more than 15 m (50 feet) from an end post, a corner post or an intermediate post that is similarly encased;

- (v) top and bottom rails firmly fastened to the upright posts, made of minimum 32 mm (1 1/4 inches) galvanized steel pipe. (A galvanized steel tension rod 5 mm may be substituted for the bottom rail.)

6.3 A fence or vertical board construction shall:

- (i) have vertical boarding 25 mm (1 inch) thick nominal attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 23 mm x 100 mm (1 inch x 4 inches) nominal and must be spaced not more than 38 mm (1 1/2 inches) apart;
- (ii) be supported by posts at least 100 mm x 100 mm (4 inches x 4 inches) nominal, spaced not more than 2.4 m (8 feet) apart. Such posts shall extend at least 1.2 m (4 feet) into the ground for a 1.5 m (5 feet) high fence and 1.2 m (4 feet) into the ground for a 1.8 m (6 feet) high fence and be securely embedded therein. The portion below the grade shall be treated with an approved wood preservative or be of pressure treated wood;
- (iii) have top and bottom rails of at least 50 mm x 100 mm (2 inches x 4 inches) nominal dimensions.

6.4 Fences that form part of the required swimming pool enclosure shall:

- (i) contain no barbed wire, electrical wiring, sharp projections or any other dangerous characteristics either on the outside or inside;
- (ii) be located not less than 1.2 m (4 feet) from the nearest inside wetted surface of the swimming pool wall.

## **SECTION 7 GATES AND ENTRANCES TO THE SWIMMING POOL AREA**

7.1 Gates which form a part of the swimming pool enclosures shall be:

- (i) of construction and height equivalent to or greater than that of the required swimming pool enclosure;
- (ii) supported on substantial hinges;
- (iii) self closing and equipped with a self latching device placed at the top and on the inside of the gate.

7.2 All entrances to the swimming pool area which form part of the swimming pool enclosure, whether they be doors, windows, or gates, shall be kept latched at all times except when the swimming pool is being supervised by a responsible adult person.

- 7.3 When a wall or portion thereof, of any building located on the same property as a swimming pool enclosure forms part of such enclosure, no entrances to the pool area shall be permitted through such wall, unless such wall is located no closer than 1.2 m (4 feet) from the nearest inside wetted surface of the swimming pool wall.

## **SECTION 8 PLANS AND SPECIFICATIONS**

- 8.1 Every applicant shall furnish a plot plan showing the location of the pool on the lot and indicating set backs to side yard and rear yard lot lines.
- 8.2 Every applicant shall furnish a lot grading plan to include relative elevations, proposed and existing, and surface water drainage patterns. The information shall be shown on a sketch in a form similar to that attached as Schedule "B" to this by-law.

## **SECTION 9 ABOVE GROUND SWIMMING POOLS, HOT TUBS, WHIRLPOOLS AND SPAS**

- 9.1 For the purposes of this By-law, above ground privately-owned swimming pools are considered to be the same as inground privately-owned swimming pools, and require the same enclosures around the entire pool except as provided in subsection 8.2.
- 9.2 Above ground privately-owned swimming pools may have an integrally constructed fence as part of the required swimming pool enclosure provided:
- (i) the exterior sides of the swimming pool is in excess of 1.5 m (5 feet) above grade and are constructed in a manner that will not facilitate climbing;
  - (ii) a guard of not less than 1.0 m (3.3 feet) in height is provided around any platform or deck and is constructed in a manner that will not facilitate climbing;
  - (iii) any integral platform or deck provided around an above ground swimming pool shall have a minimum width of 1.0 m (3.3 feet) measured from the inside wetted wall of the pool.
- 9.3 Any gate or entrance to an above ground swimming pool shall be protected in accordance with Section 7 of the By-law.
- 9.4 Structure known as "hot tubs", "whirlpools", and "spas" need not comply with requirements of Section 4 through Section 8 of the By-law provided that a secure cover of rigid material is placed over the opening and is locked to prevent access when the structure is not in use.

## **SECTION 10 PENALTIES**

"Any person who contravenes any of the provisions of this By-law is guilty of an offence. Pursuant to Section 61 of the Provincial Offences Act, R.S.O., 1990, c. P.33 any person convicted of an offence is liable to a fine of not more than five thousand dollars (\$5,000.00) for each offence committed."

## **SECTION 11 REPEAL AND TRANSITION**

- 11.1 Except as provided by Subsection 10.2 hereof, By-law Number 67-85 and Amendment No. 46-90 is hereby repealed.

11.2 Notwithstanding Subsection 10.1 hereof, the provisions of By-law Number 67-85 and Amendment No. 46-90 continue to apply to any swimming pool enclosure or fence legally existing in property on the day of passing of this By-law until such time as the existing fence is replaced.

## **SECTION 12            NOTIFICATIONS**

12.1 Notices for mandatory inspections shall be given by the permit holder to the Chief Official at least one business day in advance of the stages of construction specified below:

- (i) Pool stake out prior to excavation.
- (ii) Fencing enclosure for pool prior to any water being placed in pool.
- (iii) Additional inspections as may be required.
- (iv) Pool enclosure final inspection.

## **SECTION 13            FEES**

13.1 The Chief Official shall verify the applicant's valuation, or determine a prescribed value on the work, and the applicant shall pay the fee or balance of the fee based on such prescribed value in accordance with Schedule "A" before a permit is issued.

13.2 A five hundred dollar (\$500.00) damage deposit, for inground pools, to cover the cost of possible damage to Municipal property will be collected and held in trust by the Corporation with no interest being paid on this deposit.

13.3 A two hundred dollar (\$200.00) damage deposit, for above ground pools, may be required to cover the cost of possible damage to Municipal property and held in trust by the Corporation with no interest being paid on this deposit. This damage deposit will be required at the discretion of the Chief Official.

THE CORPORATION OF THE TOWN OF ORANGEVILLE

SCHEDULE "A" TO BY-LAW NO. 15-93

PERMITS AND PERMIT FEES

**1. SWIMMING POOL ENCLOSURE PERMIT:**

**(To excavate for, or cause or permit excavation for any privately-owned swimming pool, or erect or cause or permit the erection of any privately-owned swimming pool enclosure.)**

- 1.1 \$14.50 per \$1,000 of value or part thereof with a minimum fee of \$100.00 for above ground pools and \$200.00 for inground pools.



THE CORPORATION OF THE TOWN OF ORANGEVILLE

SCHEDULE "B" TO BY-LAW NO. 15-93

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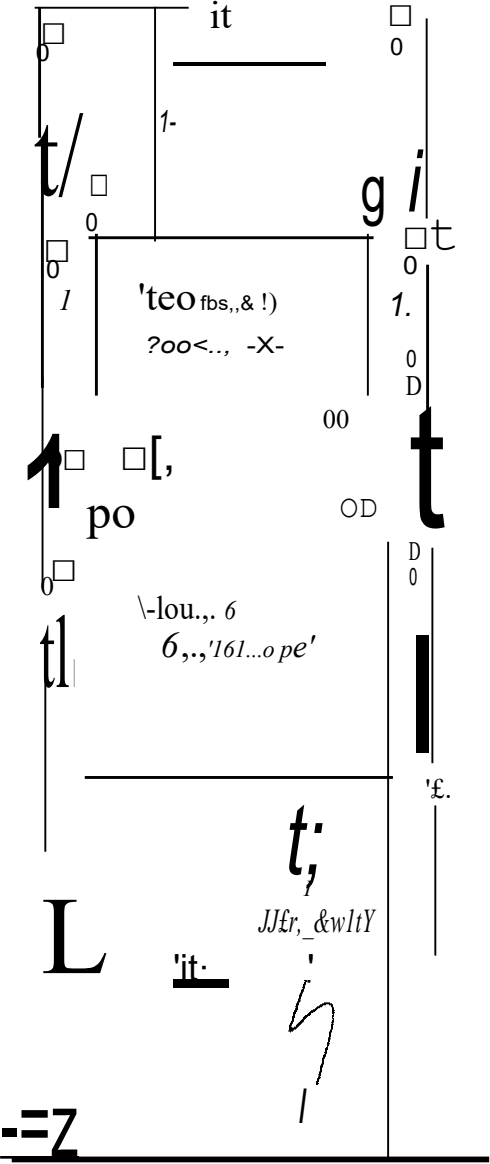
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THE CORPORATION OF THE TOWN OF ORANGEVILLE

SCHEDULE "A"

PERMITS AND PERMIT FEES

**1. SWIMMING POOL ENCLOSURE PERMIT:**

(To excavate for, or cause or permit excavation for any privately-owned swimming pool, or erect or cause or permit the erection of any privately-owned swimming pool enclosure.)

- 1.1 \$14.07 per \$1,000 of value or part thereof with a minimum fee of \$100.00 for above ground pools and \$200.00 for in-ground pools

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