

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE  
THOUSAND ISLANDS**

**BY-LAW NO. 13-024**

BEING A BY-LAW PRESCRIBING THE REGULATIONS FOR FENCES AND GATES AROUND PRIVATELY-OWNED OUTDOOR SWIMMING POOLS THERETO:

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**WHEREAS** Section 11 (3) of the Municipal Act, S.O. 2001, c. 25, authorizes a municipality to pass By-Laws respecting fences;

**AND WHEREAS** Section 130 of the Municipal Act authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality;

**AND WHEREAS** the Council of the Corporation of the Township of Leeds and the Thousand Islands deems it advisable to pass such a By-Law;

**NOW THEREFORE** the Corporation of the Township of Leeds and the Thousand Islands enacts as follows;

**Part 1: Title, Scope and Definitions:**

**1.1 Short Title:**

This By-Law may be cited as the "Swimming Pool By-Law".

**1.2 Scope:**

The provisions of this By-Law shall apply to all lands within the boundaries of the Corporation of the Township of Leeds and the Thousand Islands.

This By-Law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a government authority having jurisdiction to make such restrictions.

**1.3 Definitions:**

- 1.3.1 **Township** means the Corporation of the Township of Leeds and the Thousand Islands.
- 1.3.2 **Swimming Pool** means any body of water located on privately owned property, contained wholly or in part by artificial means, in which the depth of water at any point exceeds 450 millimetres (18 inches) and is used or capable of being used for swimming, diving, wading or bathing.
- 1.3.3 **Swimming Pool Permit** means a permit issued by the Township's Chief Building Official.
- 1.3.4 **Owner** means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- 1.3.5 **Chief Building Official** means the person appointed under By-Law as the Township's Chief Building Official.
- 1.3.6 **By-Law Officer** means the person appointed under By-Law as the Township's By-Law Officer.

- 1.3.7 **Enclosure** means a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool.
- 1.3.8 **Fence** means a barrier of chain link construction, vertical board construction, temporary construction, other materials and construction that will provide an equivalent degree of safety, or combination thereof.
- 1.3.9 **Temporary Construction Fence** means a fence consisting of 1.2 metres (4 feet) high plastic mesh fence having mesh openings not greater than 38 millimeters (1.5 inches), with a steel T-bar post every 3 metres (10 feet) maximum and a 9 gauge galvanized steel wire located at the top and bottom of such fence. A temporary fence shall be permitted during construction of a pool and must be replaced with a permanent enclosure prior to the pool being used.
- 1.3.10 **Gate** means a barrier forming part of the swimming pool enclosure of construction and height equivalent to or greater than that of the required swimming pool fence.

## **Part 2: Fence Requirements**

### **2.1 Filling of Swimming Pool**

No person shall place water in or cause water to be placed in a swimming pool, or allow water to remain therein unless a fence completely enclosing the entire swimming pool area has been constructed in accordance with this By-Law and is being maintained at all times in good condition.

### **2.2 Entrances**

- 2.2.1 All entrances to the swimming pool area which form part of the swimming pool fence, whether they be doors, windows or gates, shall be kept locked at all times except when the swimming pool is being supervised by a responsible adult person.
- 2.2.2 When a wall or portion thereof, of any building located on the same property as a swimming pool fence forms part of such fence, no entrances to the swimming pool area shall be permitted through such wall, unless such wall is located at least 1.2 metres (4 feet) from the nearest inside wetted surface of the swimming pool wall.

### **2.3 Temporary Construction Fence**

A swimming pool under construction shall be enclosed with a temporary construction fence as detailed herein except where the permanent swimming pool fence requirements have been met.

### **2.4 Minimum Height of Fence**

The height of a swimming pool fence above finished grade measured at any point along the fence at the exterior face shall be a minimum of 1.2 metres (4 feet).

## **2.5 Location of Fence**

- 2.5.1 A swimming pool fence shall be located not less than 1.2 metres (4 feet) from the nearest inside wetted surface of the swimming pool wall.
- 2.5.2 A swimming pool fence shall not be located closer than 1.2 metres (4 feet) to any condition that facilitates the climbing of the swimming pool enclosure, unless alternative measures are implemented to provide an equivalent level of safety as set out in this By-Law.

## **2.6 Clearance of Fence to Grade**

A maximum space of 50 millimetres (2 inches) is permitted between the bottom of a swimming pool fence and the finished grade.

## **2.7 Attachments to Exterior Face of Fence**

No member or attachment that could facilitate climbing shall be permitted on the exterior face of a swimming pool fence between 100 millimetres (4 inches) and 1.2 metres (4 feet) above grade.

## **2.8 Chain Link Fencing**

- 2.8.1 Mesh size shall not be greater than 38 millimetres (1½ inches) consisting of 12 gauge galvanized steel wire, or of 14 gauge steel wire covered with vinyl or other approved plastic, which would yield a total thickness equivalent to 12 gauge steel wire.
- 2.8.2 Galvanized steel supporting posts shall be spaced at a maximum of 3 metres (10 feet) and extended at least 1.2 metres (4 feet) below grade.
- 2.8.3 End posts and corner posts shall be a minimum of 49 millimetres (1⅞ inches) diameter encased in concrete at least 50 millimetres (2 inches) thick all around below grade when they are more than 15 metres (50 feet) from an end post, a corner post, or an intermediate post that is similarly encased.

## **2.9 Vertical Board and Vertical Fencing**

- 2.9.1 Vertical boarding shall be a minimum of 25 millimetres (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 shall not be less than 100 millimeters (4 inches) wide nominal and must be spaced not more than 100 millimetres (4 inches) apart.
- 2.9.2 Vertical boards shall be supported by posts at least 100 millimetres x 100 millimetres (4 inches x 4 inches) nominal, spaced not more than 2.4 metres (8 feet) apart. Such posts shall extend at least 1.2 metres (4 feet) into the ground and be securely embedded therein. The portion of the post below grade shall be treated with an approved wood preservative or be of pressure treated wood.
- 2.9.3 Top and bottom rails for vertical board fences shall be at least 50 millimetres x 100 millimetres (2 inches x 4 inches) nominal dimensions.
- 2.9.4 Spacing between vertical members of other vertical fencing types shall not exceed 100 millimetres (4 inches). Supporting posts shall be spaced at a maximum of 3 metres (10 feet) and extended at

least  
1.2 metres (4 feet) below grade or equivalent.

## **2.10 Swimming Pool Walls as Fence**

The provision of this By-Law requiring the erection of a fence may be omitted if the height of the swimming pool walls are more than 1.2 metres (4 feet) above the grade measured from the ground abutting such wall at any point around the pool and furthermore, each entrance to the pool is protected by a gate at least 1.2 meters (4 feet) high and having a self-closing and self-latching device at the top of the gate on the inside of the enclosure. The gate shall comply with provisions of this By-Law. If pool steps or ladders are used, a locking device to prevent climbing on the step or ladder shall be used to achieve the equivalent level of safety as the required gate.

## **2.11 Accessory Structures in Proximity to Fence**

Accessory buildings, accessory structures and pool equipment, including pumps and filters, that could be used to assist in gaining access to the pool shall be located a minimum of 1 metre (3 feet) from an approved enclosure to reduce access/climbing potential, unless they are located under a deck which has been enclosed in accordance with the provisions of this By-Law.

### **Part 3: Swimming Pool Fence Gate Requirements**

- 3.1 Gates shall be of construction and height equivalent to or greater than that of the required swimming pool fence.
- 3.2 Gates shall be supported on substantial hinges, shall be self-closing and shall be equipped with a self-latching device placed at the top and on the inside of the gate.
- 3.3 The inspector may require additional measures be taken to ensure that the self-latching device is not reachable from the exterior of the gate unless the self-latching device is located more than 1.2 meters (4 feet.) above finished grade.
- 3.4 The owner of every swimming pool shall ensure that every gate or door providing access to the swimming pool shall be kept locked at all times when a responsible person is not present and supervising the swimming pool.

### **Part 4: Hot Tubs, Whirlpools, and Spas**

- 4.1 Structures commonly referred to as hot tubs, whirlpools and spas need not comply with the fencing requirements of this By-Law provided that a secure cover of rigid material is placed over the opening of the structure, and provided that no person leaves the hot tub, whirlpool or spa without first locking the cover in place to prevent access when the structure is not in use.

### **Part 5: Required Plans/Drawings**

- 5.1 Information detailing the installation of a swimming pool shall be provided in accordance with Schedule 'A' forming part of this By-Law.

### **Part 6: Fees**

- 6.1 The permit fee for swimming pool installations shall be in accordance with the Fees By-Law.

**Part 7: Penalties**

7.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) for each offence committed. All fines are recoverable under the Provincial Offences Act 1989.

**Part 8: Administration**

8.1 This By-Law shall be administered and enforced by the Township's Chief Building Official and/or Township's By-Law Officer.

**Part 9: Repeal**


9.1 Swimming Pool By-Law 06-035, and amendments thereto, are hereby repealed.

**Part 10: Effective Date**

10.1 This Swimming Pool By-Law, By-Law No. 13-024 shall come into force and take effect on the day of its passing.

**READ A FIRST AND SECOND TIME THIS 22 DAY OF APRIL, 2013.**

**READ A THIRD AND FINAL TIME THIS 22 DAY OF APRIL, 2013.**

  
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Heidi Conarroe, Deputy Mayor

  
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Vanessa Latimer, Clerk



**SCHEDULE 'A'**  
**TO BY-LAW 13-024**  
**REQUIRED PLANS/SPECIFICATIONS/APPROVALS**

**Part 1: Plot Plan**

1.1 A plot plan shall be provided including but not limited to:

- Property boundaries and dimensions, including the high water mark (if applicable);
- Location, size and type of all existing and proposed buildings and structures on the subject property, indicating the distance of the buildings and structures from the front, rear and side lot lines and distance between existing and proposed buildings and structures;
- Location of existing or proposed septic system and drilled/dug well on site;
- Location, size and type of the proposed swimming pool and enclosure thereto, indicating the distance between the proposed swimming pool and enclosure and existing and proposed buildings and structures and distance from property lines, right-of-ways, high water mark, septic system, well, et cetera.
- The location of any proposed decks indicating the distance of the proposed deck from all property lines, right-of-ways, high water mark, septic system, well, et cetera.
- The location of any swimming pool pumps and related equipment indicating the distance of the equipment from the swimming pool and property lines.
- The location of backwash discharge and disposal.

**Part 2: Construction Plans/Details**

2.1 The applicant shall provide:

- A side view of a section of proposed and/or existing chain link fence with sufficient details thereto to ascertain compliance with Section 2.9 of this By-Law.
- A side view of a section of proposed and/or existing wood fence with sufficient details thereto to ascertain compliance with Section 2.10 of this By-Law
- A side view of proposed and/or existing decks with sufficient details to ascertain compliance with the Ontario Building Code Regulations respecting the construction of decks and guard requirements thereto. All Guards to conform to Ontario Building Code Supplementary Standard SB-7, Engineer Design, CCMC or otherwise APPROVED.

### **Part 3: Other Applicable Law**

#### **3.1 Zoning Approval**

Before the Chief Building Official can make a decision respecting an application for a swimming pool permit, the required plot plan shall first be subject to review by the Township's Planning Department to ascertain whether or not the proposed swimming pool installation will comply with the applicable zoning regulations.

### **Part 4: Other Approvals**

#### **4.1 Ontario Hydro**

It is the applicant's responsibility to obtain a permit from the Electrical Safety Authority (1-800-369-7536) for any electrical work related to the swimming pool installation.

#### **4.2 Leeds and Grenville District Health Unit**

A swimming pool and associated decks, pumps, etc. shall be located in compliance with Part 8 requirements of the Ontario Building Code. i.e. 1.5 metres (5 feet) from a septic tank and 5 metres (17 feet) from a leaching bed.

#### **4.3 Cataraqui Region Conservation Authority (CRCA)**

Before the Chief Building Official can make a decision respecting an application for a swimming pool permit, the applicant will be required to forward the plot plan to CRCA (1-613-546-4228) for comment/approval **IF** the plot plan indicates that the pool location is:

- in the channel of a watercourse or municipal drain, or in a waterbody or in a wetland;
- within 15 metres (49.2 feet) of a floodplain;
- within 50 metres (164 feet) of the top of bank of a watercourse or waterbody, even if it only flows part of the year;
- within 120 metres (393.7 feet) of a provincially significant wetland;  
or
- within 30 metres (98.4 feet) of all other wetlands greater than 0.5 ha.

#### **4.4 St. Lawrence Parks Commission (SLPC)**

Before the Chief Building Official can make a decision respecting an application for a swimming pool permit, the applicant will be required to forward the plot plan to SLPC (1-613-543-3704) for comment/approval **IF** the plot plan indicates that the pool location is within 45.72 metres (150 feet) of the 1000 Islands Parkway or if the subject property fronts or backs onto the 1000 Islands Parkway.