

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE**

**BY-LAW No. 21 of 2020**

**BEING A BY-LAW TO REQUIRE OWNERS OF PRIVATELY OWNED OUTDOOR SWIMMING POOLS TO ERECT AND MAINTAIN FENCES AND GATES AROUND SUCH SWIMMING POOLS AND TO PROVIDE FOR THE ISSUANCE OF A PERMIT THEREFORE.**

**WHEREAS** Section 11 (3), Par 7, as amended, of the Municipal Act, S.O. 2001, c.25, a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within structures, including fences and signs;

**NOW THEREFORE** the Municipal Council of the Corporation of the Township of Adelaide Metcalfe enacts as follows:

1. That no person shall construct, erect, maintain or keep within the Township of Adelaide Metcalfe any fence in contravention of the provisions of this by-law, unless such fence was erected in compliance with the predecessor of this by-law and is not moved, altered or enlarged in any way.

2. Definitions

For the purposes of this by-law, the following definitions shall apply:

- a) Building Line – shall mean the regulatory or established building line as defined by the applicable zoning by-law affecting the property affecting the property.
- b) Building Envelope – shall mean the area of a lot within which a principle building could be constructed in compliance with the site development specifications as outlined in the applicable zoning by-law.
- c) Farm Fence – shall mean a fence erected for the purposes of containing livestock, enclosing crops, water areas, woodlots, buildings, fields, manure pits, or laneways for the operation of agriculture.
- d) Fence – shall mean a structure of vertical, horizontal or diagonal members of any combination thereof, erected as a barrier, enclosure or demarcation outside the building envelope. A hedge shall not be used as a fence for the purposes of this by-law.
- e) Fence Height – shall mean the measurement from the base of the fence at grade of the highest adjacent ground to the finished top of the fence.

- f) Front Lot Line – shall mean the lot line that divides the lot from the street as set out in Schedule 'A'.
- g) Privately-Owned Outdoor Swimming Pool – shall mean a swimming pool having water depth of 610 mm (24 in) or more at any point and is located on private property under the control of the owner or occupant, which has been designed for swimming, wading, diving or bathing, but shall not include an existing natural body of water or watercourse in the areas zoned agricultural, rural residential, or open space in the applicable zoning by-law, but shall include a hot tub.
- h) Shadow Fence – shall mean a fence consisting of alternating vertical boards on both sides of a top and bottom rail.
- i) Snow Fencing – shall mean a fence commonly used for the control of snow.

### 3. Fencing of Privately-Owned Outdoor Swimming Pools

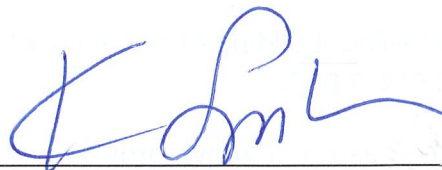
No person shall construct or maintain a privately-owned outdoor swimming pool unless the pool or the land on which such pool is located is fenced or enclosed in accordance with the following provisions and Schedule 'B':

- a) Every such fence shall be not less than 1.22 m (4 ft)
- b) Every such fence shall be so constructed that all horizontal or diagonal members shall be located on the pool side of the fence
- c) Every such fence shall be composed of:
  - i. Chain link construction 38 mm x 38 mm (1.5 in x 1.5 in) mesh; or
  - ii. Vertical members where the spacing between such vertical members is greater than 25 mm (1 in) but no greater than 50 mm (2 in) and the horizontal rails are a minimum of 1.1 m (3.5 ft) apart; or
  - iii. Vertical members where the spacing between such vertical members is no greater than 25 mm (1 in);
  - iv. Shadow fencing where the spacing between the vertical members does not exceed the width of the member being used and the horizontal rails are a minimum of 1.1 m (3.5 ft) apart;

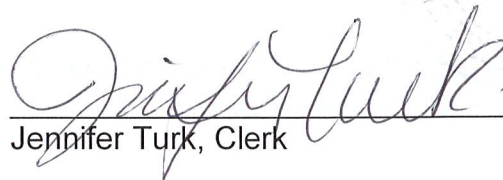
- v. The use of wood lattice is permitted for the top portion of any of the fence as follows:
  - a) Where the fence is a maximum height of 1.5 m, wood lattice for the top portion shall not exceed 300 mm (1 ft)
  - b) Where the fence is a maximum height of 1.8 m, wood lattice for the top portion shall not exceed 600 mm (2 ft)
- vi. (a) Above Ground Pools  
A vertical iron bar fence shall be permitted for protection on the upper portion of an above ground pool provided the sides of the pool are a minimum of 1.1 m (3.5 ft) above grade and the spacing of the bars does not exceed 100 mm (4 in), centre to centre.
- vii. (b) Inground Pools  
A vertical iron bar fence shall be permitted for protection of inground pools provided the spacing of the bars does not exceed 100 mm (4 in), centre to centre, and all horizontal rails are a minimum of 1.1 m (3.5 ft) apart.
- d) Where the fence required for a privately-owned outdoor swimming pool will abut an existing embankment, retaining wall, fence or structure, or thing such that the protection provided by the separation is negated, the minimum separation of 1.22 m (4 ft) is required as shown in Schedule 'C'
- e) Every such fence shall be constructed so that the only means of entry is by gates or doors of not less than 1.22 m (4 ft) in height and such gate or door shall be capable of being locked.
- f) A dwelling, building or accessory building, or part thereof, may be used to enclose a pool;
- g) In the case of a above ground privately-owned outdoor swimming pool where the walls of the pool satisfy all of the requirements otherwise required for fences which enclose swimming pools, no other fence is required;
- h) Where two (2) pools have been installed on adjacent lots, the fence separating such pools shall be a minimum of 1.22 m (4 ft) in height;

- i) The provisions of this by-law shall not apply to any pool which is subject to the regulations under the *Health Protection and Promotion Act*, R.S.O. 1990, C. H.7
4. No person shall excavate for, erect or construct a privately-owned outdoor swimming pool without first submitting the following plans and obtaining a permit:
- a) A plot showing the location of such pool and all other structures on the lot and within 1.22 m (4 ft) of any adjacent lot;
  - b) The types of materials to be used for fencing and gates as well as the height and construction design.
5. All pools, including pool accessories such as sheds and walkways, shall be a minimum of 1 m (3 ft) from side and rear lot lines.
6. The use of any device for projecting an electric current through or in conjunction with a fence is prohibited except on farm fences in any agricultural zone as defined by the applicable zoning by-law.
7. Repeal-Enactment
- a) By-law No. 40 of 2001, and By-law No. 12 of 2001 are hereby repealed;
  - b) This by-law shall come into full force and effect on day of passing.

Read a first, second, and third and final time and finally passed this 4<sup>th</sup> day of May, 2020.

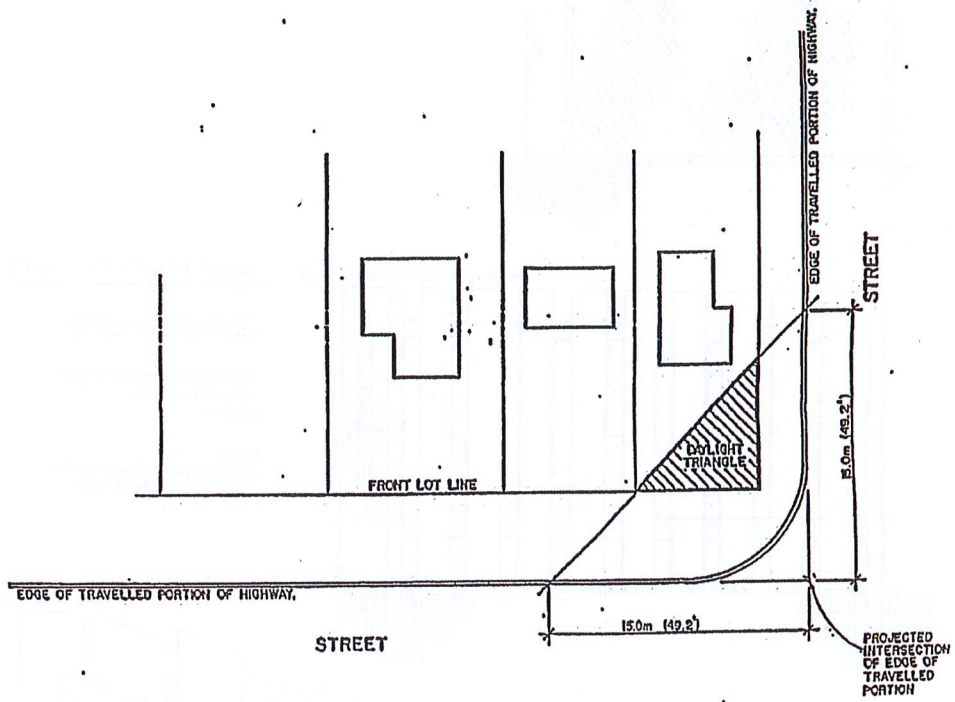


Kurtis Smith, Mayor



Jennifer Turk, Clerk

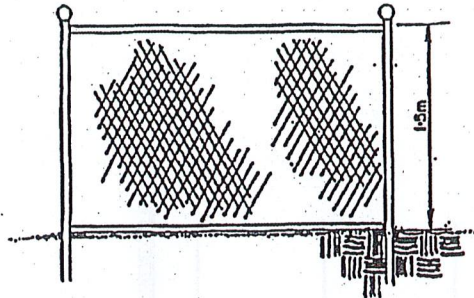
SCHEDULE 'A'



**SCHEDULE 'B'**

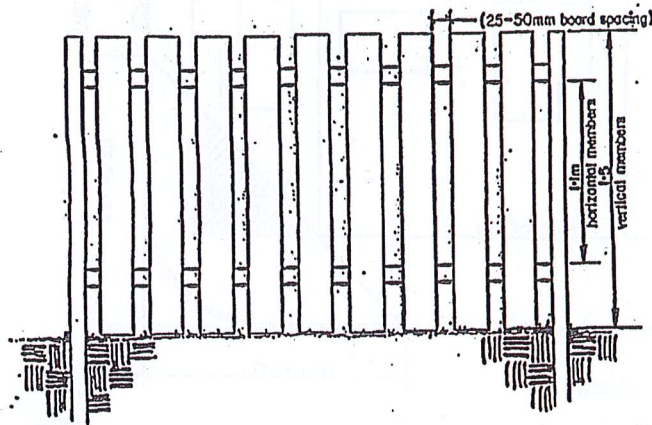
**Section 3 (c)(i)**

**Chain Link**



**Section 3 (c)(ii) (iii)**

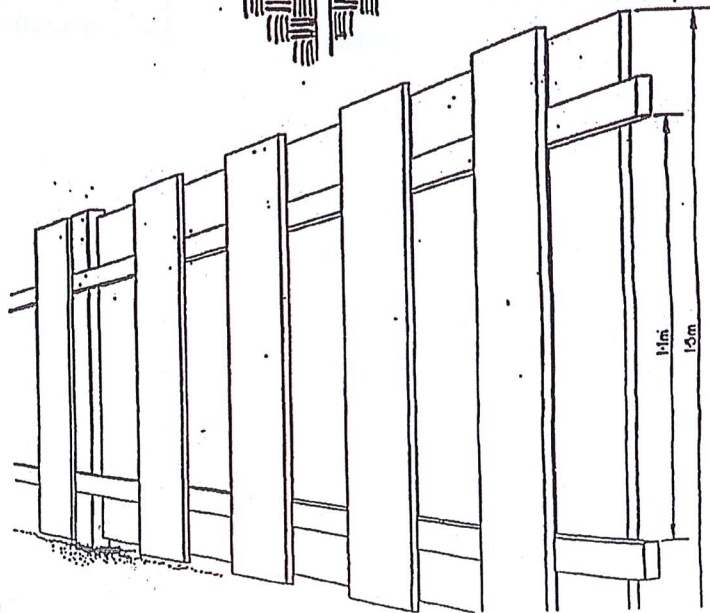
**Solid Board Fence**



Board spacing less than 25mm  
 no requirements for horizontal  
 spacing

**NOTE:**  
 In both cases horizontal members  
 to be on pool side of fence

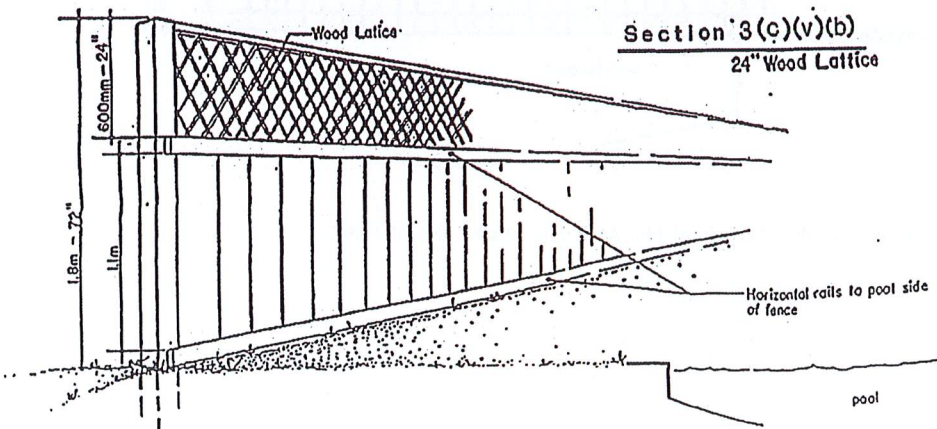
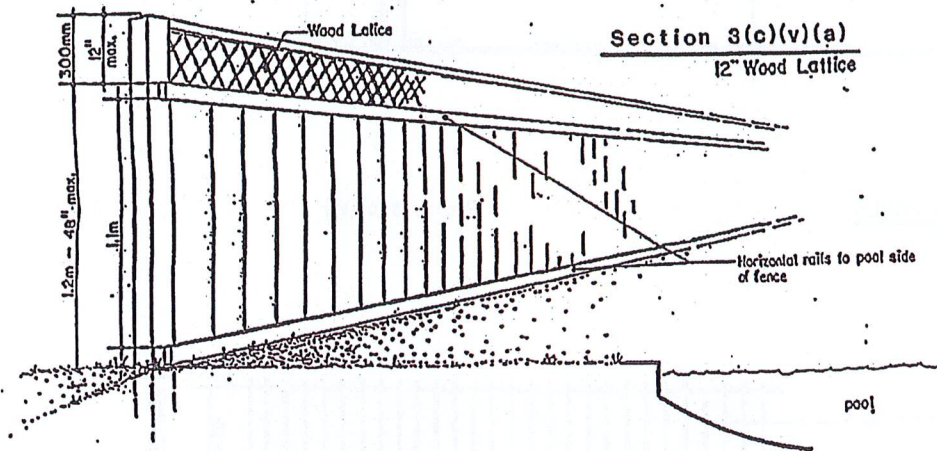
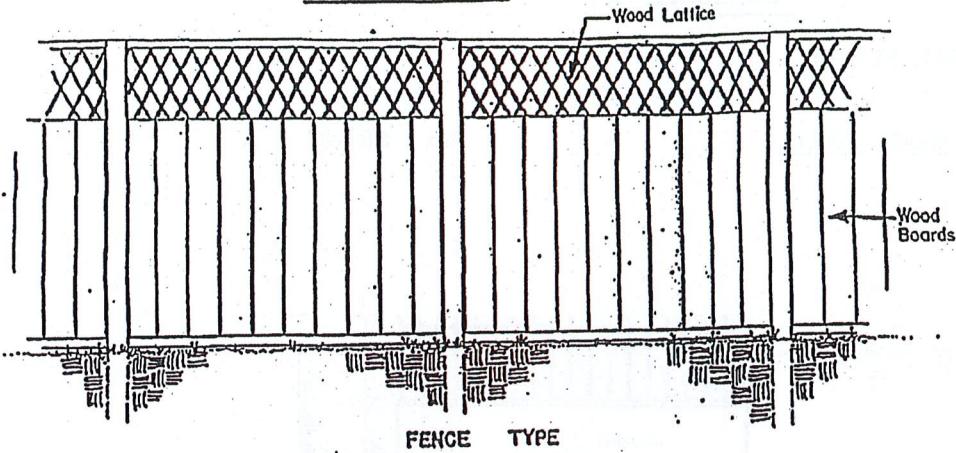
**Section 3 (c)(iv)**  
**Shadow Fence**



**NOTE:**  
 Board spacing to be no greater than  
 board width

top view | | | | |

**SCHEDULE 'B'**



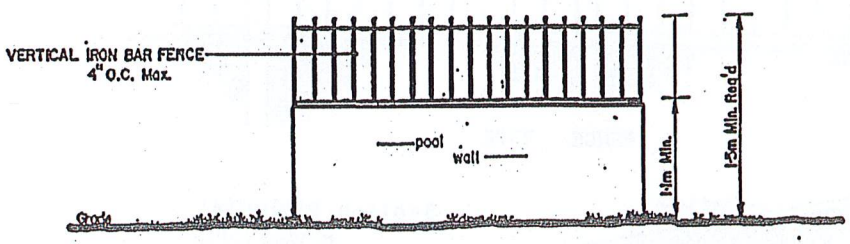
SCHEDULE 'B'

**IRON BAR FENCES**

ABOVE GROUND POOLS

Sec. 3(c)(vi)

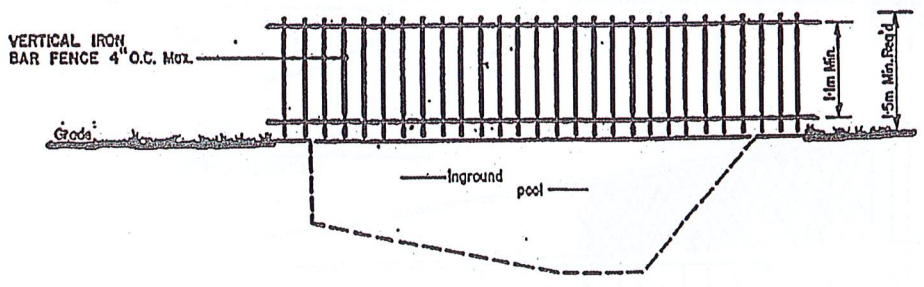
(i)



INGROUND POOLS

Sec. 3(c)(vi)

(ii)



Note : All horizontal rails minimum of 1.1m apart and to pool side of fences.



SCHEDULE 'C'

Section 3 (d)

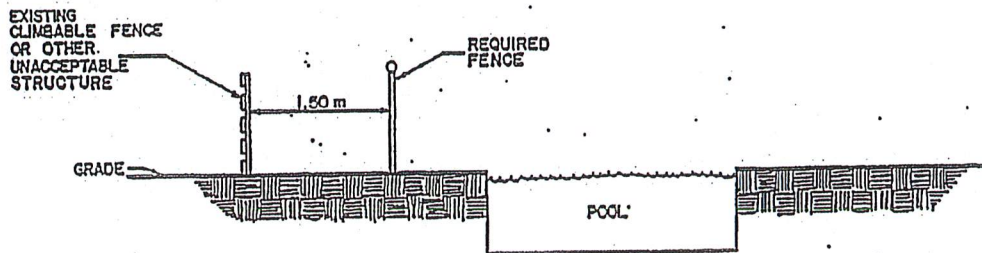


FIG. 1

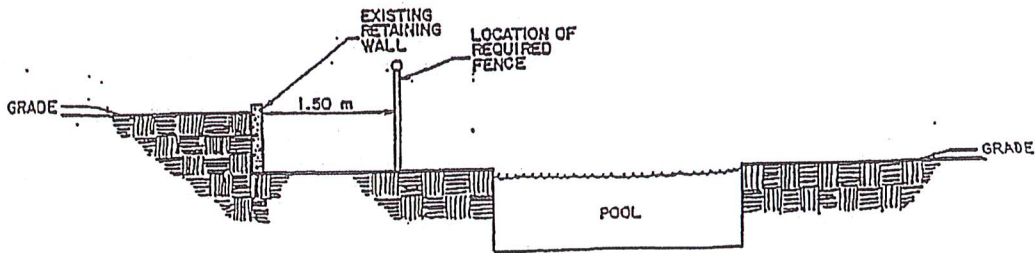


FIG. 2

