



# Infrastructure Services

## POOL OWNER'S GUIDE



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## INTRODUCTION

The purpose of this guide is to assist the property owner with the process and documentation required in order to obtain a pool enclosure permit. The permit must be obtained before the pool is installed. A pool, for the purposes of requiring a pool enclosure permit, is defined in the Pool Enclosure By-law as a body of water, including a Temporary Pool or Hot Tub which,

- (i) is located outdoors on private property,
- (ii) is wholly or partially contained by artificial means,
- (iii) is capable of holding water in excess of 61cm (2 feet) in depth at any one point,
- (iv) has an open exposed water surface of at least 1 square metre (10.76 square feet).

Available to hot tubs owners is the use of a substantial cover that is capable of holding 90.72kg (200 lbs) which is locked to prevent access when the hot tub is not in use. The cover is the pool enclosure, therefore a pool enclosure permit must be obtained.

Existing pool enclosures that were erected with a Town of Halton Hills pool enclosure permit prior to the passing of Pool Enclosure By-law 2009-0028, and that continue to be maintained are not required to comply with the current by-law provided that no more than 7.31 metre (24 feet) of the existing pool enclosure requires replacing.

Important details of the requirements for a pool enclosure are included in this guide.

## IMPORTANT CONSIDERATIONS WHEN CONTEMPLATING A POOL

### 1. **Property Easements**

It is important to know that some properties have easements on them, in situations where this is the case neither the pool nor any equipment may be located within the easement.

### 2. **Zoning**

Town of Halton Hills zoning by-laws regulate the height, size and location of all accessory buildings and structures such as buildings that house pool filters and heaters, cabanas etc. These zoning by-laws apply whether or not a building permit is required for the accessory building or structure.

Town of Halton Hills zoning by-laws generally do not regulate swimming pools except for some properties located adjacent to ravines and those properties located in the rural areas of the Town including the hamlets of Glen Williams, Norval and Stewarttown.

For further information regarding zoning requirements applicable to pools or accessory buildings and structures call (905) 873-2601 ext. 2320.

Properties within the Niagara Escarpment area are not regulated by Town of Halton Hills zoning by-laws. Please contact the Niagara Escarpment Commission at (905) 877-5191.

### 3. **Accessory Structures**

Any structure accessory to the use of the pool having floor area exceeding 10 square metres (108 square feet) will require a building permit. An accessory building having floor area not exceeding 10 square metres (108 square feet) but containing plumbing will also require a building permit (for both the structure and the plumbing work).

Any pool surrounded by a platform, deck or similar structure that is more than 0.61 metres (2 feet) in height shall have a guard. Please refer to Section 11.3 of the by-law, which is included in this guide, for the requirements.

Where there are stairs containing more than three risers that access a platform, deck or similar structure a handrail is required. Please refer to Section 11.4 of the by-law, which is included in this guide, for the requirements.

Where the area of a platform, deck or similar structure is greater than 10 square metres (108 square feet) a building permit is required for the construction of the platform, deck or similar structure. For further information regarding the building permit contact the Permit Coordinator at (905) 873-2601 ext. 2924.

### 4. **Plumbing and Drains**

Where the water supply for the pool is to be directly connected to the Regional water supply, or the existing drains are to be connected to the pool, an additional building permit for the plumbing work is required. The permit can be applied for through Infrastructure Services Department – Building Division. For further information contact the Permit Coordinator at (905) 873-2601 ext. 2924.

### 5. **Pool Enclosure Permit**

A pool enclosure permit must be obtained from the Town of Halton Hills Infrastructure Services Department – Building Division before a pool is installed. Every Pool Enclosure must meet the standards specified in the Pool Enclosure By-law. Applicable fees can be found on the last page of this guide. For further information contact the Permit Coordinator at (905) 873-2601 ext. 2924.

### 6. **Damage Deposit**

A damage deposit will be required to be paid for at the time when the application for the pool enclosure is made. This deposit will be returned to the **applicant** when construction is complete and the permit is closed. For further information contact the Permit Coordinator at (905) 873-2601 ext. 2924.

7. **Access from Town Property**

If the access for the installation of a pool is to be provided from any Town property other than the public road that the property has frontage on, the applicant is required to apply for an **Excavation Permit** from Infrastructure Services Department- Engineering Division. For further information contact the Engineering Development Coordinator at (905) 873-2601 ext. 2205.

8. **Electrical Installations**

Where any electrical work is involved in the installation of the pool equipment or any lighting equipment, then a permit is required from the Electrical Safety Authority. For further information regarding electrical permits, call 905-507-4949 or 1-877-372-7233.

9. **Underground Services**

Where excavation is called for when installing a pool, the possibility of underground cables or installations being present should be investigated. The following is a list of telephone numbers to call in this respect: **(Before you dig)**

Region of Halton (sanitary sewers and water mains)	1-866-442-5866 - Option 0
Halton Hills Hydro	519-853-3700 - Ext. 253
Cogeco Cable	1-800-267-9000
Ontario One	1-800-400-2255 or <a href="http://www.on1call.com">www.on1call.com</a>
Bell Canada (telephone lines)	
Union Gas (gas lines)	

10. **Insurance**

When planning to install a pool, it is important to look into insurance responsibilities. Most insurance companies recommend that the liability insurance on a property be increased when a pool is installed. Please consult your insurance agent on this matter

## **POOL ENCLOSURE PERMIT APPLICATION REQUIREMENTS**

All pool enclosure permit applications are to be submitted to the Infrastructure Services Department – Building Division with the following documentation:

1. Completed application form
2. Owner's authorization if applicant is not the owner
3. Two copies of a plot plan/site plan (see Figure 1 on page 6) detailing the following:
  - location and size of the proposed pool
  - location and detailed description of the proposed pool enclosure.
  - if a hot tub is proposed: location and size of the proposed hot tub and complete description/details of the cover
  - locations of all existing buildings/structures (including the septic tank and tile bed) and easements
  - locations of all proposed buildings/structures (including decks and platforms surrounding a pool)
  - setbacks between the pool and pool enclosure
  - distances from pool to house and other buildings/structures including the septic tank and tile bed
  - location and description of any gate
4. Complete details of any existing fence(s) and gate(s) proposed to be part of the pool enclosure including photographs
5. Pool enclosure permit fee
6. Written approvals from Directors of Recreation and Parks and Infrastructure Services for the proposed construction access from any Town-owned property
7. Written approval of the developer or owner of the subdivision if the proposed Pool is within an unassumed plan of subdivision.
8. Refundable damage deposit

## **CONSTRUCTION PHASE**

While a pool is being installed, it is a requirement that temporary fencing be installed and maintained, preventing unauthorized access to the site.

Please refer to Section 10 of the by-law, which is included in this guide, for the temporary fencing requirements.

## STANDARDS FOR POOL ENCLOSURES

The by-law regulates the following:

- the height of the pool enclosure,
- the maximum permitted size of openings relative to the type of material used in the construction of the pool enclosure,
- the maximum permitted space between the pool enclosure and the ground at any point,
- the type of ground cover that is to be used under a pool enclosure,
- the minimum distances between the pool enclosure and any fence, the pool's edge and a building wall when the wall is part of the pool enclosure,
- the minimum distance between any gate or entranceway and the pool's edge,
- gates that are part of the pool enclosure, and
- entranceways in any wall that are part of the pool enclosure.

Please refer to Sections 8 and 9 of the by-law, which is included in this guide, for the requirements.

Over the years, new materials are introduced into the manufacture and construction of fencing, such as aluminium or steel panels, or even synthetic materials. These new materials are just as effective as the traditional wood or chain link, and may be utilized in pool enclosures as long as they provide protection that is equal to, or greater than traditional wood, chain link or steel pool enclosures (fences).

The Chief Building Official will be pleased to consider any type of fencing, as to its acceptability.

### THE HOMEOWNER'S CHECKLIST

Does every entranceway that forms part of the pool enclosure have a bolt or chain latch at a minimum height of 1.83 metres (6 feet) above the interior floor level?

Where is the construction access?

Is the pool equipment located in an accessory building that requires a building permit?

Are all of the setback requirements met?

If installing a chain link fence is it a minimum of 1.52 metres (5 feet) high with 38 millimetre (1.5 inch) mesh?

For other than chain link fence, is there a vertical separation of a minimum of 1.22 metres (4 feet) between the top and bottom rail where the opening between the vertical members are greater than 38 millimetres (1.5 inch) but less than 10 centimetres (4 inch)?

Is there less than a 50 millimetre (2 inch) gap between the pool enclosure and the ground?

Are the framing and braces on the pool side of the pool enclosure?

Are all gates self-closing, self-latching and lockable, a minimum 1.52 metre (5 feet) from ground level, on the inside of the structure and 1.52 metre (5 feet) from the water's edge?

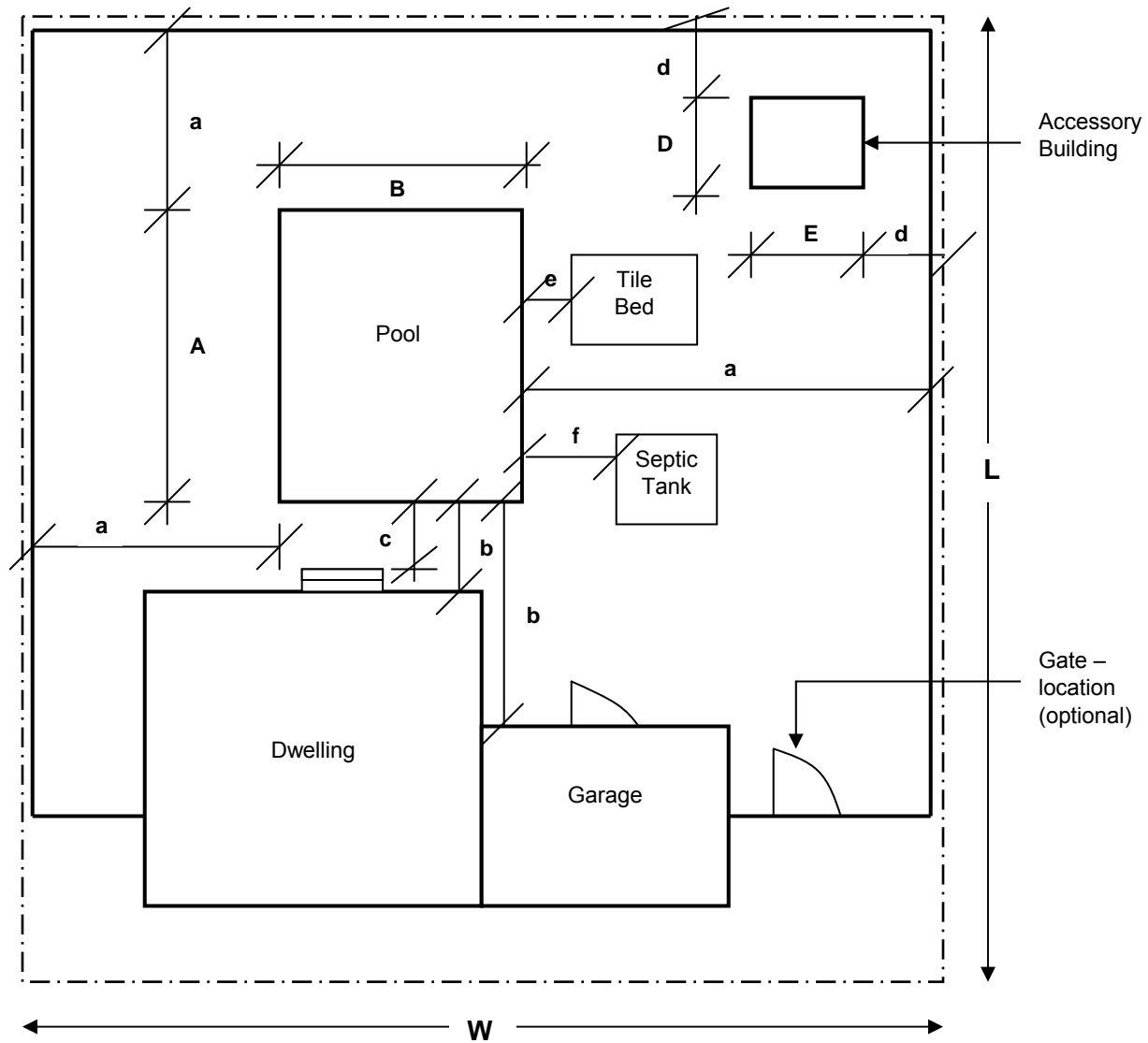
Is there an easement on your property?

Is the pool enclosure a minimum of 1.52 metre (5 feet) high?

Are climbable objects, like trees, a minimum of 1.22 metre (4 feet) from the proposed pool enclosure?

Does the pool enclosure comply with the Pool Enclosure By-law?

**Figure 1**



**Legend for Pool**

- A** Pool dimension
- B** Pool dimension
- a** Distances from pool to pool enclosure
- b** Distance from pool to dwelling and garage
- c** Distance from pool to stairs

**Legend for Site**

- L** Depth of property
- W** Width of property
- . . — Property line
- — — Pool Enclosure

**Legend for Accessory Building(s) and Septic System**

- D** Dimension of accessory building
- E** Dimension of accessory building
- d** Distances from accessory building to property lines
- e** Distance from pool to septic bed
- f** Distance from pool to septic tank

## THE PERMIT AND POOL ENCLOSURE INSPECTIONS

A pool enclosure permit will be issued accompanied by client copy of the reviewed plans, noting the type of fences and gates, and location of the pool.

When the application review process is completed and the appropriate permit issued, the construction phase begins. A temporary fence will be installed and maintained during all phases of construction to prevent unauthorized access to the site in accordance with Part 10 of the by-law.

While work is being done, the permit must be posted in a conspicuous location on site. The plans and/or specifications reviewed by Infrastructure Services Department – Building Division must also be kept on site and available for pool enclosure inspection.

The pool enclosure must be constructed in accordance with the reviewed pool enclosure permit documentation.

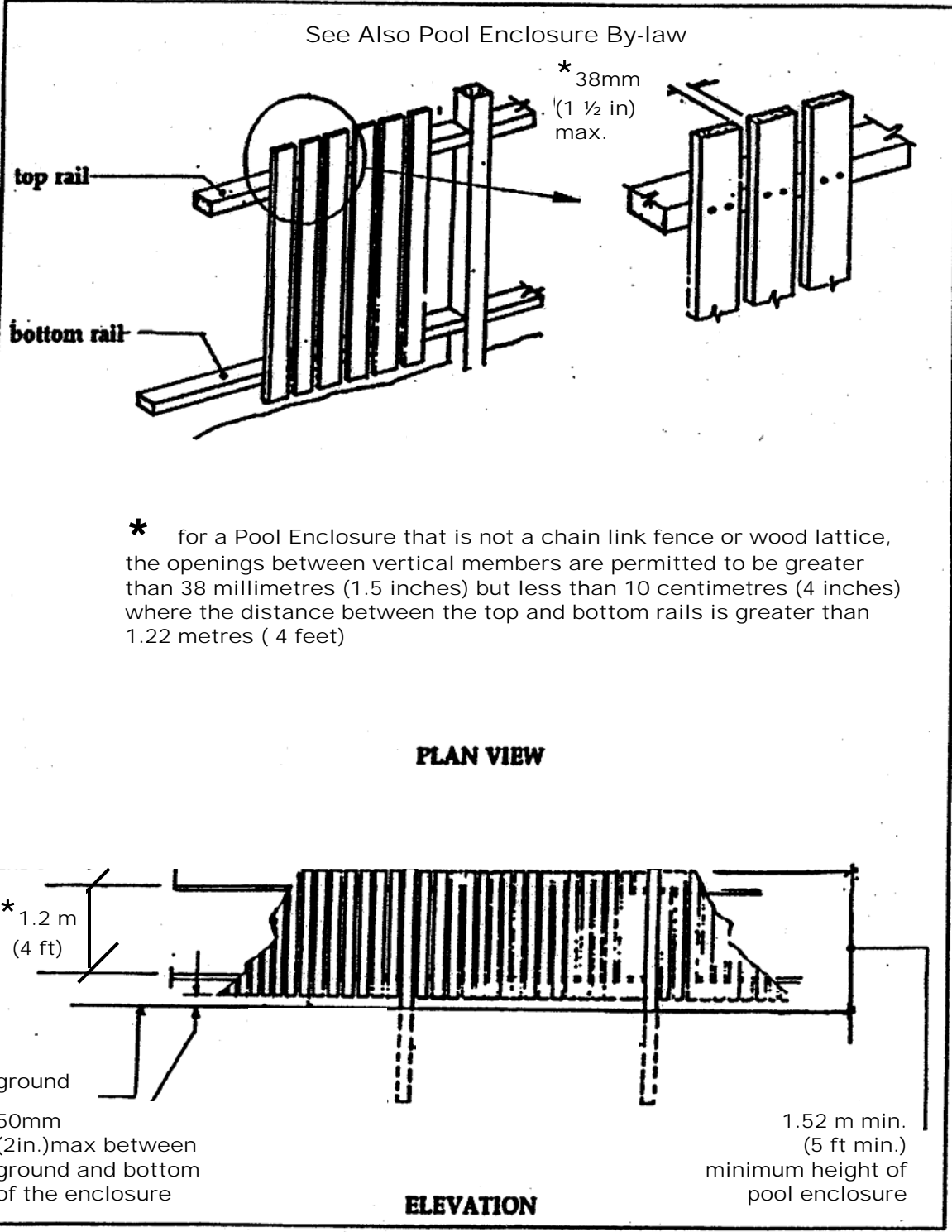
Any proposed changes to the plans must be submitted to Infrastructure Services Department - Building Division and approved prior to actual construction.

The Infrastructure Services Department - Building Division must be notified immediately upon completion of the pool enclosure. The pool enclosure permit holder must schedule the inspection, allowing 48 hours advance notice, excluding weekends and statutory holidays.

If an inspector determines that some work does not conform to the approved plans, they will advise the applicant through a written inspection report what is to be remedied.

When all work has been completed and the Town's inspection has been conducted and passed, the pool enclosure permit will be closed.

Figure 2 VERTICAL BOARD POOL ENCLOSURE CONSTRUCTION



## POOL SAFETY

### Regular and Periodic Safety Procedures

The pool enclosure should be checked regularly and maintained in good repair, with the gap between the pool enclosure and the ground cover a maximum of 50 millimetres (2 inches). All gates and accesses to the pool enclosure must be locked at all times when the pool is unsupervised.

Climbable objects, like trees, make it possible for children to get over the pool enclosure when such objects are within 1.22 metres (4 feet) of the pool enclosure. Lawn furniture and other moveable objects can be used by children to climb the pool enclosure. The area around the edge of the pool should be free and clear of any obstacles.

Snow should not be piled, or allowed to accumulate in such a way as to make the pool enclosure climbable, or the gates inoperable.

A separate handout titled "[Backyard Pool Safety](#)" provided by the Recreation and Parks Department is available on the Town of Halton Hills website.

### Draining the Pool

When a pool is drained, it is customary to use a pump, and the water should be disposed of in one of the following ways, described in order of preference:

1. direct the water by means of a discharge hose to the gutter or ditch in front of the property or into the Municipal Storm Drainage System, being careful to ensure that the water flows away harmlessly. Hoses or running water should not cross a neighbour's property without first having permission from the neighbours themselves;
2. direct the hose to a sanitary drain within your own property i.e. a floor drain or a laundry tub;
3. direct the hose onto your own property, ensuring that the water flows away slowly, and does not damage any neighbouring property.

When completely draining a pool, it is important not to utilize too powerful a pump as large amounts of water are involved. Too much water at any one time will cause problems. A little forethought, and careful disposal of the water, will maintain good relationships in the neighbourhood.



**BY-LAW NO. 2009-0028**

A by-law to regulate Pool Enclosures within the Town of Halton Hills.

**WHEREAS** Subsections 8(2) and (3), of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to regulate or prohibit matters pertaining to fences, to require Persons to do things respecting fences, to provide for a system of licenses and to impose conditions as requirements of obtaining, continuing to hold or renewing the license;

**AND WHEREAS** Subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to regulate matters related to health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** Subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, authorizes a municipality to pass by-laws respecting fences;

**AND WHEREAS** Sections 23.1, 23.2, 23.3, and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to delegate certain powers and duties;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001* S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a municipality may pass by-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a by-law, direction, order, or condition of license.

**AND WHEREAS** Sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that where a municipality is satisfied of a contravention of a by-law that the municipality may make an order to discontinue or correct the contravention of the by-law;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that where a municipality has the authority to direct or require by by-law or otherwise a Person to do a matter or thing, the municipality may also provide, that in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense and that the municipality may recover the cost of doing such thing or matter by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** the Council for the Corporation of the Town of Halton Hills deems a Pool Enclosure as a necessary safety measure to prevent small children, and others, from entering the pool area without supervision.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

## **PART 1 – SHORT TITLE**

- 1.1 This by-law may be referred to as the “*Pool Enclosure By-law*”.

## **PART 2 – DEFINITIONS**

- 2.1 “**CHIEF BUILDING OFFICIAL**” means the person approved as Chief Building Official of the Corporation of the Town of Halton Hills or their designate.
- 2.2 “**DIRECTOR OF INFRASTRUCTURE SERVICES**” means the person appointed by Council for the Town of Halton Hills as Director of Infrastructure Services or their designate.
- 2.3 “**DIRECTOR OF RECREATION & PARKS DEPARTMENT**” means the person appointed by the Council for the Town of Halton Hills as the Director of Recreation & Parks Department or their designate.
- 2.4 “**EFFECTIVE GROUND LEVEL**” at any location means the highest level of ground within 0.90 metres (3 feet) measured horizontally in any direction from the location under consideration.
- 2.5 “**GUARD**” means a protective barrier, with or without openings through it, that is around a platform, deck or similar structure in order to prevent accidental falls from one level to another.
- 2.6 “**HOT TUB**” means a hot tub, jacuzzi, whirlpool, or spa.
- 2.7 “**INFLATABLE POOL**” means a Pool, as defined in this by-law, consisting of an air-supported structure which is capable of containing water with a depth in excess of 0.61m (2 feet) at any point.
- 2.8 “**OFFICER**” means a municipal law enforcement Officer or building inspector appointed by by-law by the Town of Halton Hills.
- 2.9 “**PERMIT**” or “**POOL ENCLOSURE PERMIT**” means a Permit issued under this by-law.
- 2.10 “**PERSON**” means the registered owner of the property and any lessee, tenant, mortgagee in possession, or person occupying or in charge of the property.
- 2.11 “**POOL**” means:
- (a) a body of water, including a Temporary Pool or Hot Tub which,
    - (v) is located outdoors on private property,
    - (vi) is wholly or partially contained by artificial means,
    - (vii) is capable of holding water in excess of 61 centimetres (2 feet) in depth at any one point,
    - (viii) has an open exposed water surface of at least 1 square metre (10.76 square feet);
- 2.12 “**POOL ENCLOSURE**” means a fence, wall or other structure, or combination thereof, including any door or gate surrounding a Pool and restricting access thereto.

- 2.13 **“SELF-CLOSING DEVICE”** means a mechanical device or spring that, when released, returns a Pool Enclosure gate to its closed position after it has been opened.
- 2.14 **“SELF-LATCHING DEVICE”** means a mechanical device or latch which is engaged and secures the gate to its closed position each time the gate is closed, which will not allow the gate to be re-opened by pushing or pulling, and which will ensure that the Pool Enclosure gate remains closed until unlatched by either lifting or turning the device itself directly or by a key.
- 2.15 **“TEMPORARY POOL”** means an inflatable Pool or other Pool which is designed to be removed periodically on a seasonal or more frequent temporary basis.
- 2.16 **“TOWN”** means The Corporation of the Town of Halton Hills.

### **PART 3 – GENERAL PROVISIONS**

#### **ADMINISTRATION AND DELEGATION**

- 3.1 This by-law shall be administered and enforced by the Chief Building Official.
- 3.2 Every application for a Pool Enclosure Permit shall be in the form specified by the Chief Building Official.
- 3.3 The Chief Building Official may approve an alternate type of temporary fencing to that prescribed in Parts 5 and 10 of this by-law.
- 3.4 The Chief Building Official shall impose a maximum time limit for a temporary Pool Enclosure where the Pool Enclosure is damaged and requires replacement or repair.
- 3.5 The Chief Building Official shall determine the appropriate application fee for a Pool Enclosure Permit as set out in the Town of Halton Hills *Finance User Fee By-law*, as amended from time to time.

#### **APPLICATION OF BY-LAW**

- 3.6 This by-law shall apply to all Pool Enclosures constructed, existing or replaced, within the Town of Halton Hills.
- 3.7 In the event of any conflict between the provisions of this by-law and any provision of Town of Halton Hills *Fence By-law 2002-0060*, as may be amended or replaced from time to time, the provisions of this by-law shall prevail.
- 3.8 For the purpose of this by-law:
- (a) words in the singular shall be deemed to include the plural and words in the plural shall be deemed to include the singular, and
  - (b) words beginning with a capital, other than at the beginning of a sentence, indicate that there is either a definition for the word contained herein, or that it is a proper noun.

- 3.9 The requirements in this by-law are set out in metric measurements and any imperial measurements in this by-law are provided for convenience only.

### **EXISTING POOL ENCLOSURES**

- 3.10 The provisions of this by-law shall not prevent the use of an existing Pool Enclosure if that Pool Enclosure was lawfully constructed prior to the effective date of this by-law and has been maintained continuously thereafter in accordance with the regulations in effect at that time.
- 3.11 Where an existing Pool Enclosure is replaced, the replacement Pool Enclosure shall be constructed in accordance with this by-law.
- 3.12 Where 7.31 metres (24 feet) or more of an existing Pool Enclosure requires replacing, the replacement shall be constructed in accordance with this by-law.
- 3.13 Where an existing Pool Enclosure, which marks the boundary between abutting properties, has enclosed a pool in accordance with the regulations that existed prior to the effective date of this by-law, and has been maintained continuously in accordance with those regulations, the shared portion of the Pool Enclosure between the abutting properties may form part of a new Pool Enclosure on the abutting property and shall be deemed to be in conformity with this by-law. All other portions of the new Pool Enclosure that enclose the newly constructed pool on the abutting property shall meet the standards set out in this by-law.

### **PART 4 – POWERS OF ENTRY AND INSPECTION**

- 4.1 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection:
- (a) to determine if there is a contravention of this by-law;
  - (b) to issue and post a municipal order;
  - (c) pursuant to the issuance of a Pool Enclosure Permit;
  - (d) to take tests, samples or photographs.
- 4.2 For the purposes of an inspection under Section 4.1 the Officer may:
- (a) require the production of documents or things relevant to the inspection;
  - (b) 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;
  - (d) enter onto the property with employees or agents of the municipality for the purpose of enforcing a municipal order that has been issued.
- 4.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty pursuant to this by-law.

### **PART 5 – PROHIBITIONS**

- 5.1 No person shall construct or install a Pool or cause a Pool to be constructed or installed or commence the construction or installation of a Pool without first obtaining a Pool Enclosure Permit from the Chief Building Official.
- 5.2 Subject to the provisions of Part 10 of this by-law, no person shall construct or install a Pool or cause a Pool to be constructed or installed which is not completely enclosed by a Pool Enclosure constructed and installed in accordance with this by-law.
- 5.3 No person shall fill a Pool with water or cause a Pool to be filled with water or allow water to remain in a Pool unless,
- (i) the Pool is a newly constructed Pool and the Pool Enclosure has been inspected and approved by the Town,
  - (ii) the Pool is enclosed by a Pool Enclosure, other than an approved temporary Pool Enclosure meeting the requirements of Section 10.1 of this by-law,
  - (iii) temporary fencing approved in writing by the Chief Building Official has been erected where a Pool Enclosure requires replacement or repair.
- 5.4 No person shall remove any part of a Pool Enclosure where the Pool is capable of holding more than 0.61 metres (2 feet) of water.
- 5.5 No person shall alter or replace a Pool Enclosure without having first obtained a Permit from the Chief Building Official.
- 5.6 Every Person shall ensure that:
- (a) all gates forming part of the Pool Enclosure meet the standards of this by-law;
  - (b) all entranceways to a Pool Enclosure through a wall of a building meet the standards of this by-law;
  - (c) all gates forming part of a Pool Enclosure are locked when the Pool Enclosure area is not in active use; and
  - (d) the lockable lid of any Hot Tub is closed and locked when the Hot Tub area is not in active use unless the Hot Tub is within a locked Pool Enclosure meeting the requirements of this by-law.
- 5.7 No person shall place, pile, attach or lean any object or material against or near a Pool Enclosure so as to facilitate the climbing of the Pool Enclosure, or diminish the structural integrity of a Pool Enclosure or render the Pool Enclosure to be in contravention of this by-law.
- 5.8 No person shall erect a fence within 0.61 m (2 feet) of an existing Pool Enclosure that does not comply with the requirements of this by-law.
- 5.9 All Pool Enclosures including any gates shall be maintained in good repair at all times.

## **PART 6 – APPLICATIONS FOR PERMITS**

- 6.1 Every application for a Pool Enclosure Permit shall be accompanied by:

- (a) 2 sets of plans showing the location of the Pool, all accessory equipment and proposed landscape features in relation to property lines, buildings (including decks) and sheds and any easements;
- (b) complete details of the proposed Pool Enclosure, including the location and type of proposed fence and gate;
- (c) complete details, including photographs, of any existing fence proposed to be part of the Pool Enclosure;
- (d) the Permit fee specified in Town of Halton Hills *Finance User Fee By-law*, as amended from time to time;
- (e) where applicable, written approvals from the Director of Recreation & Parks Department and the Director of Infrastructure Services for a proposed access route from any Town-owned property or right-of-way, and such approval shall require the payment of an amount determined by the Town to be an appropriate damage deposit to ensure that the Town-owned property or right-of-way is restored to the condition that existed prior to the construction; and
- (f) written approval of the developer or owner of the subdivision if the proposed Pool is within an unassumed plan of subdivision.

6.2 The Chief Building Official shall issue a Permit for a Pool Enclosure where the plans submitted comply with the requirements of this by-law and all applicable regulations and by-laws or approvals.

## **PART 7 – REVOCATION OF A PERMIT**

7.1 A Pool Permit may be revoked by the Chief Building Official:

- (a) where information supplied on the Permit application was based on mistaken, false or incorrect information.
- (b) where a Person has not completed construction within a period of 12 months from the issue date of the Permit.
- (c) if it was issued in error.

7.2 Where a Pool Permit is revoked by the Chief Building Official or withdrawn by the applicant, the applicant is not entitled to a refund.

## **PART 8 – STANDARDS FOR POOL ENCLOSURES**

8.1 A Pool shall be enclosed by a Pool Enclosure that meets the following standards:

- (a) **Height:** A Pool Enclosure shall extend from the ground to a height of not less than 1.52m (5 feet), measured from the Effective Ground Level on the exterior side of the Pool Enclosure;

- (b) **Opening and Materials:**

- (i) except as provided in (ii) and (iii), a Pool Enclosure shall not have any openings that would allow the passage of a spherical object having a diameter greater than 38mm (1.5 inches);
  - (ii) for a Pool Enclosure that is not a chain link fence or wood lattice, the openings between the vertical members are permitted to be greater than 38 millimetres (1.5 inches) but less than 10 centimetres (4 inches) where the distance between the top and bottom rails is greater than 1.22 metres ( 4 feet);
  - (iii) for a Pool Enclosure which is a chain link fence, where the Pool Enclosure is at least 1.83m (6 feet) in height, the openings in the Pool Enclosure are permitted to be greater than 38mm (1.5 inches) but not greater than that which would allow the passage of a spherical object having a diameter of 50mm (2 inches);
  - (iv) for a Pool Enclosure which is comprised of wood lattice, the wood shall be at least 13mm (0.5 inches) in thickness, with openings of less than 38mm (1.5 inches).
- (c) **Ground Clearance:** the space at any point under the Pool Enclosure must not exceed 50mm (2 inches) and the ground beneath the enclosure cannot be of loose gravel or other material which can be easily removed so as to afford access under the Pool Enclosure.
- (d) **Location:** subject to paragraph 8.1(e) a Pool Enclosure shall be located:
- (i) not less than 0.61m (2 feet) from any fence that does not meet the requirements of this by-law;
  - (ii) a minimum distance of 1.22 metres (4 feet) between the water's edge of the Pool and the Pool Enclosure on at least 80% of the Pool's perimeter to provide a level, clear and unobstructed area for rescue operations;
  - (iii) where the wall of a building is used as part of the Pool Enclosure, the wall shall be a minimum of 1.22 metres (4 feet) from the water's edge of the Pool excluding a Hot Tub.
- (e) **Location (access points):** any gate or entranceway forming part of a Pool Enclosure shall be at least 1.52 m (5 feet) from the water's edge of the Pool.
- (f) No part of a Pool Enclosure shall contain barbed wire, electrical wire, sharp objects or materials, or any other objects or materials that would create a danger to the safety of any persons.

## **PART 9 – GATES AND OTHER ACCESS POINTS**

### **Gates**

9.1 Every gate forming part of a Pool Enclosure shall be:

- (a) constructed in accordance with the standards prescribed in Part 8 of this by-law;
- (b) supported on substantial hinges, capable of supporting 90.72 kg (200 lbs);
- (c) equipped with a Self-Closing Device;
- (d) equipped with a Self-Latching Device that is at least 1.22m (4 feet) above the established grade; and

- (e) equipped with a lock that must be locked when there is no responsible person in attendance in the Pool area.
- 9.2 Where the gate to the Pool Enclosure is a double gate access, made up of two gates at the same location, one of the two gates shall:
- (a) have a Self-Closing Device and Self-Latching Device; and
  - (b) the other gate shall have a device permanently affixed to the ground that prevents access through this gate without lifting or removing this device.

### **Entranceways through buildings**

- 9.3 Where a wall or portion thereof of any building located on the same property as the Pool forms part of the Pool Enclosure, no entranceway to the enclosed Pool area is permitted through said wall, unless:
- (a) the entranceway doors are equipped with a bolt or a chain latch at a minimum height of 1.83m (6 feet) above the inside floor level;
  - (b) the entranceway is located no closer than 1.5 m (5 feet) from the edge of the water and contains no stairs or steps within; and
  - (c) the entrance bolt or chain latch is maintained in good repair.
- 9.4 The bolt and chain latch required in Section 9.3(a) shall be engaged when there is no responsible person in attendance in the Pool area.
- 9.5 No window in the wall of any building which is less than 1.5 m (5 feet) above floor level shall be capable of being opened more than 10cm (4 inches) unless a guard is permanently installed on the window to prevent the passage of a spherical object having a diameter of more than 10cm (4 inches) through the window.

## **PART 10 – TEMPORARY FENCE DURING CONSTRUCTION**

- 10.1 Every Person shall ensure that temporary fencing meeting the requirements of Part 10 of this by-law is in place and maintained during all phases of construction of the Pool so that unauthorized access to the site is prevented.
- 10.2 Temporary fencing :
- (a) shall be a minimum of 1.22m (4 feet) in height,
  - (b) shall be erected in a good workmanlike manner,
  - (c) that is a snow fence shall consist of steel t-posts that are spaced at a maximum of 1.2m (3.94 feet) measuring from centre of post to centre of post, and embedded at least 0.60m (2 feet) into the ground, and
  - (d) that is a snow fence shall consist of 38mm (1.5 inch) mesh fencing that is horizontally secured at the top and the bottom by an eleven-gauge cable threaded through the mesh, fastened to the eleven-gauge cable every 20cm (8 inches), and securely attached to each post along its height between the top and bottom cables, and
  - (e) that is not a snow fence requires the written approval of the Chief Building Official.

- 10.3 Any opening in the temporary fencing shall be closed and secured while construction is not ongoing.
- 10.4 Any authorization to erect temporary fencing is granted provided that the construction of the Pool Enclosure is completed quickly and efficiently.

## **PART 11 – SPECIAL PROVISIONS AND PARTIAL EXEMPTIONS**

### **Hot Tubs**

- 11.1 Notwithstanding Part 5 of this by-law, no Pool Enclosure is required for a Hot Tub equipped with a substantial cover capable of holding 90.72 kg (200 lbs) which is locked to prevent access when the Hot Tub is not in use.

### **Guards and Handrails Required for Pools and Hot Tubs**

- 11.2 Any Pool surrounded by a platform, deck or similar structure that is more than 0.61 metres (2 feet) in height shall have a Guard.
- 11.3 A Guard shall:
- (a) not have openings more than 10 centimetres (4 inches) in diameter.
  - (b) be a minimum of 90 centimeters (2 feet 11 inches) high where the walking surface served by the Guard is not more than 1.80 metres (5 feet 11 inches) above the finished ground level; or
  - (c) be a minimum of 1.07 metres (3 feet 7 inches) high where the walking surface served by the Guard is 1.80 metres (5 feet 11 inches) or more above the finished ground level.
- 11.4 A stair containing more than 3 risers that accesses a platform, deck or similar structure shall be equipped with a handrail that is:
- (a) continuous for the height of the stair; and
  - (b) of a height of not less than 80 centimetres (2 feet 7 inches) and not more than 96.5 centimetres (3 feet 2 inches).
- 11.5 Where the area of a platform, deck or similar structure is greater than 10 square metres (108 square feet) a Building Permit is required for the construction of the platform, deck or similar structure and Guard.

## **PART 12 – PENALTY**

- 12.1 Every Person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.00 and not less than \$400.00, exclusive of court costs.
- 12.2 Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

12.3 An order issued under Section 12.2 shall set out,

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the work to be done and the date by which the work must be done.

#### **Remedial action**

12.4 In default of the work being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.

#### **Entry upon land**

12.5 For the purpose of Section 12.4, the Officer and employees or agents of the municipality may enter upon land at any reasonable time.

#### **Recovery of costs**

12.6 The Town may recover the costs of doing a matter or thing under Section 12.4 from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

### **PART 13 – SEVERABILITY**

13.1 If a court of competent jurisdiction should declare any section or a part of this by-law to be invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

### **PART 14 – TRANSITIONAL RULES**

After the date of the passing of this by-law, all swimming pool enclosure permits issued by the Chief Building Official for the Town of Halton Hills or their designate pursuant to Town of Halton Hills By-law 97-035, as amended, remains valid for a period not to exceed 12 months and the requirements, refusal and revocation for its issue, as it read on that day, continues to apply to the permit.

### **PART 15 – REPEAL**

Except for the purpose as set out in Part 14 of this by-law, By-law 97-035, as amended, is hereby repealed.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 27<sup>th</sup> day of April, 2009.

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Original signed by  
MAYOR – Rick Bonnette

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Original signed by  
TOWN CLERK – Debbie Edmonds



**Application for a  
Pool Enclosure Permit**  
Town of Halton Hills By-law 2009-0028

For use by Principal Authority	
Application number:	Permit number (if different):
Date received:	Roll number:

Application submitted to: Town of Halton Hills  
(Name of municipality, upper-tier municipality, board of health or conservation authority)

Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
<b>Applicant</b>	Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner		
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ( )	Fax ( )	Cell number ( )	
Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ( )	Fax ( )	Cell number ( )	
Description of Proposed Work			
Declaration of applicant			
<p>I _____ certify that:</p> <p style="margin-left: 40px;">(print name)</p> <ol style="list-style-type: none"> <li>1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.</li> <li>2. I have authority to bind the corporation or partnership (if applicable).</li> </ol> <p>_____</p> <p style="display: flex; justify-content: space-between;"> <span>Date</span> <span>Signature of applicant</span> </p>			

Personal information is collected under the authority of the Municipal Act 2001, S.O. 2001 c.25 and will be used for the process and issuance of Pool Enclosure Permits, in accordance with the collection, use and disclosure of personal information governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56.





## OWNER'S AUTHORIZATION

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(Required only if Party other than Owner is making this application)

Re (Property): \_\_\_\_\_

I/We \_\_\_\_\_

the Owner(s) of the land being subject of this Application do hereby authorize and  
appoint \_\_\_\_\_

as my/our Agent to make this application on my/our behalf and to conduct all  
communications on my/our behalf respecting same.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date  
(YY/MM/DD)

\_\_\_\_\_  
Name  
(Please Print)





## DEVELOPER/OWNER CLEARANCE LETTER FOR POOL ENCLOSURE PERMIT

This form must be signed and returned to the Town of Halton Hills Infrastructure Services Department – Building Division for the installation of a pool enclosure in an **unassumed** subdivision prior to the issuance of a pool enclosure permit.

I/we \_\_\_\_\_, the developer/owner for  
(name of developer/owner)

Plan # \_\_\_\_\_ has no objection to the installation of a pool and pool enclosure on

Lot # \_\_\_\_\_ known as \_\_\_\_\_ subject to  
(municipal address)

the following conditions:

- No conditions
- Conditions as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Name of Developer/Owner

\_\_\_\_\_  
Signature of Signing Officer

\_\_\_\_\_  
Address





# CONSTRUCTION/EXCAVATION OR ENTRANCE ON PUBLIC HIGHWAY PERMIT

Construction/Excavation or Entrance Permit No.: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Type of Entrance: Residential:  Commercial:  Industrial:  Farm:  (YY/MM/DD)  
 Temporary:  Other: \_\_\_\_\_

Type of Work: \_\_\_\_\_ Duration of Work: \_\_\_\_\_

Location of Work: \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Bus. Tel: \_\_\_\_\_ Home Tel: \_\_\_\_\_ Cell: \_\_\_\_\_

**Contractor/Applicant's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Fax: \_\_\_\_\_ Tel: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor's Liability Insurance: \_\_\_\_\_ (Min. \$5,000,000.00)

Company Name: \_\_\_\_\_ Policy No.: \_\_\_\_\_

Entrances: _____		Posted Speed: _____ km/h	
Stopping Sight Distance:	Left Right	Culvert Specs: Length 7.3 metres minimum Diameter 450 mm minimum Concrete Headwalls as per Town Standard #305	
Curb Cut Length:	4.0 metres minimum/Single Driveway 6.0 metres maximum/Double Driveway		
Expiry Date: _____	Inspection Date: _____	Approved By: _____	
	(YY/MM/DD)	(YY/MM/DD)	
<b><u>Temporary Restoration</u></b>			
(A) _____ Cold Mix Asphalt Restoration of roadway, curb and sidewalk.			
<b><u>Permanent Restoration</u></b>			
(B) _____ Complete permanent restoration by contractor/self.			
(C) _____ Request Town staff to perform permanent restoration works.			
Other Conditions of Permit: _____			
This section is not applicable to members of the P.U.C.C.			
(a)	Administrative Fee (non-refundable)	\$	_____
(b)	Refundable Security	\$	_____
(c)	Total Amount Payable	\$	_____
<b>Please complete the Certificate of Insurance attached and submit along with this permit.</b>			

The applicant agrees to all conditions as shown herein and on the reverse side of this permit and as set out in Town of Halton Hills By-law No. 92-199 for Construction/Excavation on Public Highways and By-law No. 95-167 for Entrances on Public Highways.

\_\_\_\_\_  
 Name and Title of Applicant

\_\_\_\_\_  
 Signature of Applicant



Town of Halton Hills  
1 Halton Hills Drive  
Halton Hills ON L7G 5G2  
www.haltonhills.ca

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Engineering Staff Approval

# CONSTRUCTION/EXCAVATION OR ENTRANCE ON PUBLIC HIGHWAY PERMIT

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Date of Approval (YY/MM/DD)



**2010 POOL ENCLOSURE PERMIT FEES**

Pool Enclosure	\$ 200.00
Refundable Damage Deposit	\$ 515.00