

The Corporation of The Township of Scugog

By-law Number 09-26

Being a by-law to regulate, control and otherwise permit private swimming pools and to require any swimming pool to be properly enclosed in the Township of Scugog.

Whereas section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a lower-tier municipality to pass by-laws with respect to fences;

And Whereas section 8(3) of the Municipal Act, 2001, authorizes a municipality to regulate or prohibit matters pertaining to fences and, as part of that power, to provide for a system of approvals and to impose conditions as requirements of obtaining, continuing to hold or renewing the approval;

And Whereas section 11(2) of the Municipal Act, 2001, authorizes a municipality to regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

And Whereas section 446 of the Municipal Act, 2001, authorizes a municipality to direct a matter or thing to be done under a by-law to be done at the person's expense and, should the person fail to do so, to recover the costs by action or by adding the costs to the tax roll;

Now therefore, the Council of The Corporation of The Township of Scugog hereby enacts as follows:

1. DEFINITIONS

Abandoned Swimming Pool means a Swimming Pool that is abandoned whether or not it contains water and whether or not it is being used, or a Swimming Pool that by reason of its state of repair is incapable of safely being used and may include, but is not limited to, its structure, support structure, containment liner, deck or the state of its maintenance.

Certificate of Approval means a record of acknowledgement issued by the Manager that the Swimming Pool Enclosure as erected conforms to the specifications contained within this By-law.

Council means the Council of the Corporation of the Township of Scugog.

Director means the person appointed to oversee the By-Law Department and includes a designate.

Division Fence means a fence marking a boundary between adjoining parcels of land, not under common ownership.

Enclosure means a fence or wall or other structure, including doors and gates, surrounding a Swimming Pool to restrict access thereto.

Existing Grade means the elevation of an existing undisturbed ground surface.

Fence means a railing, wall, hedge, line of posts, shrubs, wire, gate, boards or other similar substances used to enclose or divide in whole or in part a yard or other land to establish a property boundary but does not include a line of trees.

Hot Tub means a body of water located outdoors contained by artificial means, with mechanisms allowing for the direction and adjustment of jets of warm water flowing in a rapidly rotating and circular current, and includes tubs commonly called spas or whirlpools.

Inspector means a Municipal Law Enforcement Officer or a Building Inspector appointed by the Township of Scugog.

Notice of Contravention means a written notice of a contravention of this By-law.

Officer means a Municipal Law Enforcement Officer appointed by Council.

Owner includes a lessee, occupant or other person that may have management, care or control of the property where a swimming pool is located.

Person means an individual, firm, corporation, association, or partnership, but does not include the Township.

Pool Enclosure Permit means a permit issued by the Township to erect, install, or otherwise construct a Swimming Pool Enclosure on private lands.

Portable Swimming Pool means a Swimming Pool that by its design or intended use may be collapsed, removed or stored when not in use, whose depth is not less than 0.61 metres (2 feet) and having a diameter of not less than 1.5 metres (5 feet).

Revocation Order means a record of acknowledgement issued by the Director or designate that the Certificate of Approval is no longer valid.

Swimming Pool means any body of water located outdoors on private property that is contained wholly or partly by artificial means, and which can hold water exceeding 0.61 metres (24 inches) in depth at any point and includes a Hot Tub.

Swimming Pool Enclosure means a fence or wall or combination thereof, including any doors or gates, surrounding a privately-owned outdoor Swimming Pool and restricting access thereto.

Township means The Corporation of the Township of Scugog.

2. GENERAL PROVISIONS

- 1) Every Owner of a property on which a Swimming Pool is located, constructed, or erected shall erect or cause to be erected a Swimming Pool Enclosure around the entire Swimming Pool in accordance with the provisions of this By-law.
- 2) Every Owner of a property on which a Swimming Pool is located, constructed, or erected shall ensure that the Swimming Pool is not filled with water and that no water is allowed to remain in the Swimming Pool unless a valid Certificate of Approval has been issued for the Swimming Pool Enclosure.
- 3) Every electrical connection for a Swimming Pool or any of its components shall be installed and inspected by a qualified electrician who will certify that all electrical connections and components meet the standards and requirements set out under applicable law.
- 4) No Swimming Pool or any of its components, including walkways, supporting structures, decking or concrete, shall encroach upon any drainage swale on any lot, and all applicable Site Alteration, Grading and Zoning by-laws shall be complied with.
- 5) No Person shall drain water from a Swimming Pool in a manner that permits or causes water to drain directly onto adjacent properties, including Township lands.
- 6) Every Owner of a property on which a Swimming Pool is located, constructed, or

erected shall maintain the Swimming Pool Enclosure in compliance with the provisions of this By-law and the Township of Scugog Property Standards By-law 16-15, as amended, or its successors.

7) An Officer or Inspector may, at any reasonable time, enter upon any lands where a Pool Enclosure Permit has been applied for or where a Swimming Pool has been or is being installed for the purpose of inspection to ensure compliance with this and other applicable by-laws.

8) Where a Swimming Pool Enclosure has been previously approved, the enclosure shall be exempt from the provisions of this By-law, unless the previously approved enclosure has been altered or reconstructed in which case the requirements of this By-law shall apply to the enclosure.

9) Where the installation of a swimming pool alters the existing grade of a property, the provisions of the Scugog Site Alteration By-Law and any other applicable law must be followed.

10) This By-law does not apply to Swimming Pools located completely inside a building.

3. PERMITS AND CERTIFICATE OF APPROVAL

1) Every Owner who proposes to erect, install or construct a Swimming Pool shall first obtain a Pool Enclosure Permit from the Township.

2) No water shall be placed in the Swimming Pool until a Certificate of Approval has been issued.

3) Every Pool Enclosure Permit application shall be completed in full and accompanied by:

- a) the applicable fee as set out in the Township's Fees and Charges By-law;
- b) written approval from the Regional Health Unit, if applicable; and
- c) a site plan drawing indicating drawing scale, north arrow, lot lines and dimensions, existing and proposed construction, setbacks, proposed changes to grade, the type of Swimming Pool to be installed, and safety measures during construction.

4) A Swimming Pool Enclosure application for a Certificate of Approval remains active for one (1) year from receipt. If a Certificate of Approval has not been issued within one year, the application is deemed abandoned and fees may be retained. A new application and fee are required thereafter.

5) The Director or designate may require the Owner to produce further information, including a report prepared by a professional engineer licensed to practice in Ontario, to determine whether a Swimming Pool Enclosure meets the requirements of this By-law.

4. ENCLOSURES

1) All Swimming Pool Enclosures shall be constructed of wood, ornamental metal, chain link, or other materials approved under Section 4.5, and shall meet the requirements of Tables 4.1.a through 4.1.d, as applicable.

2) No Enclosure shall have any barbed wire, electrical wiring, sharp projections, or other materials that create danger to persons or animals.

3) Horizontal rails or braces shall be located on the interior (pool) side of the Enclosure wherever practicable and shall not facilitate climbing. Where braces are present, there shall be at least one continuous vertically measured distance of 1.22 metres (4 feet) between any two adjacent braces.

4) No Enclosure shall be constructed within 1 meter (3 feet) of any outside structure, fence, tree, air-conditioning unit, meter, steps, ledges, windowsills or similar climbable object.

5) A building's wall may be used as a portion of the enclosure fence, provided that any door, window, or other entrance to the building, within the perimeter of the Swimming Pool Enclosure is located a minimum of 2 meters (6.5 feet) from the water's edge.

6) Any Division Fence meeting the requirements of this bylaw shall be deemed sufficient as a fence or enclosure around a pool area, provided the Division Fence is continually maintained and kept within the requirements of this By-Law, no matter how any fence becomes non-compliant from time to time, and the responsibility of this maintenance shall fall upon the Owner of such pool the Fence encloses.

7) Alternative materials: Where an Enclosure is constructed in a manner not complying with the prescriptive requirements of this By-law, it may be approved by the Director or delegate through issuance of a Certificate of Approval where the Enclosure provides an equivalent or greater degree of safety.

5. GATES, DOORS AND ENTRANCES

1) Any gate forming part of an Enclosure shall be self-closing and self-latching, with the latching device located at the top and on the inside of the gate. Hinges and hardware shall be capable of withstanding 91 kg (200 lbs.).

2) Where double gates form part of the required Enclosure, the secondary gate shall be equipped with a locked drop bar and kept locked when not in use. The gate on the side opposite the locked drop bar must be self-closing and self-latching.

3) Any door forming part of an Enclosure that does not lead directly from a private dwelling unit shall provide a degree of safety and rigidity equivalent to or greater than that of a required fence, be supported on metal hinges capable of withstanding 91 kg (200 lb), and be equipped with a locking device located at a minimum height of 1.52 m (5 ft) from the bottom of the door and kept locked at all times.

6. ABOVE-GROUND POOLS AND ALTERNATIVES

1) For an above-ground Swimming Pool, an above-ground Enclosure guard may be used in place of a separate Enclosure provided the total combined height of the pool wall and the guard is at least 1.52 m (5 ft) above Existing Grade, and such walls are of smooth construction with no protruding components or other objects that could assist in climbing. This includes landscaping or other non-pool components placed within 1 meter (3 feet) of the pool wall.

2) Where an Enclosure guard is used for an above-ground Swimming Pool, the entrance ladder shall be enclosed by an Enclosure constructed in accordance with this By-law.

3) Where a Pool Enclosure Permit has been obtained for the installation of a portable swimming pool and all other provisions of this By-Law have been met and the swimming pool is removed for storage, a second Pool Enclosure Permit shall not be required to reinstall the same Portable Swimming Pool provided that the provisions set forth in the original Pool Enclosure Permit and site plan have not been changed or altered, including the size of the Swimming Pool, location of Swimming Pool, or any other detail that deviates from the original Pool Enclosure Permit information.

7. LOCATION OF SWIMMING POOLS

- 1) No Swimming Pool shall be installed, erected or constructed where the Swimming Pool cannot meet the minimum setback requirements for accessory buildings pursuant to the Township Zoning By-law, as amended.
- 2) No Swimming Pool shall be located less than 2 meters (6.5 feet) from the principal building on the same lot.

8. TEMPORARY ENCLOSURES DURING INSTALLATION

- 1) Where a Swimming Pool requires filling with water during installation, before any water can be placed in the pool the Owner shall ensure that the Swimming Pool is surrounded by a substantially completed Enclosure or a temporary Enclosure that restricts access to persons necessary for installation. Temporary fencing shall be constructed of chain link or welded wire panels (ex. Fast Fence construction fencing).
- 2) The Owner shall call an Officer for inspection and shall obtain written permission to fill the Swimming Pool prior to placing water in pool.
- 3) The Owner shall ensure that the Enclosure is maintained or the site is continuously monitored if breached for installation.

9. LADDERS AND SAFETY DEVICES

- 1) The Owner shall remove all ladders or other devices designed or intended to assist with entering or exiting a Swimming Pool while the pool is not in use and shall store such ladders or devices in a location not readily accessible; or shall secure any such device with an integral safety/locking mechanism when not in use.

10. HOT TUBS

- 1) Every person installing a Hot Tub shall first obtain a Pool Enclosure Permit in accordance with Section 3 of this By-law.
- 2) Every electrical connection for a Hot Tub or any of its components shall be inspected by a qualified electrician who will certify that all electrical connections and components meet applicable standards and shall provide certification documentation prior to final inspection.
- 3) Every Owner of a Hot Tub shall cover the Hot Tub with a fitted, lockable solid cover designed to prevent access when the Hot Tub is not in use, capable of withstanding a load of at least 91 kg (200 lb) and shall use a lock to ensure the cover cannot be removed when not in use.

11. ABANDONED SWIMMING POOLS

Where a Swimming Pool is determined by an Inspector to be an Abandoned Swimming Pool, the Inspector may require the Owner to make repairs, take safety measures, or remove the Swimming Pool from the property.

12. ADMINISTRATION AND ENFORCEMENT

- 1) This By-law shall be administered and enforced by the Director, a Municipal Law Enforcement Officer or a Building Inspector.
- 2) The Director or designate may revoke a Certificate of Approval by issuing a written

Revocation Order where (a) the Certificate was issued based on mistaken, false or incorrect information; (b) the Certificate was issued in error; (c) the Swimming Pool is removed or filled in; or (d) the Enclosure is not maintained in compliance with applicable standards.

3) Upon service of a Revocation Order, the Certificate of Approval is revoked, and the Owner shall forthwith drain and remove all water contained within the Swimming Pool.

4) An Officer may issue a Notice of Contravention requiring an Owner to rectify any contravention within a specified timeframe. If the Owner fails to comply, the Township may enter the property to carry out the work, including removal, replacement, or repair of all or part of the Enclosure, or draining the Swimming Pool of water.

5) Any materials or structures removed by the Township may be deposited on the Owner's property or disposed of as refuse by the Township.

6) Where an Owner fails to do a matter or thing required under this By-law and the Township carries out the work, the expenses incurred become a debt owed by the Owner to the Township and may be recovered by action or added to the tax roll and collected in the same manner as property taxes.

13. PENALTY

Every Person who contravenes any provision of this By-law, including a contravention of a Notice of Contravention, is guilty of an offence and liable to a fine and such other penalties as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, 2001, as amended.

14. SEVERABILITY

If a court of competent jurisdiction declares any section of this By-law, or part thereof, invalid, the remainder of the By-law shall continue in force and be applied and enforced to the fullest extent permitted by law.

15. REPEAL

By-law 56-07 and any of its amendments are hereby repealed.

16. SHORT TITLE

This By-law may be cited as the 'Swimming Pool Enclosure By-law'.

17. EFFECTIVE DATE

This By-law shall come into effect on the day of its passing.

This By-law Read and Passed by Council on the 23 day of March, 2026.

MAYOR, Wilma Wotten

CLERK, Blair Labelle

By signing this by-law on the 23 day of March, 2026, Mayor Wilma Wotten will not exercise the power to veto this by-law.

Pool Enclosure Provisions - Tables 4.1.a through 4.1.d

TABLE 4.1.a. General Provisions for Pool Enclosures

Provisions	All Properties
Minimum height of Enclosures	1.52 m (5 ft) above Existing Grade
Maximum clearance between bottom of Enclosure and ground	100 mm (4 in)
Minimum distance from any climbable condition outside the Enclosure	1 m (3 ft)
Minimum distance from principal building on same lot	1.52 m (5 ft)
Minimum distance from water's edge to Enclosure	1.22 m (4 ft)

TABLE 4.1.b. Wood Fence Construction for Pool Enclosures

Provisions	All Properties
Horizontal rail minimum size	38 mm (1-1/2 in) x 89 mm (3-1/2 in)
Minimum vertical spacing between horizontal rails (to limit climbing)	0.9 m (35.4 in); braces to be on pool side
Maximum spacing between vertical boards when rail spacing \geq 0.9 m	100 mm (4 in)
Maximum spacing between vertical boards when rail spacing $<$ 0.9 m	38 mm (1-1/2 in)
Vertical board minimum size	19 mm (3/4 in) x 89 mm (3-1/2 in)
Fence post maximum spacing	2.44 m (8 ft)
Minimum size of fence posts	89 mm (3-1/2 in) x 89 mm (3-1/2 in)

Minimum depth below grade of embedded fence posts	1.2 m (4 ft)
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TABLE 4.1.c. Metal and Ornamental Fence Construction for Pool Enclosures

Provisions	All Properties
Minimum vertical spacing between horizontal rails (to limit climbing)	0.9 m (35.4 in); rails on pool side where practicable
Maximum spacing between vertical pickets	100 mm (4 in)
Minimum size/diameter of vertical posts	51 mm (2 in) diameter (or 51 mm x 51 mm)
Maximum spacing of vertical posts	2.44 m (8 ft)
Minimum depth below grade of embedded posts	1.2 m (4 ft)

TABLE 4.1.d. Chain Link Fence Construction for Pool Enclosures

Provisions	All Properties
Maximum chain link mesh size	38 mm (1-1/2 in)
Minimum wire thickness	12 gauge galvanized steel, or 14 gauge with vinyl/plastic coating to achieve 12 gauge equivalent
Maximum spacing of vertical posts	3.04 m (10 ft)
Minimum diameter of vertical posts	38 mm (1-1/2 in) for intermediate; 47.5 mm (1-7/8 in) for gate/terminal
Top and bottom rails	Galvanized steel pipe, minimum diameter 32 mm (1-1/4 in); bottom rail may be substituted with 5 mm (1/4 in)

	tension rod
Minimum depth below grade of embedded posts	Steel post embedded minimum 0.76 m (2 ft 6 in) in concrete footing of 203 mm (8 in) diameter and 1.2 m (4 ft) depth
Minimum diameter of top rail	32 mm (1-1/4 in)
Minimum diameter of bottom wire (if used)	3.7 mm (No. 9 gauge)