

# **City of Markham**

## **Ontario**



## **By-law 2015-96**

**A By-law to regulate the enclosures for privately-owned outdoor pools within the City of Markham**

**(Schedule/Attachment Included)**



## By-law 2015-96

### A By-law to regulate the enclosures for privately-owned outdoor pools within the City of Markham

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Whereas section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, hereinafter the ("Municipal Act, 2001") provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and,

Whereas clause 6 of subsection 11(2) of the Municipal Act, 2001, provides that a municipality may pass By-laws respecting the health, safety and well-being of persons; and,

Whereas clause 7 of subsection 11(3) of the Municipal Act, 2001, authorizes a municipality to pass By-laws respecting structures, including fences and signs; and,

Whereas section 123 of the Municipal Act, 2001, authorizes a municipality, for the purpose of public safety, to regulate with respect to cliffs, pits, deep waters and other dangerous places; and,

Whereas section 391(1) of the Municipal Act, 2001, provides that a municipality may pass By-laws imposing fees or charges on any person for services or activities provided or done by the municipality or done on behalf of it; and,

Whereas subsection 398(1) of the Municipal Act, 2001, states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and,

Whereas subsection 429(1) of the Municipal Act, 2001, provides that a municipality may establish a system of fines for an offence under a by-law passed under the Act; and,

Whereas section 436(1) of the Municipal Act, 2001, provides that a municipality may pass By-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law; and,

Whereas section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a person to discontinue contravening a By-law and to do the work required to correct the contravention; and,

Whereas subsection 445 of the Municipal Act, 2001, provides that a municipality may require a person who contravened a 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; and,

Whereas section 446 of the Municipal Act, 2001, provides that a municipality may proceed to do things at a Person's expense which that Person is otherwise required to do under a By-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes; and,

Whereas the Council of The Corporation of the City of Markham desires to update current standards within By-law 59-75 (Swimming Pool Enclosure) as amended, with the Pool Enclosure By-law; and,

Now therefore the Council of the Corporation of the City of Markham hereby enacts as follows:

## 1.0 Short Title

1.1 This By-law shall be known as the “Pool Enclosure By-law”.

## 2.0 Definitions

2.1 In this By-law:

“**Above Ground Swimming Pool**” means any swimming pool whose sides rest fully above the surrounding earth;

“**Alter**” means to change in any manner and includes to restore, renovate, repair or disturb and “**Alteration**” has a corresponding meaning;

“**Boulevard**” means the portion of the **Highway** between a street line and the edge of the curb, or where there is no curb, that portion of the **Highway** which is travelled or designed to be travelled by vehicles;

“**City**” means The Corporation of the City of Markham;

“**City Property**” means all vacant or other lands owned or managed by the **City** and includes but is not limited to highways, roadways, sidewalks, boulevards, pedestrian ways and watercourses;

“**Construction Materials**” includes gravel, limestone, soil, sod, bricks, paving stones, landscaping rocks, wooden planks and boards;

“**Construction**” means anything done in the erection, installation, extension or material **Alteration**, demolition, or repair of a building or structure, utility or surface, grading of property and includes the installation of building units fabricated or moved from elsewhere and installation of an in-ground/on-ground swimming pool including the installation of a **Hot Tub, Above Ground Swimming Pool** or landscaping;

“**Contractor**” means any **Person** alone or with others undertaking **Construction** on a **Property**;

“**Council**” means the Council of the **City**;

“**Covering Plate Device**” means a metal or plexiglass device which attaches to or forms part of a metal or wrought iron gate latching device, and which restricts access to the interior self latching device from the exterior of the gate;

“**Discharge**” (“**discharged**”) means the act of depositing, discharging, draining or causing or permitting the deposit, discharge or drainage of pool, **Hot Tub, Above Ground Swimming Pool**, wading pool and landscaped pond water;

“**Disrepair**” means a **Pool** or **Enclosure** that does not function for its intended purpose in that it is dilapidated, broken, has missing components, is constructed of materials not approved by this By-law, or is

constructed in a manner not approved by this By-law;

“**Enclosure**” means a **Fence**, wall or other structure, including doors and gates, surrounding a privately owned outdoor **Pool** to restrict access thereto; and pool enclosure and swimming pool enclosure shall have the same meaning;

“**Fence**” includes a railing, wall, line of posts, wire, gate, boards, pickets, or other similar material, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, or to provide privacy;

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, including the area between the lateral property lines thereof and includes unopened and unassumed road allowances;

“**Hot Tub**” means a body of water located outdoors contained by artificial means, with mechanisms allowing for the direction and/or adjustment of jets of warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and “hot tub” includes tubs which are commonly called “spas” or “whirlpools”;

“**Inflatable Pool**” means a pool, as defined in this By-law, consisting of an air supported structure which contains or is capable of containing water with a depth in excess of 0.6m (24 inches) at any point;

“**Manager**” means the Manager of By-law and Regulatory Services or his/her designate;

“**Municipal Law Enforcement Officer**” (“**Officer**”) means an employee of the **City** who has been appointed by By-law to enforce the provisions of **City** By-laws or a member of the York Regional Police;

“**Natural Body of Water**” means a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water and includes ponds maintained on lands where an active Golf Course, Cemetery or Agricultural Use is carried on, whether naturally occurring or manufactured;

“**Obstruct**” (“**obstruction**”) means encumber, damage, foul, or **Alter**;

“**Owner**” means the registered owner of the property owner but also includes a lessee, tenant or occupant who has care or control of a property upon which a **Pool** is located and also includes all persons involved in the installation, excavation or erection of a **Pool** or **Enclosure**;

“**Person**” includes a corporation, partnership or limited partnership;

“**Pool**” shall mean any body of water located outdoors on privately owned **Property**, contained in whole by artificial means, in which the depth of the water at any point can exceed 0.6 metres (24 inches), and includes spas, **Hot Tubs**, landscaped ponds, wading pools, **Above Ground Swimming Pools**, **Inflatable Pools** and in ground swimming pools but does not include a Storm Water Management Facility or a **Natural Body of Water**;

“**Property**” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and is divided into;

**“Road Occupancy Permit” (“Permit”)** means a road occupancy permit issued by the **City** pursuant to By-law [2013-136](#) as amended from time to time and any other permit as required to undertake work on a **Highway**.

**“Self-Closing Device”** means a mechanical device or spring which returns a **Pool Enclosure** gate to its closed position within 30 seconds after it has been opened;

**“Self-Latching Device”** means a mechanical device or latch which is engaged each time the gate is secured to its closed position, which will not allow the gate to be re-opened by pushing or pulling, and which will ensure the **Pool Enclosure** gate remains closed until unlatched by either lifting or turning the device itself directly or by a key;

**“Standing Water”** means any water found on **Property** other than a **Natural Body of Water** which is not continuously in movement;

**“Work Order”** shall mean an order issued under this By-law to the **Owner** of a **Property** requiring the **Owner** who contravened the By-law or who caused or permitted the contravention of this By-law or the **Owner** of the **Property** on which the contravention occurred requiring the owner to do work to correct the contravention.

### **3.0 Administration and Interpretation**

3.1 In this By-law, unless the context otherwise requires, words importing the singular number include the plural and words importing the masculine gender include the feminine; and

3.2 The short form measurements used in this By-law shall have the following meaning:

3.2.1 “cm” means centimeter;

3.2.2 “ft” means feet;

3.2.3 “ga” means gauge;

3.2.4 “in” means inch;

3.2.5 “kg” means kilogram;

3.2.6 “lb” means pound;

3.2.7 “m” means meter; and

3.2.8 “mm” means millimeter.

### **4.0 General Provisions**

4.1 Every **Owner** of a **Pool** shall erect and maintain an **Enclosure** surrounding the entire **Pool** area in accordance with the provisions of this By-law, to make the **Pool** not readily accessible.

4.2 No **Person** shall construct or install a **Pool**, cause or permit a **Pool** to be constructed or installed, commence the construction or

installation of a **Pool** until plans for such **Pool** have been submitted to the Chief Building Official and a permit certifying approval of such plans has been issued. When the application bears the signature of the applicant, it will certify that a copy of this By-law has been received by the applicant. Every application for a permit under this By-law shall be accompanied by applicable fees and charges.

- 4.3 No **Person** shall cause or permit to be caused vehicular, trailer or equipment access for construction of **Pool**, through a park or **City Property** without first obtaining a **Road Occupancy Permit**.
- 4.4 No **Person** shall place water in a **Pool** or allow water to remain therein, unless the **Enclosure** prescribed by this By-law has been inspected and approved.
- 4.5 Every **Owner** of a **Pool** shall maintain the **Enclosure** and **Pool** in accordance with the standards and the provisions of this By-law.
- 4.6 No **Person**, being the **Owner** of a **Pool**, shall fail to ensure that, at all times:
  - 4.6.1 all gates forming part of the **Enclosure** meet the standards of this By-law;
  - 4.6.2 all entranceways to a **Enclosure** through a wall of a main building meet the standards of this By-law;
  - 4.6.3 all gates forming part of a **Enclosure** are kept locked with a padlock when the **Pool** is not in active use;
  - 4.6.4 the lockable lid of any **Hot Tub** is closed and kept locked when the **Hot Tub** area is not in active use unless the **Hot Tub** is within a locked **Enclosure** meeting the requirements of this By-law;
  - 4.6.5 any vertical or horizontal opening in the **Enclosure** does not exceed 100 mm (4 in.).
- 4.7 No **Person** shall place, pile, attach or lean any object or material against or near an **Enclosure** so as to facilitate climbing of the **Enclosure**, diminish the structural integrity of an **Enclosure** or render the **Enclosure** in non-conformity with the provisions of this By-law.
- 4.8 No **Person** shall erect a **Fence** adjacent to an existing **Enclosure** that does not comply with the requirements of this By-law.
- 4.9 No part of a temporary or permanent **Enclosure** surrounding a **Pool** shall consist of barbed wire, sharp projections, or possess similar dangerous characteristics or any device designed for conducting an electric current through such **Enclosure**.
- 4.10 The **Enclosure** shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- 4.11 The **Enclosure** shall be located in the rear yard only unless otherwise approved by the **Manager**. In giving such approval, the **Manager** shall consider By-laws enacted by the **City** affecting the subject **Property**; the size of the subject **Property**, and the potential hazards that may be incurred by reason of the location of the **Enclosure** on the subject **Property**.

- 4.12 No **Person** shall erect an **Enclosure** on a corner lot at a lesser distance from the street line on which the adjoining residential lots front than the depth of the front yard required for a dwelling on the adjoining lot, unless otherwise approved by the **Manager**. In giving such approval, the **Manager** shall consider by-laws enacted by the **City** affecting the subject **Property**; the size of the subject **Property**, the potential hazards that may be incurred by reason of the location of the **Enclosure** on the subject **Property**.
- 4.13 The installation of any **Pool** or its **Enclosure** shall not **Alter** in any way the existing grades or drainage pattern of the **Property**, unless otherwise approved by the permit. The finished grade of the **Property** after the **Pool** is completed shall comply with the approved lot grades or drainage pattern.
- 4.14 No **Person** shall permit **Standing Water** in a **Pool** or on top of a **Pool** cover;
- 4.15 No **Owner** shall permit a **Pool** or **Enclosure** to be in **Disrepair**.

## 5.0 Water Discharge

- 5.1 No **Person** shall **Discharge** or permit the discharge of water from a **Pool**:
- 5.1.1 so that it flows onto an adjoining **Property**;
- 5.1.2 so that it flows into a valley or ravine; or
- 5.1.3 so that it causes erosion or instability of a valley or ravine slope.
- 5.2 No **Person** shall **Discharge** or permit the **Discharge** of water from a **Pool** onto any **City Property** or part thereof.
- 5.3 Notwithstanding subsection 5.2, water from a **Pool** may only be **Discharged** onto **City Property**:
- 5.3.1 if it is **Discharged** directly by a hose to the street in front of the **Owner's Property**;
- 5.3.2 if it is **Discharged** directly into the catch basin located on the same **Property** as the **Pool**;
- 5.3.3 if it is **Discharged** directly into the catch basin located on the adjoining **Property** with the consent of the adjoining **Property Owner**;
- 5.3.4 if it is **Discharged** directly onto the driveway or front yard of the **Property** on which the **Pool** is located.
- 5.4 Notwithstanding subsection 5.3, the owner shall immediately remove all debris or soil left behind onto a **Highway** or **City Property** due to **Discharge** of **Pool**.

## 6.0 Temporary Enclosures

- 6.1 The **Owner** of a **Property** where a **Pool** is being installed shall ensure that during the installation a temporary **Enclosure** encloses the **Pool** or **Property** and is maintained at all times to prevent access to the **Pool** area. The temporary **Enclosure** shall remain in place until the **Officer** has inspected and approved a permanent **Enclosure**.
- 6.2 A temporary **Enclosure** shall consist of a 1.2 m (4 ft.) high plastic or chain link fence with mesh openings no larger than 38 mm (1.5 in.), containing steel embedded T-bar posts a maximum of every 3.0 m (10 ft.) and utilizing a 9 gauge galvanized steel wire located at the top and bottom of the temporary **Enclosure**.
- 6.3 A temporary **Enclosure** that encloses a **Pool** shall be erected 1.2 m (4 ft.) or more from the edge of the **Pool**.
- 6.4 Notwithstanding the requirements of subsection 6.2, an **Officer** may permit alternative temporary fencing which provides equivalent protection or exceeds the standards required.

## **7.0 Permanent Pool Enclosures**

- 7.1 An **Enclosure** on any **Property** shall extend from the ground to a height, measured from grade on the outside of the **Enclosure**, of not less than 1.20 m (4 ft.) at all points along the **Enclosure**.
- 7.2 The **Owner** of a **Pool** shall ensure that any access points forming part of an **Enclosure** shall be kept latched and locked with padlock at all times unless a responsible person is present and supervising inside the enclosed area.
- 7.3 Doors providing access from a building or structure directly to an enclosed **Pool** area including doors leading from an attached or detached garage but excluding doors located in a dwelling unit, shall be equipped with a bolt latch or a chain latch at a minimum height of 5 ft 6 in. above the inside floor level.

## **8.0 Construction of Fencing**

- 8.1 All **Enclosures** shall be constructed of wood, metal or chain link fencing.
- 8.2 All **Enclosures**, or portions thereof, constructed of wood shall comply with Schedules A and B.
- 8.3 All **Enclosures**, or portions thereof, constructed of metal shall comply with Schedules A and C.
- 8.4 All **Enclosures**, or portions thereof, constructed of chain link shall comply with Schedules A and D.
- 8.5 Notwithstanding the provisions of sections 7.0, 8.0 and 9.0, a permanent **Enclosure** may be built other than as provided in this By-law to standards which are equivalent or exceed the standards and which are acceptable to **Manager**.

## **9.0 Construction of Gates**

- 9.1 Every gate in an **Enclosure** shall be supported on hinges substantial enough to hold the weight of the gate and shall be constructed in accordance with the requirements of subsections 8.2, 8.3, 8.4 or 8.5 and be equipped with a self-closing device and a lockable **Self-Latching Device** located on the interior face near the top of the gate.
- 9.2 Metal gates used in an **Enclosure** shall be equipped with a **Covering Plate Device**, a minimum of 0.3 m (12 in.) x 0.3 m (12 in.) size, covering the latching device from the outside of the gate. The covering plate device shall be a minimum thickness of 6.3 mm ( $\frac{1}{4}$ " in.).
- 9.3 Double gates used in an **Enclosure** shall have one of the two gates equipped with a **Self-Closing Device** and a **Self-Latching Device** to provide access. The other gate shall have a securing device permanently affixed to the ground or other non-moveable object, which prevents access through this gate without lifting or removing this device and then releasing the latch. This gate must be securely closed unless open for access and supervised to prevent unauthorized access to the **Pool** area.

## 10.0 Special Provisions and Partial Exemptions

- 10.1 Notwithstanding Section 4.1 of this by-law, no **Enclosure** is required for a **Hot Tub** which is:
  - 10.1.1 equipped with a substantial cover, capable of holding 90.72 kg (200 lbs), which is fitted to the structure and locked to prevent access when the structure is not in use; or
  - 10.1.2 equipped with a guard meeting the requirements of Section 10.2.1 of this By-law.
- 10.2 The **Enclosure** for an **Above Ground Swimming Pool** need not comply with Section 7, 8 and 9 of this By-law provided:
  - 10.2.1 the combined height of the exterior sides of the **Above Ground Swimming Pool** structure and any guard attached thereto is a minimum of 1.5 m (5 feet) and a maximum of 2 m (6 feet 6 inches) in height above the finished grade level;
  - 10.2.2 the exterior sides of the **Above Ground Swimming Pool** structure and the outside face of any guard are constructed in a manner that will not facilitate climbing;
  - 10.2.3 the outside face of the **Above Ground Swimming Pool** structure is at least 1.2 m (4 ft.) from any lot line, or such larger distance as may be required by the Zoning By-law; and,
  - 10.2.4 access to the entrance ladder shall be enclosed by a **Enclosure** and gate constructed in accordance with Section 8.0 and 9.0 of this By-law.

## 11.0 Enforcement

- 11.1 **Municipal Law Enforcement Officers** are hereby authorized to enforce the provisions of this By-law.

- 11.2 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Person** who is exercising a power or performing a duty under this By-law.
- 11.3 **Municipal Law Enforcement Officers** and **Persons** under their direction may at any reasonable time enter onto any lands to determine if the provisions of this By-law are being complied with or may enter onto to any lands to carry out any remedial actions required to bring the property into conformity with the By-law.
- 11.4 **Municipal Law Enforcement Officers** are authorized for the purposes of inspection to determine compliance with the By-law to:
- 11.4.1 require the production for inspection of documents or things relevant to the inspection, including the removal of the documents for the purposes of making copies or extracts;
- 11.4.2 alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of inspection; and,
- 11.4.3 require information from any **Person** concerning a matter related to the inspection.

## 12.0 Work Order

- 12.1 Where a **Property, Pool** or **Enclosure** is not maintained in accordance with the requirements of this By-law:
- 12.1.1 the **City** may serve a **Work Order** on the **Owner** directing the **Owner** in writing, to bring the **Property, Pool** or **Enclosure** into conformity with the requirements of this By-law; and,
- 12.1.2 the **Owner** shall bring the **Property, Pool** or **Enclosure** in conformity with this By-law within the time period specified in a **Work Order**.

## 13.0 Work Order - Delivery- When Deemed Served

- 13.1 The **Work Order** from the **City** may be:
- 13.1.1 served personally upon the **Owner**;
- 13.1.2 posted on site; or,
- 13.1.3 mailed by regular mail to the last known address of the **Owner**, according to the current assessment rolls.
- 13.2 If served by regular mail, a **Work Order** under subsection 13.1 shall be deemed to have been served on the fifth (5) day after mailing.

## 14.0 Failure to Comply - Work Done by the City

- 14.1 Where an **Owner**, having been served with a **Work Order**, fails to comply with the **Work Order** within the time specified, a **Municipal Law Enforcement Officer** or the **City's** employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the **Property** at a reasonable time and carry out any or all of the work described in the **Work Order**.

## 15.0 Fees

- 15.1 The municipal fees payable by **Owner** or by any other **Person** for the administration and enforcement of this By-law shall be in accordance with the fees established by the **City** and any revisions thereto.
- 15.2 Fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an **Officer**.

## 16.0 Recovery of Costs

- 16.1 Where the **City**, its employees or authorized agents have performed work required to bring the **Property**, **Pool** or **Enclosure** into compliance with the By-law, all expenses incurred by the **City** in doing the work as well as any related fees, shall be deemed to be a debt on the person required to make the payment to the **City** and may be collected by action or the costs may be added to the tax roll for the **Property** and collected in the same manner as taxes.

## 17.0 Offences

- 17.1 Every person who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act, 2001:
- 17.1.1 Upon first conviction, a fine of not less than Two Hundred Dollars (\$200.00) and not more than Fifty Thousand Dollars (\$50,000.00);
- 17.1.2 Upon a second or subsequent conviction for the same offence, a fine of not less than Four Hundred (\$400.00) and not more than One Hundred Thousand (\$100,000.00);
- 17.1.3 Upon conviction for a continuing offence, a fine of not less than Two Hundred (\$200.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

## 18.0 Collection of Unpaid Fines

- 18.1 Pursuant to Subsection 441.1 of the Municipal Act, 2001, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for

paying the fine and collect it in the same manner as municipal taxes.

## **19.0 Severability**

19.1 Notwithstanding that any clause, subsection, section or schedule of this By-law, or any part, or any part thereof, may be found by any court of law to be invalid or beyond the power of the **Council** to enact, such clause, subsection, section or schedule or parts thereof shall be deemed to be severable, and all other clauses, subsections, sections and schedules of this by-law or parts thereof, are separate and independent there from and enacted as such.

## **20.0 Repeal of By-law 59-75**

20.1 By-law 59-75 (Swimming Pool Enclosure) is hereby repealed.

## **21.0 Interpretation**

21.1 The provisions of the Legislation Act, 2006, shall apply to this By-law.

## **22.0 Force and Effect**

22.1 This By-law shall come into force and effect on the date of enactment and passage.

Read a first, second, and third time and passed on June 15 and 16, 2015.

"Martha Pettit"

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Martha Pettit  
Deputy Clerk

"Frank Scarpitti"

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Frank Scarpitti  
Mayor

## Schedule "A" to By-law 2015-96

### General Provisions for Pool Enclosures

| Provisions   | All Properties |
|--|----------------|
| i. Minimum Height of Fences And Gates  | 1.2 m (4 ft)   |
| ii. Maximum Height of Fences And Gates   | 1.8 m (6 ft.)  |
| iii. Minimum Distance of Enclosure From The Edge of The Water Contained In The Pool. | 1.2 m (4 ft.)  |
| iv. Maximum Clearance Between Bottom of Fence, Gate And Grade                        | 100 mm (4 in.) |

## Schedule "B" to By-law 2015-96

### Wood Fence Construction for Pool Enclosures

| Provisions |   | All Properties                        |
|------------|---|---------------------------------------|
| i.         | Horizontal Rail Minimum Size                            | 38 mm (1-1/2 in.) x 89 mm (3-1/2 in.) |
| ii.        | If Minimum Vertical Spacing between Horizontal Railings | 0.9 m (35.4 in.)                      |
| iii.       | Then Maximum Spacing between Vertical Boards            | 100 mm (4 in.)                        |
| iv.        | If Minimum Vertical Spacing between Horizontal Railings | Less than 0.9 m (35.4 in.)            |
| v.         | Then Maximum Spacing between Vertical Boards            | 38 mm (1-1/2 in.)                     |
| vi.        | Vertical Board Minimum Size                             | 19 mm (3/4 in.) x 89 mm (3-1/2 in.)   |
| vii.       | Fence Post Maximum Spacing                              | 2.4 m (8 ft.)                         |
| viii.      | Minimum Size of Fence Posts                             | 89 mm (3-1/2 in.) x 89 mm (3-1/2 in.) |
| ix.        | Minimum Depth Below Grade of Imbedded Fence Posts       | 1.2 m (4 ft.)                         |

## Schedule "C" to By-law 2015-96

### Metal and Wrought Iron Fence Construction for Pool Enclosures

| <b>Provisions</b> |   | <b>All Properties</b> |
|-------------------|---|-----------------------|
| i.                | Minimum Vertical Spacing between Horizontal Railing | 0.9 m (35.4 in.)      |
| ii.               | Vertical Railing Maximum Spacing                    | 100 mm (4 in.)        |
| iii.              | Minimum Depth Below Grade of Imbedded Fence Posts   | 1.2 m (4 ft.)         |

## Schedule “D” to By-law 2015-96

### Chain Link Fence Construction for Pool Enclosures

| Provisions  | All Properties for Posts Spaced Maximum 2.4 m (8 ft.)  | All Properties for Posts Spaced Maximum 3 m (10 ft.)   |
|---|--|--|
| i. Minimum Vertical Spacing between Horizontal Railings     | 0.9 m (35.4 in.)   | 0.9 m (35.4 in.)   |
| ii. Maximum Chain Link Mesh Size for 1.2 m (4 ft.) Fencing  | 38 mm (1-1/2 in.)  | 38 mm (1-1/2 in.)  |
| iii. Maximum Chain Link Mesh Size for 1.8 m (6 ft.) Fencing | 38 mm (1-1/2 in.)  | 38 mm (1-1/2 in.)  |
| iv. Minimum Diameter/Gauge of Mesh including Vinyl Covering | 2.6 mm diameter (no. 11 gauge) or 2 mm diameter (no. 14 gauge) with vinyl covering forming a total combined thickness of 2.6 mm (no. 11 gauge)   | 2.6 mm diameter (no. 11 gauge) or 2 mm diameter (no. 14 gauge) with vinyl covering forming a total combined thickness of 2.6 mm (no. 11 gauge)   |
| v. Minimum Diameter Gate and Terminal Posts                 | 47.5 mm (1-7/8 in.)  | 47.5 mm (1-7/8 in.)  |
| vi. Minimum Depth Below Grade of Imbedded Fence Posts       | The steel fence post will be a minimum of 0.76 m (2 ft. 6 in.) imbedded in a concrete footing which has a diameter of 20.32 cm (8 in.) and a depth of 1.2 m (4 ft.). Note: The top of concrete footing may be below grade level 10.175 cm to 20.35 cm (4 in. to 8 in.) | The steel fence post will be a minimum of 0.76 m (2 ft. 6 in.) imbedded in a concrete footing which has a diameter of 20.32 cm (8 in.) and a depth of 1.2 m (4 ft.). Note: The top of concrete footing may be below grade level 10.175 cm to 20.35 cm (4 in. to 8 in.) |
| vii. Minimum Diameter for Intermediate Posts                | 38 mm (1-1/2 in.)  | 47.5 mm (1-7/8 in.)  |
| viii. Minimum Diameter Top Rail                             | 32 mm (1-1/4 in.)  | 41.275 mm (1-5/8 in.)  |

| <b>Provisions</b>                     | <b>All Properties for Posts Spaced Maximum 2.4 m (8 ft.)</b> | <b>All Properties for Posts Spaced Maximum 3 m (10 ft.)</b> |
|---------------------------------------|--|---|
| ix. Minimum Diameter Bottom Wire      | 3.7 mm (No. 9 gauge)   | 3.7 mm (No. 9 gauge)  |
| x. Minimum Diameter Gate Frame - Pipe | 32 mm (1-1/4 in.)  | 32 mm (1-1/4 in.)   |