



THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NUMBER 2019-131

Being a By-law to Provide for the Owners of Privately-Owned Swimming Pools to Erect and Maintain Fences.

WHEREAS Section 11 (2), clause 6 and 123 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorize municipalities to pass by-laws with respect to the health, safety and well-being of persons, including regulations with respect to deep waters;

AND WHEREAS Section 11 (3) clause 7 of the Municipal Act, Council may pass by-laws with respect to structures, including fences;

AND WHEREAS Section 8 (3) of the Municipal Act, 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 446(1) of the Municipal Act, authorizes a municipality to direct a matter or thing to be done under a by-law to be done at the person's expense should the person fail to do so, and to recover the costs of doing the 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 of the Corporation of the Town of East Gwillimbury deem it expedient and advisable in the public interest to enact this By-law to regulate swimming pool fences;

NOW THEREFORE, the Council of the Corporation of the Town of East Gwillimbury enacts as follows:

1.0 DEFINITIONS

1.1 In this by-law:

- (a) "**Construct**" means to excavate for, construct, build or erect a pool, or to cause or permit another **Person** to excavate for, construct, build or erect a pool.

- (b) "**Council**" means the council of The Corporation of the Town of East Gwillimbury.
- (c) "**Existing**" means existing as of the date of the passing of this by-law.
- (d) "**Gate**" means any part of a **Pool Fence** which opens on hinges and includes the door located in the wall of a building and includes sliding doors/patio doors which forms part of the **Pool Fence**.
- (e) "**Grade**" means the level of the ground adjacent to the outside wall of a building or structure.
- (f) "**Height**" means the vertical distance between the established **Grade** on either side of the **Fence**, pool wall and enclosure guard, or **Privacy Screen** and the highest point of said **Fence**, pool wall and enclosure guard, or **Privacy Screen**. Where the **Grade** levels are not the same on both sides of the **Fence**, pool wall and enclosure wall, or **Privacy Screen** the higher of such levels shall be considered the established **Grade** for the purposes of the **Height**. In case of a retaining wall, **Height** shall mean the perpendicular distance between the top of the retaining wall and the highest point of the **Fence** directly above.
- (g) "**Hot Tub**" means a body of water located outdoors contained by artificial means, with mechanisms allowing for the direction and adjustments of jets of warm water flowing in a rapidly rotating and circular current, and which produces a depression or cavity in the centre, and shall include tubs which are commonly called "spas" or "whirlpools".
- (h) "**Maintain**" means to carry out repairs of any parts of a **Pool Fence** so that it can properly perform the intended function.
- (i) "**Manager**" means the Manager, By-Law Enforcement Services of the **Town** and his/her designate.
- (j) "**Officer**" means a By-Law Enforcement Officer or designate.
- (k) "**Owner**" means the owner, lessee or occupier of land.
- (l) "**Person**" includes an individual, association, organization, partnership, municipality or other corporation and includes an agent or employee of any of them.
- (m) "**Pool**" means any body of water located outdoors on privately-owned property and for private use contained in whole or in part by artificial means and used or capable of being used for swimming, the depth of which can exceed 0.6 m (24 inches) and shall include **Hot Tubs**, except

where such body of water is designed for primarily an agricultural use and pool shall have a corresponding meaning.

- (n) "**Pool Fence**" mean a barrier or partition including all **Gates** constructed and which may or may not define the lot line of a property surrounding a privately-owned **Pool** and restricting access thereto.
- (o) "**Replacement**" means the construction of a **Pool Fence** that takes the place of a **Pool Fence** previously constructed.
- (p) "**Road Occupancy Permit**" means a Road Occupancy Permit issued by the **Town**.
- (q) "**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 Fence** gate remains closed until unlatched by either lifting or turning the device itself directly or with a key.
- (r) "**Setback**" means the required **Setback** for that **Zone** as per the **Town Zoning By-law**, as amended.
- (s) "**Sight Triangle**" means a triangular area on a corner lot as determined by measuring from the point of intersection of street lines, the distance required by the **Town's** Engineering Design Standards and Region of York requirements, whichever is greater, along each such street line and joining such points with a straight line. In the case of a corner lot with a **Sight Triangle**, the exterior side lot line is deemed to extend to its hypothetical point of intersection with the extension of the front lot line and /or rear lot line for the purposes of calculating the lot frontage, front, rear and exterior side yard **Setbacks**.
- (t) "**Swim Spa**" means a small contained swimming pool/large **Hot Tub** with a swim current that allows the user to swim in place.
- (u) "**Town**" means The Corporation of the Town of East Gwillimbury.
- (v) "**Zone**" shall mean the zoning designation given such land in the **Town Zoning By-law**, as amended.
- (w) "**Zoning By-law**" means the Zoning By-law of the **Town** passed under the Planning Act, R.S.O. 1990 as amended, from time to time.

2.0 GENERAL PROVISIONS

- 2.1 No **Person** shall **Construct** a **Pool** without first obtaining a permit for a **Pool Fence** enclosure from the **Manager**, By-law Enforcement Services or designate.
- 2.2 No **Person** shall have or keep a **Pool** without having obtained a **Pool Fence** permit from the **Manager**, By-law Enforcement Services or designate.
- 2.3 An application for a permit to construct a **Pool Fence** around a **Pool** shall be submitted to the **Manager**, By-law Enforcement Services together with fees and plans showing the location of the **Pool** in relation to the property lines and to adjacent buildings and shall provide full details of all existing and proposed structures.
- 2.4 The location of a **Pool** on a property shall conform to the requirements of the **Zoning By-law**.
- 2.5 Fees for the **Pool Fence** permits shall be in accordance with the **Town's Fees and Charges By-law**.
- 2.6 This by-law does not apply to a **Pool Fence** that was lawfully erected prior to the date of passage of this by-law, except that any changes to such **Pool Fence**, after the date of passage of this by-law, shall be subject to the provisions of this by-law. A change in use of a fence to act as a **Pool Fence** as a result of a **Pool** installed after the date of passage of this by-law shall require such fence to be constructed in accordance with this by-law.
- 2.7 No **Person** shall erect a **Pool Fence** within a **Sight Triangle**.
- 2.8 No **Person** shall have or keep a **Pool** that is not completely enclosed by a **Pool Fence**, in accordance with this by-law.
- 2.9 When a **Pool Fence** is constructed so that it functions as a boundary fence between two or more adjacent properties, in addition to its function as a **Pool Fence**, the provisions of this by-law prevail over any other **Town** by-law or standard that regulates fences.
- 2.10 No **Person** shall fail to enclose a **Pool** with temporary fencing during its construction.
- 2.11 No **Person** shall **Construct** or cause to be **Constructed** a **Pool** with a **Pool Fence** enclosure that does not conform to the requirements of this by-law.
- 2.12 No **Person** shall **Construct** or **Maintain** a double **Pool Fence Gate** access without one of the two **Gates** having a self-closing device and a **Self-Latching**

Device. The **Gate** of the double **Gate** access without a self-closing and a **Self-Latching Device** must have a device permanently affixed to the ground or other non-movable object that prevents access through this **Gate** without lifting or removing this device.

- 2.13 No **Person** shall place water in a **Pool** or cause or permit water to remain in the **Pool** if the required **Pool Fence** is not completely constructed in compliance with this by-law and is **Maintained** at all times in good condition.
- 2.14 Where a **Person** is constructing or causing to be **Constructed** a **Pool** for which a **Pool Fence** permit has been issued, a **Person** may place water in a **Pool** or cause or permit water to remain in a **Pool** if there is a temporary fencing in place in compliance with Part 6 of this by-law provided that the temporary fencing is erected for no longer than 30 days.
- 2.15 No **Person** shall alter or replace a **Pool Fence** without having first obtained a permit from the **Manager**, By-law Enforcement Services.
- 2.16 No **Person** shall place, pile, attach or lean any object or material against or near a **Pool Fence** so as to facilitate climbing of a **Pool Fence**, diminish the structural integrity of a **Pool Fence** or render a **Pool Fence** in non-conformity with the provisions of this by-law.
- 2.17 No **Person** shall fail to keep the **Gate** of the **Pool Fence** closed, latched and locked when not in use.
- 2.18 No **Person** shall place water in or allow water to remain in a privately owned **Pool** unless the **Manager** has inspected the enclosure and confirmed compliance with this by-law.

3.0 EXEMPTIONS

- 3.1 This by-law shall not apply to a **Pool** located completely inside a building.

4.0 APPLICATION FOR SWIMMING POOL FENCE PERMITS

- 4.1 An application for a permit to erect a new **Pool Fence** or for the **Replacement** of an **Existing Pool Fence** shall be made by the **Owner** or his agent to the **Manager**, By-law Enforcement Services on such forms as may be prescribed.
- 4.2 Every application for a **Pool Fence** permit shall include:
- (a) A completed application in the form specified by the **Manager**, By-law Enforcement Services;
 - (b) Copy of a plan showing the location of the proposed **Pool** including all enclosing **Pool Fences**, together with full details of each entrance and

- showing the location of all proposed Pool equipment such as filters, slides and heaters;
- (c) Copy of a legal survey with the proposed **Pool** plotted, showing the dimensions of the **Pool** and the distance to lot lines, existing buildings and any private sewage systems;
 - (d) Complete details of the proposed **Pool Fence**, including the location and type of proposed fence and **Gates**;
 - (e) A copy of the **Road Occupancy Permit**, if required, issued by the Town of East Gwillimbury Community Infrastructure & Environmental Services;
 - (f) If the proposed Pool is within an unassumed plan of subdivision, the written approval of the Developer or authorized agent of the Developer of the plan of subdivision;
 - (g) Copy of Grading Plan, including drainage pattern;
 - (h) All permit fee(s) in accordance with the **Town's Fees and Charges By-law**.
- 4.3 All **Pool Fences** and **Pools** proposed to be constructed on lands over which Lake Simcoe Region Conservation Authority (LSRCA) has jurisdiction require approval from the LSRCA prior to construction.
- 4.4 The **Manager**, By-Law Enforcement Services shall only issue a permit for a **Pool Fence** where the plans submitted appear to comply with all applicable laws and this by-law.
- 4.5 No permit for a **Pool Fence** shall be issued unless the location and installation of the Pool complies with the **Town's Zoning By-law**.
- 4.6 No permit for a **Pool Fence** shall be issued in respect to property in a subdivision not yet assumed by the **Town** unless the **Owner** obtains a clearance letter from the developer of the subdivision stating that the developer is in agreement with the proposed **Pool** or **Pool Fence**, including any alteration of the **Grade**.
- 4.7 The **Manager**, By-Law Enforcement Services may revoke a permit where it was issued on mistaken or false information and shall provide written notice to the permit holder of the revocation.
- 4.8 A permit issued under this by-law shall be valid for a period of six (6) months from the date of issue and shall remain valid so long as the work covered by the permit is substantially completed before the expiry of the six (6) month period. Notwithstanding the expiry date of the permit, a permit may be renewed once for a further six (6) month period upon submitting a written request for renewal the **Manager**, By- Law Enforcement Services before the expiry date. No further renewal shall be permitted. If a permit lapses, and the **Owner** wishes to proceed with the construction or use of the **Pool**, the **Owner** or his or her agent shall make a new application for a permit under this by-law.

- 4.9 All fees required under this by-law are non-refundable.
- 4.10 The **Manager** may require an **Owner** to produce any information necessary, including a report prepared by a professional engineer licensed to practice in Ontario, that the **Manager** may require in order to assist him or her in determining whether a **Pool Fence** meets the requirements of this by-law.

5.0 SWIMMING POOL FENCE REGULATIONS

- 5.1 Every **Owner** of a property, which contains a **Pool** shall construct and **Maintain** a **Pool Fence** of not less than 1.2 metres (4 feet) in **Height** that completely surrounds the pool. The **Pool Fence** shall not have more than 100 millimetres (4 inches) spacing between the vertical components and no more than 100 millimetres (4 inches) spacing between any component and the ground.
- 5.2 When a wall of any building located on the same property as the **Pool Fence** forms part of the **Pool Fence**, no entrances to the enclosed Pool area from the building shall be permitted through such wall unless:
- (a) the entrance that permits passage through the **Pool Fence** to the building is locked when the pool is unattended; and
 - (b) the **Gate(s)** at such entrance way is equipped with a bolt latch or a chain latch at a minimum **Height** of 1.5 metres (5 feet) above the inside floor level; and
 - (c) the care, control and **Maintenance** of the entrance way, the **Gate(s)** as described in (a) and (b) and the safety latch as described in (b) of this section is the responsibility of the **Owner**.
- 5.3 No **Pool Fence** shall have rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- 5.4 If the **Pool Fence** is of chain link the enclosure shall:
- (a) be constructed of not be more than 38 millimetres (1.5 inch) diamond mesh; and
 - (b) be constructed of not less than 12 gauge galvanized steel wire or of minimum 14 gauge steel wires covered with vinyl or other type of plastic approved by the Manager, yielding a total thickness equivalent to a 12 gauge galvanized steel wire; and
 - (c) be supported by at least 3.8 centimetres (1.5 inch) diameter galvanized steel posts each embedded in concrete to a minimum depth of 1.2 metres (4 feet) below grade, such posts to be spaced no more than 3 metres (10 feet) apart; and
 - (d) top and bottom horizontal rails shall be provided of a minimum 3.8 centimetre (1.5 inch) diameter galvanized steel, except that a minimum 9 gauge wire may be substituted for the bottom horizontal rail.

5.5 If the **Pool Fence** is of wood construction the enclosure shall:

- (a) have vertical boarding attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside. Such vertical boards shall not be less than 2.5 centimetres (1 inch) by 10 centimetres (4 inches) nominal dimensions spaced not more than 5 centimetres (2 inches) apart; and
- (b) be supported by minimum to ten centimetres (4 inch) square or 10 centimetres (4 inch) diameter cedar posts, nominal dimensions, spaced not more than 2.4 metres (8 feet) on centres embedded in concrete to a minimum of 1.2 metres (4 feet) below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood, five centimetres (2 inch) by ten centimetres (4 inch) minimum nominal dimensions.

5.6 If the **Pool Fence** is of wrought iron construction and/or of ornamental metal construction the enclosure shall:

- (a) have minimum 12.5 millimetres x 12.5 millimetres (0.5 inches x 0.5 inches) vertical bars spaced to prevent a spherical object having a diameter of 10 centimetres (4 inches) from passing through; and
- (b) have vertical bars supported by a top and bottom rail having a minimum diameter of 40 millimetres x 40 millimetres (1.5 inches x 1.5 inches); and
- (c) be supported by vertical metal posts with a minimum diameter of 63.5 millimetres (2.5 inches) or dimension measurement of 63.5 millimetres x 63.5 millimetres (2.5 inches x 2.5 inches), spaced not more than 2.44 metres (8 feet) apart.

5.7 An enclosure may be of construction other than that specified providing that an equivalent degree of safety is maintained and shall be constructed so that the rigidity is equal to that specified for those fences described in section 5.4, 5.5 and 5.6 to prevent a spherical object having a diameter of ten centimetres (4 inches) from passing through or under such enclosure.

5.8 Any **Gate** in the **Pool Fence** shall:

- (a) be of similar chain link fencing or of other material which is not less than the equivalent strength as that of the supporting fence; and
- (b) have not more than 3.8 centimetres (1.5 inches) mesh; and
- (c) have an equivalent degree of safety as the supporting fence; and
- (d) comply with the height requirements for the fence; and
- (e) be supported on substantial hinges; and
- (f) be equipped with self-closing, self-latching and lockable device more than 122 centimetres (48 inches) above ground level located at the top of the

- gate. Such self-latching device shall be designed in such a manner that the gate cannot be readily opened from the outside by small children; and
- (g) be kept locked at all times if a responsible person is not present and supervising the pool.

5.9 The **Pool Fence** shall be constructed in a manner that will provide a minimum setback of 1.2 metres (4 feet) to any point of the water's edge of the swimming pool.

5.10 Every Pool shall be enclosed by a **Pool Fence** which is sturdy construction, capable of preventing unauthorized entry.

5.11 The **Height** of the **Pool Fence**, including **Gates**, shall be measured from ground level or from any climbable fixable or feature on the exterior side of the **Pool Fence**.

6.0 TEMPORARY FENCING REQUIREMENTS

6.1 Every **Person Constructing a Pool** must **Maintain** temporary fencing surrounding the Pool during all phases of Construction such that unauthorized access is prevented.

6.2 Every **Person Constructing a Pool** shall ensure that the temporary fencing complies with the following requirements:

- (a) shall be a minimum of 1.2 metres (3.9 feet) in **Height**; and
- (b) shall have no openings greater than 50 millimetres (2 inches); and
- (c) shall have vertical support by T bar posts or similar posts at a maximum separation distance between posts of 2.4 metres (7.9 feet); and
- (d) shall have a horizontal support near the top and bottom of the **Pool Fence**, which shall be wood, wire or rope; which will ensure the fence is kept tight between posts; and
- (e) shall not have clearance from the surface below to the underside of the temporary fence of greater than 50 millimetres (2 inches).

7.0 SPECIAL PROVISIONS FOR ABOVE GROUND SWIMMING POOLS, HOT TUBS AND SWIM SPAS

7.1 For an above ground pool a pool enclosure guard may be utilized in place of a **Pool Fence** provided that the total combined **Height** of the above ground pool walls and the pool enclosure guard is a minimum of 1.5 metres (5 feet) and a maximum of 2 metres (6 feet 6 inches) in **Height**.

7.2 Above ground pools of a minimum **Height** of 1.2 metres (4 feet) above native ground level surrounded in whole or in part will not be required to be fenced, provided that all structures below are smooth faced, unclimbable and the steps

provided are to swing up to close the top railing with a locking device to secure them in a stationary position as a **Gate** or a similar system.

- 7.3 The exterior sides of every pool structure and the outside face of every pool enclosure guard shall be constructed in a manner that will not facilitate climbing.
- 7.4 The outside face of every pool structure shall be setback a minimum of 1.2 metres (4 feet) from any lot line, or greater distance as may be required by the **Zoning By-law**.
- 7.5 Every Pool entrance ladder shall be enclosed by a **Pool Fence** and **Gate** constructed in accordance with Section 5 of this by-law.
- 7.6 Notwithstanding the provisions of this by-law, a **Hot Tub**, or **Swim Spa** and that has a lockable cover capable of supporting a weight of at least 90.72 kg. (200 pounds), is not required to be enclosed by a **Pool Fence** or temporary enclosure.
- 7.7 The **Owner** of a **Hot Tub**, or **Swim Spa** shall ensure that the cover for such pool remains securely closed and locked at all times when not in use.

8.0 UNDERTAKING TO ENSURE REPAIR

- 8.1 The **Owner** of a pool that is in-ground or on-ground/above ground, save and except an inflatable pool, **Hot Tub**, whirlpool and **Swim Spa** are subject to securities of \$1,500 for lot grading, sewage system, damage to Municipal property and to have a final inspection of the enclosure completed.
- 8.2 The **Owner** of any lands on which any **Pool** is being **Constructed**, erected, altered, repaired or demolished shall take all necessary steps to prevent building material, waste or soil from being spilled or tracked onto the public streets by vehicles going to or coming from the lands during the course of the **Construction**, erection, alteration, repair or demolition and shall be responsible to the Municipality for the cost of removing such building material, waste or soil and the cost of repairing any damaged curbing, sidewalk, or paved or grassed boulevards.

9.0 POWERS OF ENTRY

- 9.1 The **Town** may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) the provisions of this by-law;
 - (b) an Order issued under this by-law; or

- (c) an Order made under Section 431 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.

9.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may;

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and 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 including their name, address, phone number and identification; and
- (d) 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 the inspection.

9.3 The **Town** may undertake an inspection pursuant to an Order issued under s. 438 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.

9.4 The **Town's** power of entry may be exercised by an employee, **Officer**, or agent of the **Town** or by a Police Officer of the York Regional Police, as well as by any **Person** under his or her direction.

10.0 ORDERS AND REMEDIAL ACTION

10.1 If a **Person** is constructing a fence in contravention of any of the provisions of this by-law, the **Town** may issue an Order to the **Person** and to the **Owner** of the lot on which the fence is being constructed, to discontinue the contravening activity. The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Order. The Order may be served in accordance with the service provisions contained in this by-law.

10.2 If a **Person** has contravened a provision of this by-law, the **Town** may issue a Work Order to the **Person** who contravened or permitted the contravention of this by-law, as well as to the **Owner** of the land on which the contravention occurred, to do work to correct the contravention. The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Order. The Order may also provide that if the **Person** or **Owner** fails to correct the contravention, the **Town** may do the work to correct the contravention, including the removal and/or repair of the **Pool Fence**, at the expense of the **Person** and the **Owner**. The

Order may be served in accordance with the service provisions contained in this by-law.

- 10.3 If the **Town** has issued an Order directing or requiring a **Person** or an **Owner** to do a matter or thing to correct a contravention of this By-law, and the person or the **Owner** has failed to correct a contravention, the **Town** may enter upon the lot between the hours of 9:00 a.m. and 5:00 p.m., Monday to Friday, to do all work necessary to correct the contravention, including the removal and/or repair of all or part of the **Pool Fence**, and the **Town** may recover the cost of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll of the **Owner** and collecting them in the same manner as property taxes.
- 10.4 An Order issued under this by-law may be served personally or may be served by registered mail sent to the last known mailing address of the **Owner** as indicated on the **Town's** assessment roll. If an Order is served on a **Person** by registered mail, it shall be deemed to have been served on the **Person** on the 5th day after mailing of the Order, which deemed service may be rebutted by the **Person** proving, on a balance of probabilities, that they did not receive the Order.

11.0 PENALTY PROVISIONS

- 11.1 Every **Person** who contravenes any provision of this by-law, including an Order issued under this by-law, is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P.33.
- 11.2 If a **Pool Fence** has been constructed in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 11.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 11.4 Every **Person** who is guilty of an offence under this by-law shall be subject to the following penalties:
- a) upon a first conviction, shall be liable to a fine of not less than \$350.00 and not more than \$50,000.00;
 - b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00;

- c) upon conviction for a continuing offence, to a fine of not less than \$500.00 and no more than \$10,000.00 for each day or part of a day that the offence continues, the total of which is not limited to \$100,000.00; and
- d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$350.00 and not more than \$10,000.00, the total of which is not limited to \$100,000.00.

11.5 For the purposes of this by-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this by-law.

11.6 For the purposes of this by-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

11.7 When a **Person** has been convicted of an offence under this by-law, the Ontario Court of Justice, or any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the **Person** convicted, make an Order prohibiting the continuation or repetition of the offence by the **Person** convicted.

11.8 Upon conviction any penalty imposed under this by-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

12.0 ADMINISTRATIVE PENALTIES

12.1 Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this by-law, an **Officer** may issue an administrative penalty to the **Person** who has contravened this by-law.

12.2 The **Officer** has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a **Person** for the breach, no charge shall be laid against the same **Person** for the same breach.

12.3 The amount of the administrative penalty for a breach of a provision of this by-law, issued under this by-law is fixed as set out in an administrative penalty by-law as amended, or any successor by-law.

12.4 A **Person** who is issued an administrative penalty shall be subject to the procedures as provided for in an administrative penalty by-law, as amended, or any successor by-law.

12.5 An administrative penalty imposed on a **Person** pursuant to this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a

debt of the person to the Municipality and may be added to the municipal tax roll and collected in the same manner as municipal taxes.

13.0 OBSTRUCTION

13.1 No **Owner** shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an **Officer**, employee of the Corporation and/or agent in the lawful exercise or power or duty under this by-law.

14.0 FEES

14.1 All fees are subject to the **Town's Fees and Charges By-law**.

15.0 SHORT TITLE

15.1 This by-law may be cited as the "Pool Enclosure By-Law"

16.0 REPEALING SECTION

16.1. By-law 2007-75 is hereby repealed.

17.0 FORCE AND EFFECT

17.1 That this by-law shall come into force and effect on the date it is passed.

ENACTED AND PASSED this 5th day of November, 2019.

Virginia Hackson, Mayor

Fernando Lamanna, Municipal Clerk