

SWIMMING POOL ENCLOSURE PERMIT PACKAGE

Please be advised a permit is required for all pool enclosures in the Town of Bradford West Gwillimbury. Final grading on the property shall be finalized by the Town’s Engineering Department prior to the submission for the swimming pool enclosure permit. To inquire with the Town’s Engineering Department to ensure your property’s final grading has been approved, please call 905-778-2055 ext. 2100.

Your application shall be accompanied with the following:

- ☐ Application for a Swimming Pool Enclosure Permit (see attached)
- ☐ Undertaking Damage to Town Property (see attached)
- ☐ Payment Information Form (see attached)
- ☐ Agent Authorization Form (if applicant is not the homeowner) (see attached)
- ☐ Conservation Approval (if applicable)
- ☐ Site plan drawing
- ☐ Applicable fee (Above ground/hot tub - \$125.00; In ground/On ground - \$140.00)
- ☐ Security deposit in the amount of \$2,000.00 (Cash, debit, or cheque)

Please note the following shall be shown on the site plan:

- ☐ Fence location, material, height, and diameter if applicable
- ☐ Above ground pool height (if applicable)
- ☐ Height of pool surround above finished grade
- ☐ Setback from the lot line and/or fence to the water’s edge
- ☐ Setback from the lot line to the pool surround/uncovered deck
- ☐ Setback from the lot line to the pool equipment
- ☐ Gate location and indication of the gate being self-closing and self-latching
- ☐ Indication of temporary fencing
- ☐ Location of septic (if applicable)

Furthermore, attached is the Swimming Pool Fence By-law for your review and below are the sections of the Zoning By-law to which your swimming pool proposal must comply to:

Pool surrounds and Uncovered Decks (0.6 m or less in height above finished grade)	Side yard	No closer than 0.6 m from the side lot line.
	Rear yard	No closer than 1.2 m from the rear lot line.
Pool surrounds and Uncovered Decks (Greater than 0.6 m in height above finished grade)	Interior side yard	Required side yard setback of the zone in which the lot is located. This setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	Exterior side yard	No encroachment.
	Rear yard	No closer than 3.5 m to the rear lot line.
Heat pumps and swimming pool pumps, filters and heaters in Residential zones	Rear or side yard	No closer than 1.2 m from the rear or side lot line.

4.34 SWIMMING POOLS

A swimming pool is permitted as an accessory use to a permitted residential use, subject to the following:

- a) No swimming pool shall be permitted in a front yard;
- b) No swimming pool shall be permitted closer to an exterior lot line that the required exterior side yard setback of the applicable zone;
- c) No swimming pool shall be permitted closer to a rear or interior side lot line than 1.2 metres; and,
- d) The maximum height of an above grade swimming pool shall be 1.8 metres.

Application for a Swimming Pool Enclosure Permit

For use by Principal Authority			
Application number:		Permit number (if different):	
Date received:		Roll number:	
Application submitted to: <u>Town of Bradford West Gwillimbury</u> (Name of municipality, upper-tier municipality, board of health or conservation authority)			
A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	
B. Purpose of application ☐ In-ground/ On Ground ☐ Above Ground / Hot Tub			
Proposed use of building		Current use of building	
Description of proposed work			
C. Applicant Applicant is: ☐ Owner or ☐ 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 ()	
D. 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 ()	
E. Road Occupancy Permit ☐ Yes, please see below. ☐ No, public right-of-ways will not be affected.			
For any excavations, placement of material, fixtures or objects on public right-of-ways on a temporary or permanent basis a road occupancy permit is required. For more information, please contact Transportation Services 905-778-2055 ext. 2200.			
F. Security Deposit Release			
I, the applicant and/or owner, acknowledge that the security deposit cannot be released until the final building inspection and the roads inspection has been completed. Please be advised the roads inspection is weather permitting. Signature of applicant/owner _____			
G. Declaration of applicant			
I _____ declare that: (print name) 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. 2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership. Date_____ Signature of applicant _____			

Undertaking Damage to Town Property

To: The Corporation of the Town of Bradford West Gwillimbury

Re: _____
Municipal Address

Permit Application Number

In consideration of the issuance of a Permit to _____
(proposed work)

_____ hereby
(Please print your name clearly.)

undertakes to repair and replace, to the satisfaction of the Town Engineer, all damage to Town property including, without limitation to curbs, sidewalks and boulevards sustained directly or indirectly as a result of works undertaken by the Owner under the Permit. The Owner agrees that the security deposit of \$_____ will be held and may be used by the Town, in the event that the Owner fails to do such work as required by this Undertaking, to recover the cost to complete such work plus administrative fee as permitted by section 7.3 of the Swimming Pool Fence By-law.

The Owner agrees to indemnify and save harmless The Corporation of the Town of Bradford West Gwillimbury from and against any and all claims, costs, damage or injury to any persons or property arising in any way out of the performance of this Undertaking.

I, the undersigned, certify that I am the Owner of the address noted above.

Last name		First name	
Company name			
Street address			Unit number
Municipality	Postal Code	Province	E-mail address
Telephone number (including area code)		Fax Number	Cell Number

Date

Signature

AGENT AUTHORIZATION FORM

TO: BUILDING DIVISION

MUNICIPALITY: TOWN OF BRADFORD WEST GWILLIMBURY

Legal Description:

Lot: _____ Plan/Conc.: _____

Street Address: _____

The undersigned, registered property owner(s) of the above-noted property, do hereby authorize _____,
to make applications and amendments to applications on my/our behalf. It is understood that I/we will
abide by all by-laws and acts of the Town of Bradford West Gwillimbury and that any approvals
granted by this application will be carried out in accordance with the municipal requirements.

Property Owner's Signature: _____

Print Name: _____

Date: _____

Property Owner's Address (if different than property above):

Telephone: _____ Email: _____

All personal information this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and the *Building Code Act, 1992*, S.O. 1992, c. 23 and will be used for the purposes of the administration and enforcement of the *Building Code Act, 1992*. Questions regarding this collection may be direct to the Chief Building Official, Town of Bradford West Gwillimbury, 305 Barrie Street Unit 4B, Bradford, ON, L3Z 2A9, Telephone 905-778-2055, Fax 905-778-2035.

PAYMENT INFORMATION

Vendor Name	
Address	

To ensure the accuracy of our account information, **you must attach a voided cheque** and complete the following financial information:

Name of Financial Institution	
Address of Financial Institution	

BANK ACCOUNT INFORMATION:

Transit #	Bank #	Account #

REMITTANCE INFORMATION

Contact person: _____

E-mail address: _____

Name: _____ **Title/Position:** _____

Phone: (____) _____ **Fax:** (____) _____

Signature: _____ **Date:** _____

Please fax this completed form and a “void cheque” to 905-775-4472 to the attention of Cecilia Fick, A/P clerk or e-mail to cfick@townofbwg.com

All personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and Municipal Act, 2001 and will be used for the purposes of refunding payment to a payee. Questions regarding this collection may be directed to Cecilia Fick, Finance Dept, 61 Holland St E, cfick@townofbwg.com or 905-775-5303 extension 3105.

The Corporation of the Town of Bradford West Gwillimbury

By-law 2016-65

Swimming Pool Fence By-law

A by-law to provide for the owners of privately-owned outdoor swimming pools to erect and maintain fences.

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

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

AND WHEREAS Section 391 of the *Municipal Act* authorizes a municipality to impose fees or charges on persons,

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) for the use of its property including property under its control.

AND WHEREAS Council 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 Bradford West Gwillimbury enacts as follows:

1. DEFINITIONS

1.1 In this By-law, the following words have the following meanings:

- (a) "Chief Building Official" shall mean the person appointed by the Town Council to such position pursuant to the Building Code Act.
- (b) "Council" shall mean the Council of The Corporation of The Town of Bradford West Gwillimbury;

- (c) "Gate" shall mean any part of a swimming pool fence which opens on hinges and includes a door located in the wall of an attached or detached garage or carport which forms part of the swimming pool fence.
- (d) "Hydro Massage Pool" shall include those pools commonly referred to as a hot tub, a whirl pool, a jacuzzi or a spa.
- (e) "Maintain" shall mean to carry out repairs of any part or parts of a swimming pool fence so that it can properly perform the intended function.
- (f) "Replacement" shall mean the construction of a swimming pool fence that takes the place of a swimming pool fence previously constructed.
- (g) "Self-closing device" shall mean a mechanical device or spring which returns a swimming pool fence gate to its closed position within 30 seconds after it has been opened.
- (h) "Self-latching device" shall mean a mechanical device or latch which is engaged each time the swimming pool fence gate is secured to its closed position; which will not allow the swimming pool fence gate to be re-opened by pushing or pulling, and which will ensure the swimming pool fence gate remains closed until unlatched by either lifting or turning the device itself directly or by a key.
- (i) "swimming pool" shall mean a structure, basin, chamber or tank containing or capable of containing water, and is designed to be used for swimming or wading, a. has a depth of more than 50 centimetres (20 inches) at any point; and
 - b. has a surface area of more than 1 square metre (10.8 square feet); and
 - c. includes a hydro massage pools;
 - d. is not under the jurisdiction of the Building Code; and
 - e. is not completely inside a building; and
 - f. is not owned by government or a local board or commission constituted under any statute or by-law; and
 - g. is not a pond or reservoir to be utilized for farming purposes; and
 - h. excludes storm water management ponds.
- (j) "Swimming pool fence" shall mean a wall, a structure or a building which encloses a swimming pool where structures include a fence combined with a deck.
- (k) "Town" means The Corporation of The Town of Bradford West Gwillimbury and its geographic area.
- (l) "Zoning By-law" means any by-law administered by the Town enacted pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.

2. GENERAL PROVISIONS

- 2.1 This by-law shall be administered by the Chief Building Official.
- 2.2 This by-law shall apply to all swimming pool fences or portions thereof that are constructed or replaced in Town after June 21, 2016.
- 2.3 The provisions of this by-law shall not prevent the use of an existing swimming pool fence if such swimming pool fence was constructed and has enclosed a swimming pool from the date of its construction on or before July 24, 1994 and was built in accordance with the regulations of the by-law existing prior to July 25, 1994.
- 2.4 Where any swimming pool fence was constructed to enclose a swimming pool in accordance with the regulations that existed on or before June 21, 2016, the swimming pool fence may be maintained in accordance with such regulations.
- 2.5 At such time as an entire existing swimming pool fence or portion thereof is replaced, the replacement swimming pool fence or portion thereof shall be constructed in accordance with this by-law.
- 2.6 When a swimming 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 swimming pool fence, the provisions of this by-law prevail over any other Town bylaw or standard that regulates fences.
- 2.7 Where a swimming pool fence has enclosed a swimming pool in accordance with the regulations that existed on or before June 21, 2016. and that swimming pool fence has been maintained continuously in accordance with those regulations, and which swimming pool fence also marks the boundary between abutting properties, that swimming pool fence shall be deemed to be in conformity should a swimming pool be constructed on any of the abutting properties to the extent of the shared portion of the swimming pool fence between the two abutting properties. All other portion of the swimming pool fence that enclose the newly constructed swimming pool shall meet the standards set out in this by-law.

3. PROHIBITIONS

- 3.1 No person shall construct or cause to be constructed a swimming pool without having first obtained a swimming pool fence permit from the Chief Building Official.
- 3.2 No person shall construct or cause to be constructed a swimming pool which is not completely enclosed by a swimming pool fence, in accordance with this by-law.
- 3.3 No person shall have or keep a swimming pool without having a swimming pool fence permit from the Chief Building Official in accordance with this by-law.

- 3.4 No person shall have or keep a swimming pool that is not completely enclosed by a swimming pool fence, in accordance with this by-law.
- 3.5 No person shall fail to enclose a swimming pool with temporary fencing during construction.
- 3.6 No person shall construct or cause to be constructed a swimming pool with a swimming pool fence that does not conform to the requirements of this by-law.
- 3.7 No person shall fail to equip a swimming pool fence single gate access with a self-closing device and a self-latching device.
- 3.8 No person shall construct, have, keep or maintain a swimming pool fence gate with a self-latching device less than 122 centimeters (48 inches) above ground level, in accordance with this by-law.
- 3.9 No person shall place or store materials against the outside of a swimming pool fence.
- 3.10 No person shall replace a swimming pool fence without having first obtained a swimming pool fence permit from the Chief Building Official.
- 3.11 No person shall fail to keep, have or maintain a swimming pool fence in accordance with this bylaw.
- 3.12 No person shall construct or maintain a double swimming pool fence gate access without one of the two gates having a self-closing device and a self-latching device. The gate of this double gate access without a self-closing device 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 and then releasing the latch.
- 3.13 No person shall place water in a swimming pool or cause or permit water to remain in the swimming pool if the required swimming pool fence is not completely constructed in compliance with the requirements in this by-law.
- 3.14 Despite section 3.13 where a person is constructing or causing to be constructed a swimming pool for which a swimming pool fence permit has been issued, a person may place water in a swimming pool or cause or permit water to remain in the swimming pool if there is temporary fencing in place in compliance with section 5.10 of this by-law, but only where such temporary fencing is in place for no longer than 30 days after the issuance of the swimming pool fence permit.
- 3.15 Despite section 3.13, where a swimming pool is in existence on the date of the passing of this by-law, a person may place water in a swimming pool or cause or permit water to remain in the swimming pool if there is temporary fencing in place in compliance with section 5.10 of this by-law, but only where such temporary fencing is in place for no longer than 30 days, or such longer period of time if approved in writing by the Chief Building Official.

4. APPLICATION FOR SWIMMING POOL FENCE PERMITS

- 4.1 An application for a permit to erect a new swimming pool fence or for the replacement of an existing swimming pool fence shall be made by the owner or his or her agent, in writing to the Chief Building Official on such forms as may be prescribed.
- 4.2 All such applications shall be accompanied by the following:
- (a) plans showing the location of the proposed swimming pool including all enclosing swimming pool fences, together with full details of each entrance and showing the location of all proposed swimming pool equipment such as filters, slides and heaters;
 - (b) the applicable fee and assessment fee as prescribed in Schedule 'A' of this bylaw;
 - (c) an undertaking to repair damage to Town property as required by the by-law; and
 - (d) a security deposit in a form acceptable to the Town as prescribed in Schedule 'A' to guarantee compliance with the undertaking.
- 4.3 The Chief Building Official shall issue a permit for a swimming pool fence where the plans submitted appear to comply with all applicable regulations and the requirements of the by-law have been met.
- 4.4 No permit for a swimming pool fence shall be issued unless the location and installation of the swimming pool is in compliance with provisions of the Town of Bradford West Gwillimbury Zoning By-law.
- 4.5 No permit, with respect to property in a subdivision not yet assumed by the Town, shall be issued until the owner obtains a clearance letter from the developer of the subdivision stating that the developer is in agreement with the proposed swimming pool or swimming pool enclosure, including any alteration of the grade.
- 4.6 The Chief Building Official 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.
- 4.7 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 to the Chief Building Official before the expiry date. The swimming pool enclosure which is the subject of the permit shall be substantially completed within the additional six (6) month renewal period or the permit shall thereafter lapse, and no further renewal shall be permitted. If a permit lapses, and the owner wishes to

proceed with the construction or use of the swimming pool, the owner or his or her agent shall make a new application for a permit under this By-law.

5. SWIMMING POOL FENCE REGULATIONS

- 5.1 Every swimming pool shall be enclosed by a swimming pool fence which shall extend from the ground to a height of not less than 1.2 metres (48 inches).
- 5.2 Except as provided in section 5.3 of this by-law, every swimming pool fence referred to in section 5.1 of this by-law shall not have any openings that would allow the passage of a spherical object having a diameter greater than 3.8 centimeters (1.5 inches).
- 5.3 For other than chain link fences, where the vertical distance between each horizontal rail measured from the top of each rail is 1.2 metres (4 feet) or greater, the openings in the fence are permitted to be greater than 3.8 cm (1.5 inches) but not greater than that which would allow the passage of a spherical object having a diameter of 10 cm (4 inches).
- 5.4 Every swimming pool shall be enclosed by a swimming pool fence which:
 - (a) has a clearance from the ground to the underside of the swimming pool fence that would prevent the passage of a spherical object having a diameter of 10 centimetres (4 inches);
 - (b) has all its horizontal structural members located inside the enclosure to prevent easy climbing unless the swimming pool fence has no openings greater than 3.8 cm (1.5 inches) and the horizontal members are at least 0.6 metres (2 feet) apart; and
 - (c) is install greater than 1.2 metres to any point of the water's edge of the swimming pool.
- 5.5 Every swimming pool shall be enclosed by a swimming pool fence which is of sturdy construction, capable of preventing unauthorized entry.
- 5.6 The height of the swimming pool fence, including any gates, shall be measured from ground level or from any climbable fixture or feature on the exterior side of the swimming pool fence.
- 5.7 Every gate on a swimming pool fence shall be equipped with a self-closing device and a self-latching device.
- 5.8 A self-latching device that can be opened without a key from the outside shall not be less than 1.07 metres (42 inches) above ground level.
- 5.9 Every person constructing a pool shall maintain temporary fencing surrounding the pool during all phases of construction such that unauthorized access is prevented.

5.10 Every person constructing a pool shall ensure that the temporary fencing required in (1) above complies with all of the following requirements:

- (a) shall be a minimum of 1.2 metres in height;
- (b) if chain link, plastic mesh or wire fencing, it shall have no openings greater than 5 centimetres;
- (c) if other than chain link, plastic mesh or wire fencing, it shall have no openings greater than 10 centimetres;
- (d) shall have vertical support by T bar posts or similar posts at a maximum separation distance between posts of 2.4 metres;
- (e) shall have a horizontal support near the top and bottom of the fence, which shall be wood, wire or rope; which will ensure the fence is kept tight between posts; and
- (f) shall not have clearance from the surface below to the underside of the temporary fence of greater than 5 centimetres

5.11 Where a deck forms part of the swimming pool fence, it shall meet all regulations in Part 5 of this by-law.

6. UNDERTAKING TO ENSURE REPAIR

- 6.1 Every person erecting, altering, repairing or demolishing a swimming pool fence within the Town who permits the crossing of curbing, sidewalks, or paved boulevards by vehicles delivering materials to or removing materials from abutting lands shall deposit with the Chief Building Official upon application for a swimming pool fence permit and prior to the commencement of any work, provide a completed undertaking to repair any damage to Town property such as any damage to the sidewalks, curbing or paved boulevard or to any water service box or other service therein caused by the crossing of such vehicles.
- 6.2 The owner of any lands on which any swimming pool fence is being 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 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, sidewalks, or paved or grassed boulevards.

7. ENFORCEMENT

- 7.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

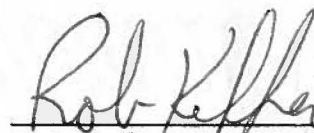
- 7.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- 7.3 Where anything required to be done in accordance with this by-law is not done, the Chief Building Official or persons designated by the Chief Building Official for The Corporation of the Town of Bradford West Gwillimbury appointed pursuant to the *Building Code Act* may, upon such notice as he deems suitable, do such thing at the expense of the person required to do it and, in so doing, may charge an administration fee of 15% of such expense with a minimum fee of \$80.00; and both the expense and the fee may be recovered from the security deposit held by the Town, by action or in like manner as municipal taxes.

8. OTHER

- 8.1 The following attached Schedules shall form a part of this By-law:
Schedule A - Permit Fees
Schedule B - Undertaking Damage to Town Property
- 8.2 This By-law may be cited as the "Swimming Pool Fence By-law".
- 8.3 By-law 94-070 is hereby repealed.
- 8.4 This By-law comes into full force and effect on the date it is enacted.

Enacted this 21st day of June, 2016.


Rebecca Murphy, Clerk


Rob Keffer, Mayor

SCHEDULE 'A' PERMIT FEES

Pool Type	Security Deposit	Permit Fee	Assessment
Above Ground / Hot Tub	\$2000.00*	\$100.00	\$25.00*
In ground / On ground	\$2000.00*	\$100.00	\$40.00*

** Security Deposit released upon completion of pool final.*

** Assessment fee in accordance with Fees & Charges By-law 2015-96*