

The Corporation of the Town of LaSalle

By-law Number 8594

Being a By-law to regulate Fences, Swimming Pool Enclosures, Hydro-massage Pool and Outdoor Swimming Pool on Private Property within The Town of LaSalle

Whereas Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, provides that a municipal power shall be exercised by By-law;

And whereas Section 11(2) 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, authorizes a lower tier municipality to pass a By-law respecting the health, safety and well-being of persons;

And whereas Section 11(3) 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time, authorizes a lower tier municipality to pass a By-law respecting matters relating to structures, including fences;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

1.0 Definitions

1.1 In this By-law:

“Chief Building Official” means the Chief Building Official for The Corporation of the Town of LaSalle as defined by the *Building Code Act*, S.O. 1992, c.23, as amended, and/or his or her designate.

“Corner Lot” means a Lot situated at the intersection of two (2) or more Public Roads or at the intersection of two (2) parts of the same Public Road meeting at an angle of not more than 135 degrees.

“Council” means the Council for The Corporation of the Town of LaSalle.

“Erect” means to install cause to be Erected, maintain, grow or allow to grow and includes alter, construct, plant, place, relocate; and "Erected" and "Erection" have a corresponding meaning.

“Fence” means

- i) a railing, wall, structure, wire, gate, boards, pickets, brick, stone, cement, masonry, or any other similar materials, or a combination thereof, used for the purposes of enclosing or dividing, in whole or in part, a yard or lot, establishing a lot line or providing privacy; and
- ii) includes a wall that is not an integral part of a building, but does not include an arbor or trellis, or retaining walls.

“Fence, Open Type Construction” means any Fence which is visually unobstructed throughout its length and height except for necessary line posts, corner posts, and top rails, (e.g. chain-link, open picket, open rod iron style).

“Grade” means the elevation of the finished level of the ground adjoining the Fence exclusive of any artificial embankments or berms, and for the purposes of this definition, the top of a retaining wall, will be the same as the ground adjoining.

“Height” means the vertical distance from the top of a Fence to the Grade.

“Hydro-Massage Pools” means the type of pools commonly referred to as hot tub, whirlpool, swim spa, Jacuzzi or spa.

“**Land**” means any estate or interest in land and any right or easement affecting them.

“**Lot**” means a contiguous parcel of Land under one (1) ownership.

“**Lot Line**” means the boundary lines of a defined lot.

“**Lot Line, Exterior Side**” means a Lot Line other than a Front or Rear lot line which abuts the street on a corner lot.

“**Lot Line, Front**” means the shortest Lot Line along a Public Road.

“**Lot Line, Interior Side**” means a Lot Line other than a Front or a Rear Lot Line or exterior side lot line as herein defined.

“**Lot Line, Rear**” means the Lot Line farthest from, and opposite to the Front Lot Line.

“**Lot Line, Through**” means the Lot Line bounded on two opposite sides by Public Roads.

“**Non-Residential Property**” means Land that is zoned other than Residential or Waterfront Development in the Zoning By-law.

“**Officer**” means a Provincial Standards Officer for the Corporation of the Town of LaSalle (Chief Building Official, Building Inspectors and By-law Enforcement Officers).

“**Outdoor Storage Area**” means the keeping in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours, but does not include a Salvage Yard.

“**Outdoor Swimming Pool**” means any structure, basin, chamber or tank containing or capable of containing water that is designed to be used for swimming or wading , and:

- i) has a depth of 0.6 metres or more, and 2500 litres;
- ii) includes a temporary or seasonal plastic or inflatable pools
- iii) is not completely enclosed inside a building;
- iv) is not a pond which is maintained for ornamental purposes only;
- v) is not a pond or reservoir to be utilized for farming purposes, and located in an agricultural zone in the Zoning By-law, or a reservoir for firefighting purpose;
- vi) is not a Hydro-Massage Pool;
- vii) is not a naturally occurring stream, lake, swamp or other natural body of water.
- viii) is not a storm water management pond;

“**Owner**” includes the registered Owner of any property, the Person for the time being managing or receiving the rent of the Land or premises, whether on the Persons own account or as agent or trustee of any other Person, or who would so receive the rent if such Land or premises were leased; and includes a lessee, tenant, mortgagee in possession or Person in care and control of the property.

“**Person**” means an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in his or her capa Town as a trustee, executor, public administrator or other legal representative.

“**Road Allowance**” means a road or highway under government jurisdiction.

“**Residential Property**” means any Land zoned in the Residential Districts, the LaSalle Town Centre, Mixed-Used Districts, Waterfront Districts, Recreational Districts and the Rural/Agricultural Area, as identified in Zoning By-law.

“**Salvage Yard**” means an outdoor area where wrecked motor vehicles are stored, or where used motor vehicles are wrecked and disassembled, or where any other used material and salvage are collected, sorted, stored, baled, packed, disassembled or handled.

“Self-closing Device” means a mechanical device or spring that returns a Fence gate to a closed position within thirty (30) seconds of being opened;

“Self-latching Device” means a mechanical device or latch that is engaged every time the Fence gate is secured in a closed position. The Fence gate can be re-opened by pushing or pulling, ensuring the Fence gate remains in a closed position until unlatched by lifting or turning the device itself, or with a key;

“Sight Visibility Triangle” means an unobstructed triangular area where the Front Lot Line and Exterior Side Lot Line meet on a Corner Lot.

“Swimming Pool Area” means an Outdoor Swimming Pool and includes any surrounding platforms, walkways, play areas, landscaped areas or structures within the Swimming Pool Enclosure.

“Swimming Pool Edge” means the point on a swimming pool where water is in contact with a liner or other material creating the edge of any swimming pool.

“Swimming Pool Enclosure” means a permanent fence or wall or combination of a fence and wall, together with Self-latching Device and Self-closing Device gates or entrances, which completely surrounds a Swimming Pool Area.

“Temporary Enclosure” means a temporary enclosure used for the purpose of enclosing an Outdoor Swimming Pool in the course of construction in order to effectively prevent or restrict access thereto by unauthorized Persons, and to prevent any accident or injury to any Person in or on a property.

“Town” means The Corporation of the Town of LaSalle.

“Yard” means any area on a Lot other than in a Required Front Yard.

“Yard, Required Front” means that portion of a Lot between the Front Lot Line and the specified distance to where buildings or structures may be located, extending from Interior Side Lot Lines, or an Exterior Side Lot Line and an Interior Side Lot Line.

“Zoning By-law” means the Town of LaSalle Comprehensive Zoning By-law, as amended from time to time.

2.0 General

2.1 No Person shall Erect, own, maintain or cause or permit the Erection or maintenance of a Fence, Swimming Pool Enclosure, Hydro-Massage Pool or Outdoor Swimming Pool on private property located within the Town, other than a Fence, Swimming Pool Enclosure or Hydro-Massage Pool, Outdoor Swimming Pool which complies with this By-law, is in a good state of repair and complies with any other applicable law.

2.2 Fences may be exempt in whole or in part from the provisions of this By-law, where the Fence:

- i) is Erected with the approval of the Town under an agreement;
- ii) is subject to regulation or a requirement of a public body, agency, utility or authority;
- iii) a variance is granted under Section 11 of this By-law.

3.0 Existing Fences, Swimming Pool Enclosures, Hydro-Massage Pool and Outdoor Swimming Pool

3.1 Notwithstanding the provisions of this By-law, any Fence, Swimming Pool Enclosure Hydro-Massage Pool or Outdoor Swimming Pool that was in existence prior to the date on which this By-law comes into force and was lawfully Erected shall be deemed to be in compliance with this By-law, for so long as such Fence, Swimming Pool Enclosure, Hydro-Massage Pool or Outdoor Swimming Pool

continues to be the same size, height, length, width and comprised of the same materials, and may be maintained as Erected including any repair work that may be required from time to time.

4.0 General Provisions

4.1 No person shall Erect a Fence or Swimming Pool Enclosure in the Town of LaSalle unless the Fence or Swimming Pool Enclosure is:

- i) Stable;
- ii) Vertical;
- iii) Constructed of good quality materials designed or intended for use in a permanent Fence or Swimming Pool Enclosure;
- iv) Not an obstruction to the visibility of pedestrians or motorists;
- v) Maintained in good repair and free from unsightly markings, stains and defacements;
- vi) Maintained in a safe and structurally sound condition;
- vii) Free from accident hazards;
- viii) Protected by paint, preservative or other weather resistant material, except for wooden fences made of cedar, redwood or treated wood;
- ix) Constructed in a way that cannot facilitate climbing.

5.0 Restrictions On Material

5.1 No Person shall Erect a Fence or Swimming Pool Enclosure:

- i) which contains or is constructed, in whole or in part, of any hazardous material, chicken wire, barbed wire, other barbed or sharp material or projection, or is an electrified Fence which contains a device for projecting or transmitting an electric current;
- ii) that is comprised of plastic sheets, tarps, sheet metal or corrugated metal panels, wood pallets, exterior or interior doors;
- iii) in a manner that renders an existing Fence or Swimming Pool Enclosure into non-conformity with the requirements of this By-law;
- iv) without having statutory authority so to do, or maintain a Fence or Swimming Pool Enclosure on or upon any road, road allowance or highway, alley or property owned by Town.

5.2 Notwithstanding Section 5.1 above, a Fence comprised of barbed wire is permitted:

- i) on a farm in an Agriculture zone as set out in the Zoning By-law that is used as part of an enclosure for the keeping of livestock or the protection of livestock and crops from animals; or
- ii) on a Non-Residential Property where required for the safety or protection of property, the fence does not abut any lands zoned Residential, Recreational or Institutional as set out in the Zoning By-law, the portion of a Fence above 2.7 metres may be constructed of barbed wire provided the barbed wire does not project past the exterior face of the Fence.

5.3 Notwithstanding Section 5.1 above, an electric Fence is permitted on a farm in an Agriculture zone as set out in the Zoning By-law that is used as part of an enclosure for the keeping of livestock or the protection of livestock or crops from other animals, provided the Fence meets all applicable Canadian standards.

6.0 Calculation of Height

6.1 The Height of a Fence or Swimming Pool Enclosure shall be measured vertically from Grade at the base of the Fence or Swimming Pool Enclosure to the top of the

Fence or Swimming Pool Enclosure, exclusive of decorative post caps, provided that:

- i) Where Grade elevation between adjacent Lots differ at the boundary between the Lots, as a result of the installation of an approved retaining wall, the Height of any Fence or Swimming Pool Enclosure located on top of the retaining wall, shall be measured from top surface of the retaining wall;
- ii) Notwithstanding i) above, no part of a Swimming Pool Enclosure will be less than 1.2 metres in Height measured from Grade.

7.0 Fence and Swimming Pool Enclosure Requirements

7.1 No Person shall Erect a Fence on any property within a Sight Visibility Triangle;

7.2 Height Restrictions - Residential or Agricultural Property

- i) No Person shall Erect a Fence in a Required Front Yard on a Residential or Agricultural Property that is greater than 1.2 metre in Height, which fence shall be of open construction or 0.6 metres solid construction;
- ii) No Person shall Erect a Fence or Swimming Pool Enclosure within 7.6 metres to the rear lot line of a through lot on a Residential Property that is greater than 1.2 metre in Height, which fence shall be of open construction or 0.6 metres solid construction;
- iii) No Person shall Erect a Fence or Swimming Pool Enclosure in any other Yard on a Residential or Agricultural Property that is greater than 2.13 metres in Height.

7.3 Height Restrictions - Non-Residential Property

- i) No Person shall Erect a Fence in a Required Front Yard on a Non-Residential Property that is greater than 1.2 metre in Height, which fence shall be of open construction or 0.6 metres solid construction;
- ii) No Person shall Erect a Fence in any other yard on a Non-Residential Property that is greater than 3.0 metres in Height.

7.4 A Recreational Fence may be Erected to enclose a tennis court or other recreational facility provided that the Fence is of open construction (chain-link or open mesh netting), is located no closer than 2.0 metres to side, exterior side or a rear yard and is not located in a Required Front Yard or within 7.6 metres to the rear lot line of a through lot. A recreational Fence does not include a Swimming Pool Enclosure.

7.5 The whole of an Outdoor Storage Area in an Commercial, Employment and Industrial zone as set out in the Zoning By-law or where permitted elsewhere, shall be enclosed by a Fence surrounding the Outdoor Storage Area save and except for entrance and exit driveways, and subject to the provisions of Section 7.3 of this By-law. Further, visual screen properties must be included in any fence located in the side, exterior side or rear yard must provide or as identified in the site plan control approval.

8.0 Permits Swimming Pool Enclosure

- 8.1 i) No Person shall excavate for or Erect, or cause or permit excavation for or Erection of, any Outdoor Swimming Pool and/or Swimming Pool Enclosure without first obtaining a permit from the Chief Building Official for the Swimming Pool Enclosure;
- ii) An application for a permit for a Swimming Pool Enclosure shall contain the following information:

- a. the location of the property;
 - b. plans showing the location of the Outdoor Swimming Pool on the property in relation to lot lines, easements, watercourses/municipal drains and all other buildings and structures on the lot;
 - c. plans showing the complete details of the Swimming Pool Enclosure including, but not limited to, the type, Height, materials and location of the proposed enclosure and gates or entrances;
 - d. plans showing the location of all swimming pool equipment ie. pool pump, heater and filter; and,
 - e. plans showing the construction of pool aprons, concrete surfaces and any deck and guards in the case of an above-ground Outdoor Swimming Pool;
 - f. drainage plan must including the location or relocation catch basin, the rear yard drain system, proposed changes to grades, retaining walls, surface and sub-surface drainage;
 - g. where a private sanitary sewage disposal system is in uses, confirmation of the location of system (septic tank, tile field, etc), and setback from any portion of the system in accordance with Provincial requirements;
- iii) No permit for a Swimming Pool Enclosure shall be issued unless the application is in compliance with all applicable Federal and Provincial statutes, and regulations thereunder, and Municipal By-laws;
 - iv) No permit for a Swimming Pool Enclosure shall be issued unless the applicable fee and deposit, as established by Council from time to time, have been paid in full;
 - v) The Swimming Pool Enclosure Permit must be completed including the final inspection, within sixty (60) days of the issuance. Failure to do so will result in the loss of the bond and action under Section 12.5.

8.2 General Enclosure Requirements

- i) The Owner of any Lands on which an Outdoor Swimming Pool is located or Erected shall Erect and maintain a Swimming Pool Enclosure around the entire Swimming Pool Area, in accordance with the provisions of this By-law;
- ii) No Person shall place water, or cause water to be placed, in an Outdoor Swimming Pool, or allow water to remain therein, unless the Swimming Pool Enclosure prescribed by this By-law is Erected and maintained in accordance with the provisions of this By-law;
- iii) A Fence which forms a Swimming Pool Enclosure, or part thereof, shall be constructed at a minimum distance of 1.2 metres from the Outdoor Swimming Pool;
- iv) The Height of the Swimming Pool Enclosure required by this By-law shall be a minimum of 1.2 metres in Height, as measured from Grade;
- v) The maximum permitted space between the bottom of a Swimming Pool Enclosure and Grade is 100 millimetres;
- vi) All horizontal members shall not facilitate climbing;
- vii) Where material of a Swimming Pool Enclosure is structurally inadequate, broken or in a state of decay, it shall be replaced with equivalent or better material;
- viii) Fence post spikes shall not be used as part of a replacement of posts used as part of a Swimming Pool Enclosure;
- ix) Every Swimming Pool Enclosure, and Temporary Enclosure, shall be maintained in such a manner and to such an extent as to ensure at all times maximum security and protection against entry to the Outdoor Swimming Pool by unauthorized Persons;
- x) Temporary Enclosures for Outdoor Swimming Pool, while under construction

- a) An Outdoor Swimming Pool, while under construction, shall be completely enclosed by a Temporary Enclosure as set out below, except where the permanent Swimming Pool Enclosure requirements have been satisfied;
- b) A Temporary Enclosure shall consist of a 1.2 metre high plastic mesh Fence having mesh openings not greater than 50 millimetres and supported by steel T- bar posts located a maximum of 2.4 metres apart or be constructed of material that will provide an equivalent or greater degree of safety and which has been approved by Chief Building Official;
- c) A Temporary Enclosure, such as snow fencing, must be in place from the start of construction, until Outdoor Swimming Pool is filled and operational. A Temporary Enclosure shall be in place for no more than sixty (60) days from the date of the issuance of a Swimming Pool Enclosure Permit. Failure to do so will result in the loss of the bond and action under Section 12.5.
- d) Once an Outdoor Swimming Pool is full and operational, a Fence must be Erected within sixty (60) days.

8.3 Fences as Swimming Pool Enclosures

- i) A Fence which forms a Swimming Pool Enclosure, or part thereof, shall be made of:
 - a) chain link construction;
 - b) vertical board construction;
 - c) wrought iron construction; or
 - d) of such other materials and construction that will provide an equivalent or greater degree of safety, as determined by the Chief Building Official.
- ii) A Fence of chain link construction shall:
 - a) have a mesh with openings not greater than 50 millimetres;
 - b) be constructed of wire not less than 12 gauge galvanized steel or if having a vinyl or other coating, not less than 14 gauge steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12 gauge galvanized steel wire;
 - c) be supported by galvanized or vinyl coated steel posts and shall be securely embedded and extend into the ground below Grade;
 - d) have top rails securely fastened to the upright posts, made of galvanized or vinyl coated steel pipe, and have at the bottom a galvanized or vinyl coated steel tension wire fastened securely to the upright posts.
- iii) A Fence of vertical board construction shall:
 - a) have vertical boards spaced no greater than 100 millimetres apart, and be arranged in such a pattern to discourage climbing.
 - b) be supported by posts and such posts shall not be spaced more than 2.5 metres apart. Such posts shall extend and securely embedded into the ground below Grade.
- iv) A Fence of wrought iron construction shall:
 - a) be of sufficient strength to provide an effective enclosure;
 - b) be supported by posts spaced not more than 2.5 metres apart and such posts shall be securely embedded and extend into the ground below Grade;
 - c) have vertical pickets that are spaced not more than 100 millimetres apart.

8.4 Gates and Entrances

- i) Gates or entrances which form a part of the Swimming Pool Enclosure shall be:
 - a) of construction and Height equivalent to or greater than that of the Swimming Pool Enclosure required by this By-law;
 - b) supported on substantial hinges;
 - c) Self-closing Device and Self-latching Device.
- ii) Where a double gate forms part of the Swimming Pool Enclosure, one (1) gate must be fixed and locked in the closed position, and the other gate is indicated above in section (i)

8.5 Above Ground Swimming Pool Enclosures

- i) For the purposes of this By-law, above-ground Outdoor Swimming Pools are considered to be the same as in-ground Outdoor Swimming Pools, and require the same Swimming Pool Enclosures, except as provided in Sections 8.5 ii) and below;
- ii) Above-ground Outdoor Swimming Pools may have an integrally constructed Fence as part of the required Swimming Pool Enclosure, provided that the exterior sides of the Outdoor Swimming Pool are at least 1.2 metres in Height;
- iii) Any gate or entrance to an above-ground Swimming Pool Enclosure shall be constructed in accordance with Section 8.4 of this By-law except where the Chief Building Official grants approval for an alternative that provides an equivalent or greater degree of safety and protection against entry by unauthorized Persons, subject to such conditions as the Chief Building Official considers appropriate;
- iv) Pool pump, filter and any other associated equipment must be a minimum of 2.0 meters from the pool wall to protection against entry by unauthorized Persons, if the Above-ground Outdoor Swimming Pool is an integrally constructed Fence as part of the required Swimming Pool Enclosure.

9.0 Hydro-Massage Pools

- i) Hydro-Massage pools shall not be located on or upon any road, road allowance or highway, alley or property owned by Town;
- ii) Hydro-Massage pools shall not be located within a front yard, or within an easement;
- iii) Hydro-Massage pools shall not be built closer than 1.2 metres to a side, exterior side or rear lot line, 7.6 metres to the rear lot line of a through lot;
- iv) Hydro-Massage Pools need not comply with requirements of Section 8 of this By-law, provided that when not in use, a secure cover of rigid material is placed over the entire opening to the Hydro-Massage Pool and is locked in place in order to prevent access by unauthorized Persons.

10.0 Outdoor Swimming Pools

- i) The required site plan for a Swimming Pool Enclosure shall contain the information in accordance with Section 8.1 and 8.2:
- ii) No permit for a Swimming Pool / Swimming Pool Enclosure shall be issued unless all applicable fee and deposit, as established by Council from time to time, have been paid in full;
- iii) Private outdoor swimming pools, may only be constructed and maintained as accessory uses to a dwelling:
- iv) Private outdoor swimming pools and associated equipment shall not be

located on or upon any road, road allowance or highway, alley or property owned by Town;

- v) Private outdoor swimming pools, aprons and associated equipment shall not be located within a front yard, or within an easement;
- vi) Private outdoor swimming pools shall not be built closer than 1.2 metres to a side, exterior side or rear lot line, 7.6 metres to the rear lot line of a through lot. All setbacks shall be measured from the swimming pool edge;
- vii) Private outdoor swimming pools shall not be built closer than 2.0 metres to main or accessory structure. All setbacks shall be measured from the swimming pool edge;
- viii) The concrete apron installed around an in-ground pool, must be no closer than 0.6 metres to a side, exterior side or rear lot line;

11.0 Variances

11.1 By-law Review Committee may, upon a request of any applicant or owner, authorize minor variance from this By-law if in the opinion of By-law Review Committee the general intent and purpose of this By-law are maintained, provided:

- i) An application fee in the amount of \$500.00 must be filed with the application and is non-refundable;
- ii) The requested variance shall be considered by the Committee, who may grant the variance in full or in part, place certain terms and conditions on the approval, or deny the variance.

11.2 The decision of the By-law Review Committee is Final, with no further opportunity for appeal.

12.0 Administration and Enforcement

12.1 This By-law shall be enforced by any Officer of the Town;

12.2 The application fee is as set out in the Town of LaSalle Building By-law 7739 and that a refundable deposit of \$200.00 is submitted for above ground pool and \$1000.00 deposit is submitted for in-ground pool. The deposit will be returned once the final inspection of the enclosure, drainage, grading of the property has been completed, and the works are to the satisfaction of the Chief Building Official and it has been less than one-year since the issuance of the Pool Enclosure Permit.

12.3 Inspections

- i) An Officer, and any Person under his or her direction, may enter on Land at any reasonable time without prior notice for the purpose of carrying out an inspection to determine whether the provisions of this By-law have been complied with;
- ii) For the purposes of an inspection, an Officer may:
 - a) Require the production of documents relevant to the inspection;
 - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies;
 - c) Require information from any Person concerning a matter related to the inspection;
 - d) Make examinations or take photographs necessary for the purposes of the inspection, alone or in conjunction with any Person possessing special or expert knowledge.

12.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty, which is authorized under this By-law.

12.5 Remedial Action

- i) If, in the opinion of an Officer, a Fence, Swimming Pool Enclosure or Hydro- Massage Pool, Outdoor Swimming Pool does not comply with the provisions of this By-law. The Officer or designate, shall provide a written Order to the Owner of the requirement to bring the Fence, Swimming Pool Enclosure or Hydro-Massage Pool, Outdoor Swimming Pool into compliance with the provisions of this By-law;
- ii) The Owner shall comply with the provisions of the Order within the time frame specified;
- iii) In the event that the Owner fails to comply with the Order given pursuant to a Section of this By-law. The Chief Building Official shall seize the refundable deposit and immediately cause the Fence or Swimming Pool Enclosure to be removed or brought into conformance with the provisions of this by- law at the expense of the Owner and such expense shall be recoverable by action or by adding the costs to the tax roll for the property and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act, S.O. 2001, as amended;
- iv) In the event an Owner places water or causes water to be placed in an Outdoor Swimming Pool, or allows water to remain therein, unless the Swimming Pool Enclosure is prescribed by this By-law is Erected and maintained in accordance, failure to comply with an Order to drain result in drainage of the Outdoor Swimming Pool by Town Officials at the full costs to the Owner;
- v) In the case of a Hydro-Massage Pool where an Owner fails to comply with the Order given pursuant to a Section of this by- law. The Chief Building Official may, in addition to any other remedy provided herein, remove or cause to be removed, all water from the Hydro-Massage Pool until such time as the required Pool Enclosure is erected or secure cover to the Hydro-Massage Pool is installed or maintained in accordance with the provisions of this By-law and such expense shall be recoverable by action or by adding the costs to the tax roll for the property and collecting them in the same manner as taxes in accordance with Section 446 of the *Municipal Act*, S.O. 2001, as amended.

12.6 Offence

Any Person who contravenes any provisions of this By-law is guilty of an offence.

12.7 Penalty

Every Person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, P. 33, as amended from time to time, or any replacement legislation.

12.8 Prohibition Order

Where a conviction is entered for a violation of this By-law, in addition to any other remedy and to any penalty imposed under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may make an order prohibiting the continuation or repetition of the offence by the Person convicted and requiring the Person convicted to correct the contravention.

12.9 Severability

Each provision of this By-law is independent of all other provisions, and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this By-law remain valid and enforceable.

13.0 Repeals and Effective Date

13.1 This By-law shall repeal By-law 5136 and By-law 5763, as well as any prior By-law that is inconsistent with the terms of this By-law is hereby repealed and void.

14.0 **Effective Date**

14.1 This By-law comes in full force and effect on the date of final passing thereof.

Read a first and second time and finally passed this 10th day of August, 2021.

1st Reading – August 10, 2021

2nd Reading – August 10, 2021

3rd Reading – August 10, 2021

Marc Bondy, Mayor

Linda Jean, Deputy Clerk