

The Corporation of the Town of LaSalle

By-law Number

~~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~~

~~Being a By-law to regulate Fences, Decks, Pools and Hydro-Massage Pools on Private Property within the Town of LaSalle and to repeal By-law 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 ("*Municipal Act*"), 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;

And whereas a permit is required to ensure Decks within the Corporation of the Town of LaSalle meet the minimum standards set out in the *Ontario Building Code Act, 1992, S.O. 1992, c.23 ("Ontario Building Code")*;

And Whereas Section 434.1(1) of the *Municipal Act* provides that without limiting sections 9, 10, and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality;

And whereas under Section 446(1) of the *Municipal Act* -where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

And whereas under Section 446(2) of the *Municipal Act*, a municipality may enter upon Land at any reasonable time for purposes of Section 446(1);

And whereas under Section 446(3) of the *Municipal Act* a municipality may recover the costs of doing a thing or matter under Section 446(1) from the person directed or required to do it and may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

And whereas under Section 446(6) of the *Municipal Act*, the amount of costs, including interest, owing for the matter or thing being done by the municipality constitutes a lien on the Land of the Owner upon registration of a Notice of the lien in the Land Registry Office;

And whereas the Council of the Town of LaSalle considers it desirable to enforce and seek compliance with this By-law;

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:

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“Chief Building Official” means the Chief Building Official for The Corporation of the Town of LaSalle as defined by the Ontario 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;:-

“Deck” means a platform made of wood, concrete or other similar material, which has a height greater than 0.6 metres above Grade, projecting from a building or freestanding, located in a rear Yard, side Yard, or exterior side Yard, and may not have a roof or be enclosed;

“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

- (a) 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 or, establishing a Lot Line or providing privacy; and
- (b) 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 such as, (e.g., chain-link, open picket, open rod iron style);:-

“Fence, Solid Type Construction” means a Fence constructed so that its vertical surface area is obstructed, preventing motorists and pedestrians from having a clear view through said Fence;

“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, Corner” 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;~~

“Lot Line” means the boundary lines of a defined Lot;:-

“Lot Line, Exterior Side” means a Lot Line other than a Front Lot Line 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 herein;:-

“Lot Line, Rear” means the Lot Line farthest from, and opposite to the Front Lot Line;:-

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“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 including the 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 ~~s~~Salvage ~~y~~Yard;:-

“Oversight Committee” means the body established by Council to oversee matters related to this Bby-law. If no such committee exists, Council will provide oversight;

“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-~~Towncapacity 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” means any structure, basin, chamber, or tank containing or capable of containing water that is designed to be used for swimming or wading, and:

- (a) has a depth of 0.6 metres or more, and 2500 litres;
- (b) includes a temporary or seasonal plastic or inflatable pools
- (c) is not completely enclosed inside a building;
- (d) is not a pond which is maintained for ornamental purposes only;
- (e) 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;
- (f) is not a Hydro-Massage Pool;
- (g) is not a naturally occurring stream, lake, swamp, or other natural body of water;:-
- (h) is not a storm water management pond;:-

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“**Swimming Pool Area**” means an ~~o~~**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 ~~S~~**swimming P**ool where water is in contact with a liner or other material creating the edge of any ~~S~~**swimming P**ool.~~;~~

“**Swimming Pool Enclosure**” ~~means a permanent Fence together with a Self-Latching Device and Self-Closing Device gate or entrance, which surrounds a Swimming Pool Area. Notwithstanding, the exterior side of an above-ground Swimming Pool greater than 1.2 metres high is included; means a permanent fence or wall exterior side of the Swimming Pool or combination of a fence and wall, together with Self-Latching Device and Self-Closing Device gates or entrances, which completely~~**means a permanent Fence together with a Self-Latching Device and Self-Closing Device gate or entrance, which surrounds a Swimming Pool Area. Notwithstanding, the exterior side of an above-ground Swimming Pool greater than 1.2 metres high is included;**~~;~~

“**Temporary Enclosure**” means a ~~t~~**Temporary e**nclosure used for the purpose of enclosing ~~an Outdoor~~**a** Swimming Pool during 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. No Person shall Erect, or maintain a Fence, Swimming Pool Enclosure, Hydro-Massage Pool, or Swimming Pool located within the Town, unless it is in accordance with this By-law and in a good state of repair~~

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

- (a) is Erected with the approval of the Town under an agreement;
- (b) is subject to regulation or a requirement of a public body, agency, utility or authority;
- (c) ~~has a~~ **has a** variance ~~is~~ granted under Section 12 of this By-law.

3.0 Existing Fences, ~~Decks,~~ Swimming Pool Enclosures, Hydro-Massage Pool, and Swimming Pool

3.1 Notwithstanding the provisions of this By-law, any Fence, ~~Decks,~~ Swimming Pool Enclosure, Hydro-Massage Pool or Swimming Pool that was lawfully Erected prior to the date on which this By-law comes into force, and maintained in a good state of repair, shall be deemed to be compliant with this By-law, 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, provided it is maintained in a good state of repair.

3.2 Existing decks built prior to this By-law coming into force will not require a permit.

4.0 General Provisions

4.1 No ~~P~~erson shall Erect a Fence, ~~Deck~~ or Swimming Pool Enclosure in the Town of ~~LaSalle~~ unless the Fence or Swimming Pool Enclosure is:

- (a) ~~s~~Stable;
- (b) ~~c~~Constructed of superior quality materials designed or intended for use in a permanent Fence, ~~Deck~~ or Swimming Pool Enclosure;
- (c) ~~n~~Not an obstruction to the visibility of pedestrians or motorists;
- (d) ~~m~~Maintained in good repair and free from unsightly markings, stains and defacements;
- (e) ~~m~~Maintained in a safe and structurally sound condition;
- (f) ~~f~~Free from accident hazards;
- (g) ~~p~~Protected by paint, preservative, or other weather resistant material, except for wooden ~~F~~fences made of cedar, redwood or treated wood;
- (h) ~~c~~Constructed in a way that cannot facilitate climbing as defined in the ~~Ontario Building Code~~.

5.0 Restrictions on Material

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

- (a) 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;
- (b) that is comprised of plastic sheets, tarps, sheet metal or corrugated metal panels, wood pallets, exterior or interior doors, or any other similar material;
- (c) in a manner that renders an existing Fence or Swimming Pool Enclosure into non-conformity with the requirements of this By-law;

~~5.2 Notwithstanding Section 5.1 above, a Fence comprised of barbed wire and/or an electric Fence is permitted on a farm, as set out in the Zoning By-law, which is used as part of an enclosure for the keeping of livestock, and the protection of livestock and crops from animals, provided the Fence meets all applicable Canadian standards.~~

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

~~(b) 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~~

~~(e) on a Non-Residential Property where it is required for the safety or protection of property, the Fence does not abut any Lands zoned Residential Property, Recreational property or institutional property 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.~~

~~Notwithstanding Section 5.1 above, a Fence comprised of barbed wire is permitted on a Non-residential Property where:~~

~~(a) it is required for the safety or protection of property;~~

~~(b) the Fence does not abut any Lands zoned residential property, recreational~~

property, or institutional property as set out in the Zoning By-law:

(c) the portion of the 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.

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, exclusive of posts,~~

6.2 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 ~~H~~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.

7.0 Fence and Swimming Pool Enclosure Requirements

7.1 ~~No Person shall Erect a Fence on any property within a Sight Visibility Triangle; No Person shall Erect a Fence or Swimming Pool Enclosure on any road, Road Allowance, highway, alley, or property owned by the Town, or within a Sight Visibility Triangle.~~

7.2 Height Restrictions ~~for-~~Residential Property or Agricultural Property~~Agricultural-Property~~

(a) No Person shall Erect a Fence in a Required Front Yard on a Residential Property or ~~a~~Agricultural~~p~~-Property that is greater than 1.2 metre in Height for an Open Type Construction Fence or, which Fence shall be of Open Construction or 0.6 metres for Solid Type Construction;

(b) No Person shall Erect a Fence or Swimming Pool Enclosure within 7.6 metres to the Rear Lot Line of a Through Lot Line on a Residential Property that is greater than 1.2 metre in Height for an Open Type Construction Fence or, which Fence shall be of Open Construction or 0.6 metres for Solid Type Construction;

~~(c)~~ (c) No Person shall Erect a Fence or Swimming Pool Enclosure in any other Yard on a Residential Property or ~~a~~Agricultural~~p~~Property that is greater than 2.13 metres in Height;

~~(c)~~ (d) If a retaining wall is constructed within 1.2 metres of a property line, the minimum Fence Height shall be 1.2 metres plus the height of the retaining wall or the minimum Fence Height of 1.2 metres to be installed on top of the retaining wall;

7.3 Height Restrictions ~~for-~~ Non-Residential Property

(a) 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, for Open Type Construction Fence or which Fence shall be of Open Construction or 0.6 metres for Solid Type Construction;

(b) 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 Notwithstanding sections 7.2 and 7.3, structural posts may exceed the prescribed Height restrictions to a maximum of 0.7 metres.

~~7.5~~ 7.5 A ~~Recreational~~-Fence may be Erected to enclose a tennis court or other recreational facility provided that it is an Open Type Construction Fence the Fence is of

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~~open construction (chain link or open mesh netting), is located no closer than 12.0 metres to side, exterior 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 Line. A recreational Fence does not include a Swimming Pool Enclosure.~~

~~7.6 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 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. No Person shall Erect a Fence in a commercial, employment and industrial zone, as set out in the Zoning By-law, unless:~~

- ~~(a) the Fence complies with Section 7.3 of this By-law;~~
- ~~(b) the Fence surrounding any Outdoor Storage Area, save and except for entrance and exit driveways, includes a visual screen in any Fence located in the side, exterior side, or rear Yard as identified in the site plan control approval.~~

~~7.7 No Person shall enclose a sports court unless:~~

- ~~(a) it is an Open Type Construction Fence;~~
- ~~(b) it is located no closer than 1 metres to the Exterior Side Lot Line and Rear Lot Line; and~~
- ~~(c) it is not located within a Required Front Yard or within 7.6 metres to the Rear Lot Line of a Through Lot Line.~~

8.0 Permits Swimming Pool Enclosure

~~8.1 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 permits from the Chief Building Official for the Swimming Pool Enclosure.~~

~~No Person shall excavate for or Erect, any Swimming Pool and/or Swimming Pool Enclosure without first obtaining a permit from the Chief Building Official for the Swimming Pool Enclosure;~~

~~8.38.2~~ 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 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 eSwimming Pool Enclosure and gates or entrances;
- (d) plans showing the location of all Swimming Pool equipment i.e., such as pool pump, heater, and filter; and;
- (e) plans showing the construction of Swimming Pool aprons, concrete surfaces and any Deck and guards in the case of an above-ground Outdoor Swimming Pool;
- (f) drainage plan must include 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 use, confirmation

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of the location of system, ~~such as the~~ (septic tank, tile field, etc.) and setback from any portion of the system in accordance with Provincial requirements.;

~~8.48.3~~ No permit for a Swimming Pool Enclosure shall be issued unless the application is following all applicable Federal and Provincial statutes, and regulations ~~thereunder~~, and ~~Municipal-Town~~ By-laws;

~~8.53.4~~ No permit for a Swimming Pool Enclosure shall be issued unless the applicable fee and deposit, as established by Council ~~from time to time~~ in the User Fees By-law, ~~have been~~ is paid in full;

~~8.63.5~~ ~~The Swimming Pool Enclosure Permit is to be completed including the inspections, within sixty (60) days of the issuance~~ The Swimming Pool Enclosure permit, including inspections, shall be completed within sixty (60) days of issuance. Failure to do so may result in the loss of the bond and/or action under Section ~~43~~12.5.

~~8.6~~ ~~General Enclosure Requirements~~ Every person who installs a Swimming Pool Enclosure shall comply with the following requirements.:

- (a) ~~The Owner of any Lands on which an Outdoor a Swimming Pool is located shall maintain the Swimming Pool Enclosure around the~~ The Swimming Pool Enclosure is maintained around the entire Swimming Pool Area, in accordance with the provisions of this By-law;
- (b) No Person shall place water, ~~or~~ cause water to be placed, or water to remain, in ~~a 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;
- (c) 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;
- (d) 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;
- (e) The maximum permitted space between the bottom of a Swimming Pool Enclosure and Grade is 100 millimetres;
- (f) ~~HA~~ All horizontal members shall not facilitate climbing as defined in the Ontario Building Code;
- (g) 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;
- (h) Fence post spikes shall not be used ~~as part of a~~ for replacement of posts ~~used as~~ for part of a Swimming Pool Enclosure;
- (i) Every Swimming Pool Enclosure, ~~and~~ Temporary Enclosure, shall be maintained in such a manner and ~~to such an extent as~~ to always ensure maximum security and protection against entry to the ~~Outdoor~~ Swimming Pool by unauthorized Persons;
- ~~(j) Temporary Enclosures for Swimming Pool, while under construction~~
- ~~(k)(i) While under construction, A a Outdoor Swimming Pool, while under construction, shall be completely enclosed by a Temporary Enclosure as set out below, except where~~ until the permanent Swimming Pool Enclosure requirements have been satisfied;
- ~~(k)~~ (k) 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;

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~~(m)(l)~~ A Temporary Enclosure, such as snow fencing, must be in place from the start of construction, until the Outdoor Swimming Pool is filled, ~~and~~ operational, ~~and has a permanent fence~~. Failure to do so may result in the loss of the bond and/or action under Section ~~42-5 13~~.

~~(n) Once an Outdoor Swimming Pool is full and operational, a Fence must be Erected within sixty (6) days.~~

9.08.7 Fencings as Swimming Pool Enclosures

~~9.18.8~~ 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.

~~8-9~~ 9.2 A Fence ~~constructed of chain link 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 the coating is~~ vinyl or ~~either another~~ coating, not less than 14-gauge steel wire covered with a vinyl or other approved coating ~~which would forming~~ 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.

~~8-10~~ 9.3 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 ~~from the exterior side~~;
- (b) be supported by posts and such posts shall not be spaced more than 2.5 metres apart. Such posts shall extend and ~~be~~ securely embedded into the ground below Grade.

~~8-11~~ 9.4 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.

10 ~~8-12~~ Gates and Entrances

~~(a)~~ 10.1 Every Person that installs ~~g~~Gates or entrances, which form a part of the Swimming Pool Enclosure, shall ~~ensure that be~~:

- ~~(i)~~ (a) ~~the be of~~ construction and Height ~~is~~ equivalent to or greater than that of the Swimming Pool Enclosure required by this By-law;
- ~~(ii)~~ (b) ~~it is be~~ supported on substantial hinges;

~~(iii)~~ (c) it will have a Self-Closing Device and Self-Latching Device.

~~(b)~~ 10.2 Where a Every Person that installs a double gate which forms part of the Swimming Pool Enclosure, shall have one (1) gate which must be fixed and locked in the closed position, while and the other gate must follow the provisions indicated above in Section 10.1 (a)(i).

~~(e)~~ 10.3 Every Person that has a gate which is too large for a Self-Closing Device or Self-Latching Device shall have the gate fixed and locked in a closed position.

8.4311 Above Ground Swimming Pool Enclosures

~~11.1 8.14 i) For the purpose of this By-law, above-ground Outdoor Swimming Pools are considered 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; No Person shall maintain an above-ground Swimming Pool without a Swimming Pool Enclosure unless:~~

~~11.2 (a) 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 Swimming Pool are at least 1.2 metres in height.~~

~~11.3 (b) a) Any gate or entrance to an above-ground Swimming Pool complies with Enclosure shall be constructed in accordance with Section 108.4 of this By-law except where the exception to approvals for alternative gates or entrances by the Chief Building Official, subject to their discretion and conditions, which 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.;~~

~~11.4 (c) the above-ground Swimming Pool pump, filter and any other associated equipment must be a minimum of 2.0 metres away from the exterior side of the above-ground Swimming Pool to safeguard 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.~~

912 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.~~

12.1 No Person shall have a Hydro-Massage Pool unless:

- (a) the Hydro-Massage Pool is an accessory use to a dwelling
- (b) the Hydro-Massage Pool is not located on or upon any road, Road Allowance ~~or highway~~, or property owned by Town
- (c) the Hydro-Massage pool is not located within a Required Front Yard, or within an easement
- (d) the Hydro-Massage Pool is not built closer than 0.6 metres to an Interior-Side Lot Line, Exterior Side Lot Line or Rear Lot Line, 8.2 metres to the Rear Lot Line of a Through Lot Line

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- (e) a locked and secure cover of rigid material is placed over the opening of the Hydro-Massage Pool to prevent access by unauthorized Persons.

103 Outdoor Swimming Pools

13.1 No Person shall install a Swimming Pool unless:

- (a) an application for a Swimming Pool permit is approved, and all fees and deposits as per the User Fees By-law, are paid in full;
- ~~(a)(b)~~ i) The required site plan for a Swimming Pool Enclosure shall contain the information in accordance with Section 8.1 and 8.2: a Swimming Pool Enclosure, meeting the standards of this By-law, is installed;
- ~~(b)~~ 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
- (c) ~~iii) Private outdoor the the swimming pools, is may only be~~ constructed and maintained as an accessory use to a dwelling;
- (d) ~~iv) the Private outdoor sSwimming pPools, Deck, aprons, or and~~ associated equipment shall not be located on or upon any easement, road, Road Allowance or highway, alley or property owned by the Town;
- (e) ~~v) the Private outdoor Sswimming pPool, aprons or and~~ associated equipment shall not be located within a Required Ffront Yyard or within an easement;
- (f) ~~vi) the Private outdoor Sswimming Ppools~~ shall not be built closer than 1.5 metres to a side, eExterior sSide Lot Line or Rrear lot line, 7.6 metres to the Rrear Llot Lline of a Tthrough lLot Line. All setbacks shall be measured from the Sswimming Ppool Eedge;
- (g) ~~vii) an~~ above ground Private outdoor Sswimming Ppools shall not be built closer than 2.0 metres to a main structure. All setbacks shall be measured from the Sswimming Ppool Eedge;
- (h) ~~viii) T~~he concrete patio and apron installed as part of an in-ground pool in ground Swimming Pool, must be no closer than 0.6 metres to a side, Exterior Side or Rear Lot Line.

14.0 Privacy Screen

14.1 No Person shall erect, cause to be erected, or permit a Privacy Screen in a rear yard or side yard unless:

- (a) the Privacy Screen is located at least 0.3 metres from any property line;
- (b) the Privacy Screen is a maximum height of 3.04 metres when erected at ground level;
- (c) the Privacy Screen does not exceed a total length of 10 metres;
- (d) each individual length of the Privacy Screen does not exceed 5 metres, with a minimum of 1 metre separating the individual lengths; and
- (e) the Privacy Screen does not obstruct the Sight Visibility Triangle.

14.2 In a rear yard or side yard, no Person shall erect, cause to be erected, or permit a Privacy Screen that is made of any material other than mesh, vinyl, polyester or a similar type of material.

15.0 Decks, Free-standing Decks and above-ground Swimming Pool Decks

15.1 No Person shall construct or Erect any Deck without first obtaining a building permit from the Chief Building Official.

15.2 An application for a building permit for a Deck shall contain the following

information:

- (a) The location of the property;
- (b) Plans showing the location of the Deck 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 Deck including, but not limited to, the type, Height, materials and location;
- (d) The drainage plan must include the location or relocation catch basin, the rear Yard drain system, proposed changes to Grades, retaining walls, surface, and sub-surface drainage;
- (e) Where a private sanitary sewage disposal system is in use, confirmation of the location of system (septic tank, tile field, etc.), and setback from any portion of the system in accordance with the Ontario Building Code.

15.3 No building permit for a Deck shall be issued unless

- (a) the building permit application follows the Ontario Building Code , and applicable Town By-laws;
- (b) all applicable fees and deposits, as established in the User Fee By-law, is paid in full.

15.4 The building permit for the Deck shall be completed, including the inspections, within sixty (60) days of the issuance. Failure to do so may result in the loss of the bond and/or action under Section 16.

15.5 No Person shall construct, permit to be constructed, or have a Deck unless:

- (a) the Deck is constructed and maintained as an accessory use to a permitted structure;
- (b) the Deck shall not be located on or upon any easement, road, Road Allowance or highway, or property owned by Town;
- (c) the Deck shall not be located within a Required Front Yard;
- (d) the Deck is not built closer than 1.2 metres to an Interior Side Lot Line, except when permitted closer and constructed between interior units of a semi-detached or town house dwelling, a zero-Lot Line is permitted;
- (e) the Deck is not built closer than 2.5 metres to an Exterior Side Lot Line, 2.5 metres to Rear Lot Line, and 7.6 metres to the Rear Lot Line of a Through Lot Line;
- (f) the Deck is not built higher than the first-floor elevation of the associated dwelling;
- (g) the free-standing Deck is not built higher than 0.6 metres above the finished Grade of the property;
- (h) An above-ground Swimming Pool Deck is not built higher than the Swimming Pool.

162.0 Variances

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

- i) (a) that a non-refundable application fee in the amount of \$500.00, as per the User Fee By-law, must be filed with the application and is non-refundable; and
- ii) (b) the Oversight Committee is able to place certain conditions or terms on the variance. The requested variance shall be considered by the Oversight Committee, who may grant the

~~variance in full or in part, place certain terms and conditions on the approval, or deny the variance.~~

~~162.2 The Oversight Committee has the ability to approve or deny requests. The decision of the Oversight Committee By-law Review Committee is final, with no further opportunity for an appeal process.~~

173.0 Administration and Enforcement and Penalties

~~137.1 No Person shall interfere with, hinder or impede, or attempt to interfere, hinder or impede an Officer in the performance of any duty authorized by this By-law or by Provincial legislation.~~

~~17.2 An Officer may enter upon Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are in compliance and to enforce and carry out the provisions of this By-law or any direction or order issued pursuant to the *Municipal Act* or this By-law.~~

~~17.3 If the Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person, Owner or occupier of the Land who contravened the By-law or who caused or permitted the contravention to:~~

- ~~(a) discontinue the contravening activity; or~~
- ~~(b) do work to correct the contravention.~~

~~17.4 An order under section 16.3 may include, but is not limited to:~~

- ~~(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred; and~~
- ~~(b) the date by which there must be compliance with the order.~~

~~17.5 An order under section 16.3 of this By-law shall be served to the Owner or any Person the Officer determines to be an interested party. Service of an order shall be deemed to be served by:~~

- ~~(a) delivering the order personally to the Owner or interested party;~~
- ~~(b) sending the order by registered mail, which will have been deemed delivered upon the third (3) day of mailing;~~
- ~~(c) by posting the order at the property.~~

~~17.6 In default of any work directed or required by the Town under this section being done by the Person directed or required to do it, the matter or thing shall be done at the Person's expense.~~

~~17.7 Where the Town or any authorized agent on behalf of the Town has performed the work required to bring about compliance with the By-law, the Town may recover the cost of doing the matter or by action or by adding the costs to the tax roll and collecting in the same manner as property taxes.~~

~~17.8 The Town may register a Notice of Lien against the property for the cost of completing the matter set out in the order, which notice shall constitute a lien upon the Owner's property once registered in the Land Registry Office.~~

~~17.9 Every Person who contravenes any of the provisions of this By-law may be charged with an offence under the *Provincial Offences Act*, R.S.O 1990, Chapter P.33. ("*Provincial Offences Act*"). Upon conviction the Person is liable to a fine or penalty.~~

~~17.10 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the *Provincial Offences Act*.~~

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~~17.11 Any Person who contravenes a provision of this By-law may be liable to pay an Administrative Penalty in accordance with the Town's Administrative Penalty By-law.~~

~~17.12 If a Person is issued an Administrative Penalty in respect of a contravention of this By-law, the Person shall not be charged under the *Provincial Offence Act* with an offence in respect to the same contravention.~~

~~17.12 In the event payment is not received, the fees and penalties will constitute a debt to the Town. The cost will be collected in accordance Subsection 398(2) of the *Municipal Act*, by which the Town's treasurer, or delegate, may add unpaid fees, charges and/or fines issued under this By-law to the tax roll and collect them in the same manner as property taxes.~~

~~16.9 Every Person who contravenes any of the provisions of this By-law may be charged with an offence under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33. (*"Provincial Offences Act"*). Upon conviction the Person is liable to a fine or penalty.~~

~~16.10 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the *Provincial Offences Act*.~~

~~16.11 Any Person who contravenes a provision of this By-law may be liable to pay an Administrative Penalty in accordance with the Town's Administrative Penalty By-law.~~

~~16.12 If a Person is issued an Administrative Penalty in respect of a contravention of this By-law, the Person shall not be charged under the *Provincial Offence Act* with an offence in respect to the same contravention.~~

~~16.12 In the event payment is not received, the fees and penalties will constitute a debt to the Town. The cost will be collected in accordance Subsection 398(2) of the *Municipal Act, 2001*, by which the treasurer, or delegate, may add unpaid fees, charges and/or fines issued under this By-law to the tax roll and collect them in the same manner as property taxes.~~

~~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.~~

18.0 Severability

18.1 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.

19.0 Repeals and Effective Date

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19.1 This By-law shall repeal By-law ~~5136 and By-law 5763-8594~~, as well as any prior By-law that is inconsistent with the terms of this By-law is also hereby repealed and void.

20.0 Effective Date

20.1 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 ~~th~~ day of **, 20243.

1st Reading – ** **, 2024

2nd Reading – ** **, 2024

3rd Reading – ** **, 2024

Mayor

Clerk