

The Corporation of the Town of LaSalle

By-law Number 8946

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* 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* 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:

“**Chief Building Official**” means the Chief Building Official for The Corporation of the Town of LaSalle as defined by the *Ontario Building Code*, and/or his or her designate;

“**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" has a corresponding meaning;

“Fence” means

- (a) a railing, wall, wire, gate, boards, pickets, brick, stone, cement, masonry, or any other similar materials or combination thereof, used for the purposes of enclosing or dividing, in whole or in part, a Yard or Lot or establishing a Lot Line; and
- (b) includes a wall that is not an integral part of a building, but does not include an arbor, 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 a 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 defined herein;

“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 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 salvage yard;

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

“Owner” includes the registered Owner of any property, the Person 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 capacity as a trustee, executor, public administrator, or other legal representative;

“Privacy Screen” means a visual barrier to shield any part of a rear or side yard from view from any adjacent yard, parcel of land, or highway but excludes a building, fence, or hedge;

“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;

“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;

“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 together with a Self-Latching Device and Self-Closing Device gate or entrance, which surrounds a Swimming Pool Area. Notwithstanding the above, the exterior side of an above-ground Swimming Pool greater than 1.2 metres high is included;

“Temporary Enclosure” means a Temporary Enclosure used for the purpose of enclosing 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 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 variance granted under Section 12 of this By-law.

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

3.1 Notwithstanding the provisions of this By-law, any Fence, 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.

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 Person shall Erect a Fence or Swimming Pool Enclosure in the Town unless the Fence or Swimming Pool Enclosure is:

- (a) stable;
- (b) constructed of superior quality materials designed or intended for use in a permanent Fence or Swimming Pool Enclosure;
- (c) not an obstruction to the visibility of pedestrians or motorists;
- (d) maintained in good repair and free from unsightly markings, stains, and defacements;
- (e) maintained in a safe and structurally sound condition;
- (f) free from accident hazards;
- (g) protected by paint, preservative, or other weather resistant material, except for wooden Fences made of cedar, redwood or treated wood;
- (h) 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.

5.3 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 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 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 or Swimming Pool Enclosure on any road, Road Allowance, alley, or property owned by the Town, or within a Sight Visibility Triangle.

7.2 Height Restrictions for Residential Property or Agricultural Property

- (a) No Person shall Erect a Fence in a Required Front Yard on a Residential Property or agricultural property that is greater than 1.2 metres in Height for an Open Type Construction Fence 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 0.6 metres for Solid Type Construction;
- (c) No Person shall Erect a Fence or Swimming Pool Enclosure in any other Yard on a Residential Property or agricultural property that is greater than 2.13 metres in Height;
- (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 metres in Height, for Open Type Construction Fence 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 No Person shall enclose a sports court unless:

- (a) it is an Open Type Construction Fence;
- (b) it is located no closer than 1 metre 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.

7.6 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.

8.0 Permits Swimming Pool Enclosure

8.1 No Person shall excavate for or Erect any Swimming Pool and Swimming Pool Enclosure without first obtaining permits from the Chief Building Official.

8.2 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 Swimming Pool Enclosure and gates or entrances;
- (d) Plans showing the location of all Swimming Pool equipment such as pool pump, heater, and filter;
- (e) Plans showing the construction of Swimming Pool aprons, concrete surfaces and any Deck and guards in the case of an above-ground 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 of the location of system such as the septic tank, tile field, and setback from any portion of the system in accordance with Provincial requirements.

8.3 No permit for a Swimming Pool Enclosure shall be issued unless the application follows all applicable Federal and Provincial statutes and regulations, and Town By-laws;

8.4 No permit for a Swimming Pool Enclosure shall be issued unless the applicable fee and deposit, as established by Council in the User Fees By-law, is paid in full.

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

8.6 Every Person who installs a Swimming Pool Enclosure shall comply with the following requirements:

- (a) 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, cause water to be placed, or water to remain in a Swimming Pool 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 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) 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 for replacement of posts for part of a Swimming Pool Enclosure;
- (i) Every Swimming Pool Enclosure or Temporary Enclosure shall be maintained in such a manner and extent to ensure maximum security and protection against entry to the Swimming Pool by unauthorized Persons;
- (j) While under construction, a Swimming Pool shall be completely enclosed by a Temporary Enclosure until the permanent Swimming Pool Enclosure requirements have been satisfied;
- (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;
- (l) A Temporary Enclosure must be in place from the start of construction until the Outdoor Swimming Pool is filled, operational, and has a permanent Fence. Failure to do so may result in the loss of the bond and/or action under Section 13.

9.0 Fencing as Swimming Pool Enclosures

9.1 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.

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

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.

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 no more than 2.5 metres apart, be securely embedded, and extend into the ground below Grade;
- (c) have vertical pickets that are spaced not more than 100 millimetres apart.

10.0 Gates and Entrances

10.1 Every Person that installs gates or entrances, which form part of the Swimming Pool Enclosure, shall ensure that:

- (a) the construction and Height is equivalent to or greater than that of the Swimming Pool Enclosure required by this By-law;
- (b) it is supported on substantial hinges; and
- (c) it will have a Self-Closing Device and Self-Latching Device.

10.2 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 the other gate must follow the provisions indicated above in Section 10.1 (a).

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.

11.0 Above Ground Swimming Pool Enclosures

11.1 No Person shall maintain an above-ground Swimming Pool without a Swimming Pool Enclosure unless:

- (a) the exterior sides of the Swimming Pool are at least 1.2 metres high;
- (b) any gate or entrance for an above-ground Swimming Pool complies with Section 10 of this By-law with the exception to approvals for alternative gates or entrances by the Chief Building Official, subject to their discretion and conditions, which provide an equivalent or greater degree of safety against entry by unauthorized Persons;
- (c) the above-ground Swimming Pool pump, filter, and all other necessary equipment are a minimum of 2.0 metres away from the exterior side of the above-ground Swimming Pool to safeguard against entry of unauthorized Persons.

12.0 Hydro-Massage Pools

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 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
- (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.

13.0 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;
- (b) a Swimming Pool Enclosure, meeting the standards of this By-law, is installed;
- (c) the Swimming Pool is constructed and maintained as an accessory use to a dwelling;
- (d) the Swimming Pool, aprons, or associated equipment are not located on or upon any easement, road, Road Allowance, alley or property owned by the Town;
- (e) the Swimming Pool, aprons or associated equipment are not located within a Required Front Yard or within an easement;
- (f) the Swimming Pool is not built closer than 1.5 metres to an Interior Side Lot Line, Exterior Side Lot Line or Rear lot line, 7.6 metres to the Rear Lot Line of a Through Lot Line. All setbacks shall be measured from the Swimming Pool Edge;
- (g) the Swimming Pool is not built closer than 2.0 metres to a main structure. All setbacks shall be measured from the Swimming Pool Edge;
- (h) the concrete patio or apron installed as part of an in-ground Swimming Pool is no closer than 0.6 metres to the Interior Side Lot Line, Exterior Side Lot Line 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 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 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, where 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) A 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.

16.0 Variances

16.1 The Oversight Committee may, upon request from an applicant or owner, authorize a minor variance from this By-law if it is the opinion of the Oversight Committee that the general intent and purpose of this By-law is maintained, provided:

- (a) that a non-refundable application fee in the amount of \$500.00, as per the User Fee By-law, is filed with the application; and
- (b) the Oversight Committee places certain conditions or terms on the variance at their discretion.

16.2 The Oversight Committee has the ability to approve or deny requests. The decision of the Oversight Committee is final, with no further opportunity for an appeal.

17.0 Enforcement and Penalties

17.1 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 of the By-law to:

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

17.4 An order issued under this By-law 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 issued under 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) posting the order at the property.

17.6 In default of any work directed or required by the Town under this By-law being done by the Person directed or required to do so, 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 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*.

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.

17.13 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.

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

19.1 This By-law shall repeal By-law 8594. 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 10th day of December, 2024.

1st Reading – December 10, 2024

2nd Reading – December 10, 2024

3rd Reading – December 10, 2024

Mayor

Clerk