

**THE CORPORATION OF THE TOWNSHIP
OF DRUMMOND/NORTH ELMSLEY**

BY-LAW NO. 2026-030

SWIMMING POOL BY-LAW

BEING a By-law regulating the enclosure and location of privately owned outdoor pools.

WHEREAS, Section 11(1) of the *Municipal Act 2001* S.O. 2001 c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS, Section 11(2)(6) of the *Municipal Act 2001* S.O. 2001 c.25, as amended, provides that a municipality may pass by-laws 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, authorizes a municipality to pass a bylaw with respect to structures, including fences and signs;

AND WHEREAS, Section 446(1) and (3) of the *Municipal Act 2001* S.O. 2001 c.25, as amended, authorizes a municipality to direct or require a person to do a matter or thing under a by-law the municipality may 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 the municipality may recover the costs of doing a matter or thing under subsection from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Township of Drummond / North Elmsley enacts as follows:

1. DEFINITIONS

In this By-law the following definitions shall apply:

- 1.1 **"Above-Ground Pool"** means a pool installed entirely on or above established grade;
- 1.2 **"Below-Ground Pool"** means a pool installed entirely below grade with no more than 150mm (6in) above established grade;
- 1.3 **"By-law Enforcement Officer"** means a By-law Enforcement Officer appointed by the Corporation of the Township of Drummond North Elmsley;
- 1.4 **"Chief Building Official"** means the Chief Building Official appointed by the Corporation of the Township of Drummond North Elmsley;

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- 1.5 **"Enclosure"** means any combination of fence, wall or other structure, including gates, surrounding a pool to restrict access thereto;
- 1.6 **"Established Grade"** means the elevation of the finished surfaces immediately surrounding the outside of the enclosure;
- 1.7 **"Hybrid-Pool"** means a pool that is constructed partially above and below the established grade;
- 1.8 **"Owner"** includes a lessee or tenant in possession of property on which a pool is located;
- 1.9 **"Permit"** means permission or authorization in writing from the Chief Building Official to erect enclosures and placement of pools as regulated by this By-law;
- 1.10 **"Person"** means an individual, firm, corporation, association or partnership but does not include the Township of Drummond/North Elmsley;
- 1.11 **"Pool"** means a residential privately owned outdoor pool of water for swimming, bathing, wading or reflecting which is capable of retaining a water depth equal to or greater the 600 mm (24") at any point and includes above-ground, below-ground and hybrid-pools;

2. GENERAL REGULATIONS

- 2.1 No Person shall install, erect, construct or in other manner place a pool except in accordance with the provisions of this By-law
- 2.2 Every owner of a privately-owned outdoor pool shall erect and maintain an enclosure surrounding the entire pool area to make such body of water not readily accessible according to the provisions of this By-law.
- 2.3 No person shall place more than 24" of water in a pool unless the prescribed or temporary enclosures have been erected in accordance with the provisions of this By-law.
- 2.4 The By-law Enforcement Officer at any reasonable time may enter upon any lands where a Pool Permit has been applied for, that a pool has been installed, or where any pool is being installed for the purpose of inspection to ensure that compliance with the provisions of the by-law.

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3. PERMIT REQUIREMENTS

- 3.1 No person shall construct or place a pool on his or her property without first obtaining a pool permit.
- 3.2 Despite Section 3.1, a permit is not required in the case of a pool which has been dismantled and is being reconstructed in the same position and the same manner in which it was previously located provided that:
 - (a) a permit was obtained for the original installation, and
 - (b) the reinstallation meets the requirements of all currently applicable By-laws.

4. APPLICATION FOR A PERMIT – PLANS, SPECIFICATIONS & INFORMATION

- 4.1 To obtain a permit the owner shall file an application either electronically or in writing on the approved prescribed pool permit application form.
- 4.2 The fee for the pool permit shall be the amount set out in the Township's most current Tariff of Fees By-law.
- 4.3 Except as otherwise permitted by the Chief Building Official, every application shall include:
 - (a) Site address, name, e-mail and telephone numbers of the owner and the contractor performing the work,
 - (b) a site-plan that will identify the location of the pool, the dwelling, any pool equipment, the well and septic bed location and distance from the pool to each property line of the property;
 - (c) the dimensions of the pool being installed including the diameter or length, width, and depth as well as height above grade if applicable;
 - (d) details including the material and height of the proposed enclosure to be installed around the pool and the gate location(s) in the enclosure
 - (e) if a deck larger than 10m² (108ft²) is proposed to serve the pool an accompanying building permit application with construction details is required
- 4.4 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed work will comply with this By-law and any other applicable law.

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- 4.5 The Chief Building Official may revoke a permit issued,
- (a) if it was issued on mistaken, false or incorrect information;
 - (b) if, after six (6) months after its issuance, the construction in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced; or
 - (c) if it was issued in error.

5. POOL ENCLOSURES AND EQUIPMENT LOCATION

- 5.1 Every above ground pool, below ground pool, hybrid-pool or any other pool shall be provided with an enclosure that meets the following criteria:
- (a) have a minimum height of 1.2 meters (4 feet);
 - (b) shall be of a close boarded, chain link or other approved design, to reasonably deter children from climbing to gain access to the enclosed area;
 - (c) shall have no openings under or in the enclosure that are greater than 100mm (4in) in diameter;
 - (d) gates shall be such that they provide protection equivalent to the approved enclosure and shall be equipped with a self-closing and self-latching device located at the top and inside of the gate; and
 - (e) shall contain no barbed wire or device to apply an electrical current
 - (f) shall be lockable.
 - (g) a temporary fence shall be erected during installation of the pool. It is the applicants responsibility to ensure safety during installation
- 5.2 Section 5.1 does not apply to above-ground pools that meet the following criteria:
- (a) the pool has a sidewall height of at least 1.2m (4ft) above established grade;
 - (b) sidewalls are smooth and have no horizontal projections of any type on the exterior of the pool side that will facilitate climbing;
 - (c) no pool equipment or other climbable surface above established grade located within 1.2m (4ft) of the sidewall of the above-ground pool and;
 - (d) is provided with a removable ladder or a ladder that can be locked in a non-climbable or upright position when the pool is not in use
- 5.3 An adjacent deck that is within 1.2m (4ft) of the pool must meet the enclosure requirements.

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6. GENERAL POOL REQUIREMENTS

- 6.1 Every owner of every pool shall ensure that all entrances to the pool area, including gates, doors and windows are kept locked at all times except when a responsible adult is supervising the use of the pool.
- 6.2 All pools will be required to meet the requirements in the Zoning By-Law including lot lines setbacks and set-back requirements from municipal drains, natural water courses, waterbodies, and environmental protection zones (EP) as any accessory structure.
- 6.3 All electrical components and equipment appurtenant to a pool shall require a certificate of inspection by the Electrical Safety Authority.

7. ENFORCEMENT

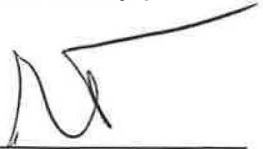
- 7.1 When an enclosure is not erected or maintained, in accordance with the provisions of this By-law, the Chief Building Official shall send a notice by registered mail or by hand to the owner of the land on which the pool is located, at his or her last known address requiring him or her to make the enclosure conform to the requirements of this By-law and the notice shall specify the time allowed for compliance.
- 7.2 Where the Chief Building Official pursuant to Section 7.1 has sent a notice, and the requirements of the notice have not been complied with, the Council may cause the work to be done, and the cost of the work shall be at the expense of the owner.

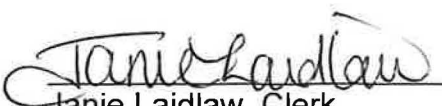
8. BY-LAWS REPEALED

- 8.1 By-law 2019-017 is hereby repealed.
- 8.2 All By-laws or parts thereof and resolutions passed prior to this By-law which are in contravention of any terms of this By-law are hereby rescinded.

THAT, this by-law shall come into force and effect as of the 30th day of June 2026.

By-Law read and finally passed this 23rd day of June 2026.


Steve Fournier, Reeve


Janie Laidlaw, Clerk