

**THE CORPORATION OF HALDIMAND COUNTY**  
**By-law No. 1121/10**

**Being a by-law to amend By-law 989/09 to provide set fines regarding the regulation of fencing of privately owned outdoor swimming pools.**

**WHEREAS** Section 10(1) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, (“the Act”) provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**WHEREAS** Section 444 of the Act provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and that any person who contravenes such an order is guilty of an offence;

**WHEREAS** Section 445 of the Act, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this or any other Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention, and that any person who contravenes such an order is guilty of an offence;

**AND WHEREAS** it is deemed necessary and expedient to amend by-law 989/09 requiring the owners of privately owned outdoor swimming pools to erect and maintain enclosures and gates around such swimming pools and for prescribing the height and description of, and the manner of erecting and maintaining such enclosures and gates, to set fines for the enforcement of such by-law;

**NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:**

1. **THAT By-law 989/09 PART XIII – ENFORCEMENT** is hereby amended with the addition of the following:
  60. For contravention of sections of this by-law for which a short form wording is provided in Column 2 of Schedule “A” (where Column 3 is the corresponding Section reference), an authorized by-law enforcement officer or other agent as appointed by Council may issue an Offence Notice (in accordance with Section 3 of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33) with the associated fine value shown in Column 4 of the Schedule. The Offence Notice shall be in the form as prescribed in Ontario Regulations made under the *Provincial Offences Act*.
2. **THAT** By-law 989/09 be further amended with the addition of “Schedule “A” attached hereto, providing for short form wording and set fines.
3. **THAT** the affected Sections within By-law 989/09 be renumbered respectively.
4. **THAT** this By-law shall take precedence over any by-law with which it is inconsistent.
5. **AND THAT** this By-law shall come into force and take full effect on the date of passing.

READ a first and second time this 30<sup>th</sup> day of August, 2010.

READ a third time and finally passed this 30<sup>th</sup> day of August, 2010.

---

MAYOR

---

ACTING CLERK

**Schedule 'A'**  
**To By-law 989/09**  
**SET FINES**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>COLUMN 4</b>
<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Erect a swimming pool without obtaining a permit	Section 8	\$150.00
2	Construct a swimming pool without obtaining a permit	Section 8	\$150.00
3	Placement of a swimming pool without obtaining a permit	Section 8	\$150.00
4	Failure to erect an enclosure surrounding swimming pool	Section 9	\$150.00
5	Failure to maintain an enclosure in compliance with by-law	Section 10	\$150.00
6	Failure to ensure door is locked when pool not in use	Section 14	\$150.00
7	Failure to erect temporary fencing	Section 16	\$150.00
8	Failure to erect an enclosure with minimum height of 1.2 metres	Section 18	\$150.00
9	Failure to ensure no attachments or bracing on exterior of enclosure within height of 1.2 metres that may facilitate climbing	Section 20	\$150.00
10	Failure to close gate when outdoor swimming pool not in use	Section 46(d)	\$150.00
11	Failure to lock gate when outdoor swimming pool not in use	Section 46(d)	\$150.00