



Permits required for outdoor swimming pool enclosures

Fact Sheet – By-law No 2012-119

This fact sheet speaks to the information in By-law no 2012-119 that pertains to the requirement for owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools.

1. What is the definition of a “privately-owned outdoor swimming pool”?

- a) A Privately-owned outdoor swimming pool shall include, but is not limited to permanent pools, temporary pools, hot tubs, whirlpools, Jacuzzis, spas, and any other similar device, or any body of water in or above the ground located on privately- owned property, contained in part or in whole by artificial means, in which the depth of water at any point exceeds or is capable of exceeding 50 centimetres and is used or is capable of being used for swimming, wading or bathing.

2. What do I need to do before I install a privately-owned outdoor swimming pool?

- a) You must obtain a swimming pool enclosure permit from the Township of Uxbridge.
- b) The swimming pool enclosure must comply with the provisions of By-law No 2012-119 as well as any other relevant by-laws and/or legislation.
- c) All the work on the enclosure and the final enclosure inspection must be completed within six (6) months from when the permit was issued. Otherwise, a new permit will be required.

3. What do I need to do if I have an ornamental pond?

- a) If your ornamental pond exceeds or is capable of exceeding 50 centimetres in depth you must obtain a swimming pool enclosure permit.

4. Are there any exemptions where I will not require a permit under this by-law?

- a) Privately-owned outdoor pools known as “hot tubs”, “whirlpools” and ‘spa’s” do not need to comply with the enclosure requirements noted in By-law No 2012-119

provided that a cover, capable of holding 90.72kg is provided by the Owner and is not less than 5 centimeters thick constructed of a durable material that is permanently fixed and secured to the structure to prevent access with the structure is not in use.

5. How do I apply for a pool enclosure permit?

- a) Each application for a pool enclosure permit shall be submitted through [Cloudpermit](#).
- b) Once you have submitted your permit application, you may request an inspection through the [Cloudpermit](#) portal.

6. Design criteria

- a) Every owner of a privately-owned outdoor swimming pool shall erect and maintain an enclosure that is completely around the swimming pool.
- b) Owners shall not alter the natural grading and drainage swales of their property. The responsibility is solely that of the property owner to assess.
- c) No Site alteration shall take place within 60 centimetres of any property line.
- d) The enclosure:
 - i. Shall extend from the ground to a height, measure on the outside of the enclosure, of not less than 1.2 metres above ground, include gates.
 - ii. The fence may not be more than 1.2 metres above grade in a front yard or more than 2 metres above grade in a side yard or rear yard on a residential property, unless approved by the Township.
 - iii. Shall be constructed of:
 - i. Chain-link not greater than 40 millimeters diamond mesh, and galvanized steel wire not less than 2.680 millimetres diameter (11 gauge); or
 - ii. Vertical board on board attached to supporting members, all of which shall be arranged in a manner so as to not facilitate climbing from the exterior; or
 - iii. Wrought iron fencing with at least 1 metre between horizontal members and with no greater than 10 centimetres of spacing between vertical bars; and
 - iv. Vertical structural posts encased in a minimum of 50 millimetres of concrete from grade to a minimum of 60 centimetres below grade; such posts to be spaced not more than 3 metres apart; and

- v. A combination thereof as provided in this by-law, or such other material design or construction as will provide an equivalent degree of safety, and which is approved in writing by the issuance of a swimming pool enclosure permit.
- vi. No entrance to the building shall be located within the pool enclosure unless the entrance is set back a minimum distance of 1.2 metres from the water's edge of the swimming pool.
- vii. When a wall of a building forms part of such pool enclosure, the principal entrance to the building shall not be located within the pool enclosure.
- viii. May incorporate one or more gates of equivalent material and construction as the swimming pool enclosure and every such gate shall be not less than 1.2 meters in height, be supported on substantial hinges, be self-closing and equipped with self-latching devices placed on the insides of the gate at or near the top; such gates shall be closed at all times when a responsible person is not present and supervising the privately-owned outdoor swimming pool.
- ix. Shall be located no less than 1.2 metres from the water's edge and in the case of an above ground systems pool with a deck and a fence forming part of the systems, waters edge shall be no closer than 50 centimetres to the fence portion of the system.
- x. Shall have no rails of other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.

7. What is the requirement for an enclosure during the construction of my privately owned outdoor swimming pool?

- a) No person shall place water in or cause or permit water to be placed in the privately-owned outdoor swimming pool or allow water to remain therein, until such time as the swimming pool enclosure has been erected completely around the swimming pool.
- b) Whereby reason of the nature of construction of a privately-owned swimming pool, it is necessary to fill the pool during construction, the owner shall erect and maintain a temporary fence not less than 1.2 metres in height and not less than 1.2 metres from the waters edge that is completely around the pool until construction is completed and upon completion of such construction, the owner shall immediately replace the temporary fence with a permanent fence in accordance with the By-law No 2012-119.
- c) Whereby reason of the nature of construction of a privately-owned swimming pool, it is necessary to excavate a hole in which the depth of the hole at any point exceeds

or is capable of exceeding 50 centimetres during the construction of the pool, the owner shall erect and maintain a temporary fence not less than 1.2 metres in height and not less than 1.2 metres from the holes edge that is completely around the pool until construction is completed and upon completion of such construction, the owner shall immediately replace the temporary fence with a permanent fence in accordance with the [By-law No 2012-119](#).

8. Additional information

- a) Complete information regarding the enclosure by-law may be found in [By-law No 2012-119](#). You may also contact the [Development Services Department](#) for additional information.
- b) In the event of a conflict or inconsistency between the above information and the information within [By-law No 2012-119](#), the By-law takes precedent.
- c) If there is a conflict between a provision in [By-law No 2012-119](#) and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.