

# TOWNSHIP OF TAY

## Building Division

450 Park Street, P.O. Box 100, Victoria Harbour, Ontario. L0K 2A0  
Phone (705) 534-7248 Fax (705) 534-4493



## SWIMMING POOL FENCE INFORMATION

### Permits

Homeowners are responsible for obtaining a permit to erect a swimming pool fence prior to the installation or construction of any pool capable of containing more than 18 inches of water.

Separate permits are also required for any decks greater than 108 square feet in area or accessory buildings (sheds) greater than 161 square feet.

Swimming pool fence permit fees are as per the current fee By-Law.

The Electrical Safety Authority may also require a permit for any proposed electrical work such as wiring for pumps, lights and heaters. They may be reached at 1-877-372-7233.

### Application

Homeowners are required to provide a site plan showing the location of the swimming pool in relation to property lines and other structures including sewage systems. We have included information on site plans in this guide to assist you with this.

### Construction

Swimming pool fences are to be constructed to comply with the Township's Swimming Pool Fence By-law and also abide by the Township's Water Use By-Law.

Care should be taken during construction to secure the site from entry, especially from young children. A temporary fence such as a snow-fence is permitted for this purpose.

The Swimming Pool By-law allows for chain link, vertical wood and other types of fencing such as deck guards. Please note that when a guard (railing) is required by the Ontario Building Code, (when the difference in elevation between the grade and deck exceeds 24 inches) the requirements of 9.8.8. and SB-7 of the Ontario Building Code apply.

The location of a swimming pool shall conform to the Township of Tay's Zoning By-law.

**Call for an inspection at 705-534-7248, ext. 220, when the swimming pool fence has been completed or at any stage if clarification is necessary.**

### Post-Construction

Property owners are required to maintain the swimming pool fence, gates, etc. in accordance with the By-law.

Swimming pool fences may be repaired without a permit, however when a pool fence is being replaced, a permit is required.

As well as an application, we have included a copy of the Swimming Pool By-law and the Water Use By-law. It includes the specific construction requirements for fences and gates and the Owner's responsibilities.



# Swimming Pool Site Plan

## Swimming Pool Fence By-law No. 2006-23 as amended Site Plan Requirements – Re: Township of Tay Zoning By-law 2000-57 as amended

Photocopy of survey or hand draw sketch indicating:

- Full property boundary with dimensions and lot area.
- Size and location of dwelling and any accessory structures.
- Size and location of swimming pool and any swimming pool deck (include setbacks from lot lines).
- Location of sewage system and distance from pool to distribution pipes.

Note:

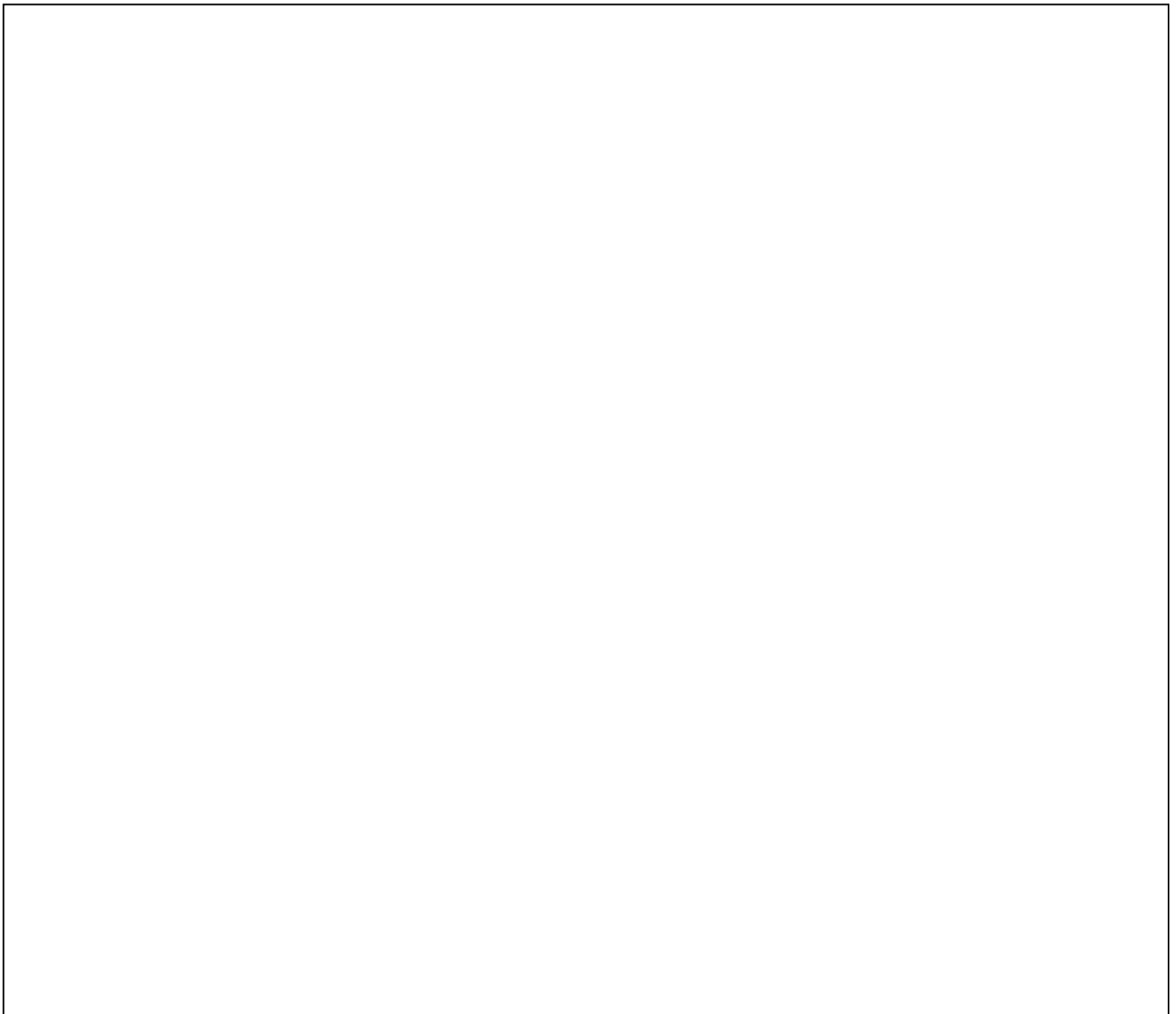
- Setbacks to pool are to be measured from property line to water's edge.
- Setbacks to deck are to be measured from property line to edge of framing nearest to property line.
- Township of Tay Zoning By-law 2000-57 as amended, section 4.1.11 requires as follows:

### Swimming Pools

Notwithstanding any provision in this section, in a Residential Zone a swimming pool shall not be located any closer than 1.0 metres from the interior and rear lot lines. In all zones, swimming pools shall not be located in the front or exterior side yards”

### **SITE PLAN**

(You may use the area below to draw your Site Plan)



**The Corporation of the Township of Tay  
Swimming Pool Fence Details**

*Please complete this form and submit with your application.*

1. Height of proposed fence: \_\_\_\_\_
2. Space between bottom of fence and finished grade: \_\_\_\_\_
3. Distance between proposed fence and nearest inside wetted surface of pool wall: \_\_\_\_\_
4. Please circle the proposed fence type (A, B,C or D) from the list below:

**A. CHAIN LINK**

**A mesh no greater than 38 millimetres (1<sup>1/2</sup> inches)** consisting of 11 gauge galvanized steel wire, or of 13 gauge steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 11 gauge wire.

Galvanized steel supporting posts spaced at maximum 3.0 metres (10 feet) intervals; and extended at least 0.84 metre (2 feet 9 inches) below grade for a fence not exceeding 1.2 metres (4 feet) high or extended at least 1.2 metres (4 feet) below grade for a fence not exceeding 1.8 metres (6 feet) high.

End posts and gate posts of minimum 48 millimetres (1 and 7/8 inches) diameter encased in concrete at least 150 millimetres (6 inches) thick to 1.2 metres below grade.

Intermediate posts of minimum 38 millimetres (1<sup>1/2</sup> inches) diameter encased in concrete at least 150 millimetres (6 inches) thick to 1.2 metres below grade when more than 15 metres (50 feet) from an end post, a corner post or an intermediate post that is similarly encased.

**B. VERTICAL BOARD**

Vertical boarding 25 millimetres (1 inch) thick nominal attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 23 millimetres x 100 millimetres (1 inch x 4 inches) nominal and must be spaced not more than 38 millimetres (1<sup>1/2</sup> inches apart)

**C. PRE-MANUFACTURED FENCE ATTACHMENT FOR ABOVE GROUND POOLS**

A fence enclosure that can be attached to the top of the pool wall to provide a minimum of 1.52 metres (5 feet) clearance between the finished grade and the top of the attached fence enclosure, provided such attached fence enclosure is constructed to provide an equivalent degree of safety as Section 6 of By-law No. 2006-23 as amended.

**D. OTHER – PLEASE PROVIDE DETAILS & INCLUDE CONSTRUCTION DRAWINGS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Height of gate: \_\_\_\_\_
6. Please circle either YES or NO for the below questions:

|   |     |    |
|---|-----|----|
| Is the gate self closing?   | YES | NO |
| Is the gate capable of being locked?                                | YES | NO |
| The only way to enter the pool area is through a self-closing gate? | YES | NO |

I \_\_\_\_\_ have read By-law No. 2006-23 as amended and the proposed  
**APPLICANT NAME (PRINT)**  
fence shall be constructed accordingly.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**APPLICANT SIGNATURE**

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2006-23

*A by-law to prescribe the height, description and requirements  
for fences around swimming pools and for  
requiring fence enclosure permits for swimming pools  
within the Township of Tay.*

**WHEREAS** the Municipal Act, S.O. 2001, c. 25 Section 11(3), authorizes the Council of a local municipality to pass by-laws to regulate fencing;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY HEREBY ENACTS AS FOLLOWS:**

**SECTION 1 – TITLE**

1.1 This by-law may be referred to as the “Swimming Pool Fence By-law”.

**SECTION 2 – DEFINITIONS**

- 2.1 **CORNER LOT** means a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangent of the street lines, drawn through the extremities of the interior lot lines, provided that, in the latter case, the corner of the lot shall be deemed to be that point on the street lines nearest to the point of intersection of the said tangents.
- 2.2 **EXTERIOR FACE** means the side of a fence from which access to a pool is to be prevented.
- 2.3 **OWNER** means the individual, firm or corporation that is the registered owner of the land and includes a lessee, tenant, mortgagee in possession, and the person or persons in charge of land on which a pool is located.
- 2.4 **FENCE** means a structure or partition made of wood, metal or other substance and erected for the purpose of enclosing a piece of land into distinct partitions, and includes doors, gates and other closures.
- 2.5 **FINISHED GRADE** means the elevation of the finished surface of the ground where it abuts a fence or structure.
- 2.6 **POOL** means any privately owned body of water located outdoors above or below finished grade on privately owned property, contained in part or in whole by artificial means in which the depth of water at any point can exceed 450 millimetres (18 inches) and includes hot tubs, whirlpools and spas. Not included in this definition is any swimming pool owned by a public or government body, agency or authority, or any naturally occurring streams, lakes or quarry.
- 2.7 **POOL FENCE** means a fence surrounding a privately owned outdoor swimming pool.
- 2.8 **SIGHT TRIANGLES** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in the other street line, each such point being 6 metres (19 feet 8 inches) from the point of intersection of the street lines measured along the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- 2.9 **SWIMMING POOL AREA** means the swimming pool plus any surrounding platforms, walkways, play areas and landscaped areas within the fence enclosing a swimming pool.

**SECTION 3 – AUTHORITY**

- 3.1 The Chief Building Official duly appointed for the Municipality of the Township of Tay shall administer this By-law. The By-law Enforcement Officer(s) duly appointed for the Township of Tay shall enforce this By-law.

**SECTION 4 – GENERAL PROVISIONS****4.1 PERMITS**

No person shall erect, or cause to be erected, any pool or excavate for, or cause to be excavated for, any pool without first obtaining a permit for a swimming pool fence enclosure from the Chief Building Official.

4.1.1 An application for a permit to construct a swimming pool fence around a pool shall be submitted to the Chief Building Official together with fees and plans showing the location of the swimming pool in relation to the property lines and to adjacent buildings and shall provide full details of all required structures.

4.1.2. The location of a swimming pool on the property shall conform to the requirements of the Township of Tay's General Zoning By-law.

4.1.3. Fees for pool fence permits shall be in accordance with Schedule "A" of this by-law.

4.1.4 No permit is required for the construction of a fence that does not form part of a pool fence.

**4.2 EXISTING FENCES**

This by-law does not apply to a pool fence that was lawfully erected prior to the date of passage of this by-law, except that any changes to such pool fence, after the date of passage of this by-law, shall be subject to the provisions of this by-law. A change in use of a fence to act as a pool fence as a result of a pool installed after the date of passage of this By-law shall require such fence to be constructed in accordance with this By-law.

**4.3 SIGHT TRIANGLES**

No person shall erect a pool fence within a sight triangle.

**5.1 POOL FENCE**

No person shall place water in or cause water to be placed in a pool, or allow water to remain therein unless a pool fence completely enclosing the entire swimming pool area has been constructed in accordance with the requirements of this by-law and is being maintained at all times in good condition.

**5.2 CONSTRUCTION FENCE**

A pool under construction shall be enclosed with a temporary fence as detailed herein except where the permanent pool fence requirements have been satisfied.

**5.3 MINIMUM HEIGHT**

The height of a pool fence above finished grade, measured at any point along the fence at the exterior face shall be a minimum of:

- a) 1.2 metres (4 feet) in the case of a pool serving a detached, semi-detached, row house or multiple family development or not more than 4 dwelling units; or
- b) 1.52 metres (5 feet) where instead of a separate fence, an extension is added to the top of a wall of an above ground pool; or
- c) 1.8 metres (6 feet) for all other pools.

#### 5.4 FENCE CLEARANCES

- 5.4.1 A maximum space of 50 millimetres (2 inches) is permitted between the bottom of a pool fence and the finished grade
- 5.4.2 A pool fence shall be located not less than 1.2 metres (4 feet) from the nearest inside wetted surface of the swimming pool wall.
- 5.4.3 No pool fence shall be located closer than 1.2 metres (4 feet) to any condition that facilitates the climbing of the enclosure, unless alternative measures are implemented to provide an equivalent level of safety as set out in this by-law.

#### 5.5 CLIMBABILITY

Subject to subsection 5.4, no member or attachment that could facilitate climbing shall be permitted on the exterior face of a pool fence, between 100 millimetre (4 inches) and 1.8 metres (6 feet) from grade.

#### 5.6 LOCKS

The owner of every pool shall ensure that every gate or door providing access to such swimming pool be kept locked at all times when a responsible person is not present and supervising the pool.

#### 5.7 CONSTRUCTION

Every owner shall not construct a swimming pool fence enclosure except in accordance with the appropriate categories detailed under Section 6, Section 7 and Section 8 of this by-law.

### **SECTION 6 – FENCE CATEGORIES**

#### 6.1 TYPES

A fence which encloses a pool shall be of:

- a) chain link construction
- b) vertical board construction
- c) temporary construction
- d) other materials and construction that will provide an equivalent degree of safety satisfactory to the Chief Building Official, or
- e) a combination of (a), (b), (c) and (d).

#### 6.2 CHAIN LINK

A fence of chain link construction shall comprise the following:

- 6.2.1 A mesh not greater than 38 millimetres (1½ inches) consisting of 11 gauge galvanized steel wire, or of 13 gauge steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 11 gauge wire.
- 6.2.2 Galvanized steel supporting posts spaced at maximum 3.0 metres (10 feet) intervals; and extended at least 0.84 metre (2 feet 9 inches) below grade for a fence not exceeding 1.2 metres (4 feet) high or extended at least 1.2 metres (4 feet) below grade for a fence not exceeding 1.8 metres (6 feet) high.
- 6.2.3. End posts and gate posts of minimum 48 millimetres (1 and 7/8 inches) diameter encased in concrete at least 150 millimetres (6 inches) thick below grade.
- 6.2.4. Intermediate posts of minimum 38 millimetres (1½ inches) diameter encased in concrete at least 150 millimetres (6 inches) thick below grade when more than 15 metres (50 feet) from an end post, a corner post or an intermediate post that is similarly encased.

### 6.3 VERTICAL BOARD

A fence of vertical board construction shall:

- 6.3.1 Have vertical boarding 25 millimetres (1 inch) thick nominal attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must not be less 25 millimetres x 100 millimetres (1 inch x 4 inches) nominal and must be spaced not more than 25 millimetres (1 inches) apart.
- 6.3.2 Be supported by posts at least 100 millimetres x 100 millimetres (4 inches x 4 inches) nominal, spaced not more than 2.4 metres (8 feet) apart. Such posts shall extend at least 0.9 metre (3 feet) into the ground for a 1.2 metre (4 feet) high fence and 1.2 metre (4 feet) into the ground for a 1.8 metre (6 feet) high fence and be securely embedded therein. The portion below grade shall be treated with an approved wood preservative or be of pressure treated wood.
- 6.3.3. Have top and bottom rails of at least 50 millimetres x 100 millimetres (2 inches x 4 inches) nominal dimensions and have a minimum horizontal spacing of 0.92 metres (3 feet).

### 6.4 TEMPORARY FENCE

A temporary fence shall consist of 1.2 metre (4 feet) high plastic mesh fence having a mesh not greater than 50 millimetres (2 inches), with a steel T-bar post every 3 metres (10 feet) maximum and a 9 gauge galvanized steel wire located at the top and bottom of such fence. The plastic mesh fence shall be fastened to the T-bar posts every 450 millimetres (18 inches) A temporary fence shall be permitted during construction of a pool and must be replaced prior to the pool being used.

### 6.5 OTHER TYPES

Other types of fences including retaining walls and deck guards to serve as pool fences shall be constructed in accordance with the requirements for a vertical board fence as detailed herein. Deck guard or railings required by the Ontario Building Code shall be built as per the requirements of the Section 9.8 of the Ontario Building Code (see Supplementary Guideline #7 OBC.).

## **SECTION 7 - GATES AND ENTRANCES TO THE SWIMMING POOL AREA**

- 7.1 Gates which form a part of the pool fence shall be:
  - a) of construction and height equivalent to or greater than that of the required pool fence;
  - b) supported on substantial hinges; and
  - c) self-closing and equipped with a finger-latch catch that is capable of being locked.
- 7.2 All entrances to the swimming pool area which form part of the pool fence, whether they be doors, windows or gates, shall be kept latched at all times except when the swimming pool is being supervised by a responsible adult person.
- 7.3 When a door or wall or portion thereof, of any building located on the same property as a pool fence forms part of such fence, no access to the pool area shall be permitted through such door or wall. No direct access shall be permitted from the residential unit to the pool area except access may be permitted through a self-closing door or a separate access such as a gate as per this Section.

## **SECTION 8 - ABOVE GROUND SWIMMING POOLS, HOT TUBS, WHIRLPOOLS AND SPAS**

- 8.1 Above ground swimming pools require the same type of pool fencing as inground pools.

- 8.2 An above ground pool may include a fence enclosure that can be attached to the top of the pool wall to provide a minimum of 1.52 metres (5 feet) clearance between the finished grade and the top of the attached fence enclosure, provided such attached fence enclosure is constructed to provide an equivalent degree of safety as Section 6 herein.
- 8.3 Structures known as "hot tubs", "whirlpools" and "spas" need not comply with requirements of Section 4 through 8 of this by-law provided that a secure cover of rigid material is placed over the opening, and provided that no person shall leave the hot tub, whirlpool or spa without first locking the cover in place to prevent access when the structure is not in use.
- 8.4 Swimming pools that have manufactured lockable covers need not comply with requirements of Section 4 through 8 of this by-law provided that a secure cover of rigid material is placed over the opening, and provided that no person shall leave the pool without first locking the cover in place to prevent access when the structure is not in use.

### **SECTION 9 – PENALTIES**

- 9.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 9.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- 9.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 9.4 Despite section 9.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 9.5 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 9.6 Despite section 9.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 9.7 Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- 9.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- 9.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.
- 9.10 Every person who contravenes any section of this by-law under a part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33 as amended.



9.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**SECTION 10 - SEVERABILITY**

10.1 Should any section, subsection, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the Part so declared to be invalid.

**SECTION 11 - REPEAL**

11.1 By-law No. 2001-21 is hereby repealed.


**SECTION 12 - EFFECTIVE DATE**

12.1 This By-law shall come into force and take effect on the date of passing.

**BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 29<sup>TH</sup> DAY OF FEBRUARY, 2016.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

  
\_\_\_\_\_  
**MAYOR, Scott Warnock**

  
\_\_\_\_\_  
**CLERK, Alison Thomas**

SCHEDULE "A"

RESPECTING

SWIMMING POOL FENCE ENCLOSURES PERMIT FEES

| <u>TYPE OF POOL</u>     | <u>FEE</u>        |
|-------------------------|-------------------|
| IN-GROUND POOL FENCE    | \$90.00 FLAT RATE |
| ABOVE GROUND POOL FENCE | \$90.00 FLAT RATE |

**CORPORATION OF THE TOWNSHIP OF TAY  
PART 1 PROVINCIAL OFFENCES ACT**

**By-Law No. 2006-23**

| ITEM | Column 1<br>Short Form Wording   | Column 2<br>Offence Creating<br>Provision | Column 3<br>Set Fine |
|------|--|---|----------------------|
| 1    | Erect pool, no swimming pool fence permit                              | Section 4.1                               | \$120.00             |
| 2    | Cause pool to be erected, no swimming pool fence permit                | Section 4.1                               | \$120.00             |
| 3    | Excavate for pool, no swimming pool fence permit                       | Section 4.1                               | \$300.00             |
| 4    | Erect pool fence within sight triangle                                 | Section 4.3                               | \$120.00             |
| 5    | Place water in pool, fence not in accordance with by-law               | Section 5.1                               | \$300.00             |
| 6    | Cause water to be placed in pool,, fence not in accordance with by-law | Section 5.1                               | \$300.00             |
| 7    | Allow water to remain in pool, fence not in accordance with by-law     | Section 5.1                               | \$300.00             |
| 8    | Place water in pool, fence not in good condition                       | Section 5.1                               | \$300.00             |
| 9    | Cause water to be placed in pool, fence not in good condition          | Section 5.1                               | \$300.00             |
| 10   | Allow water to remain in pool, fence not in good condition             | Section 5.1                               | \$300.00             |

Note: The penalty provision(s) for the offences indicated above is Section 9.1 of By-Law No. 2006-23 a certified Copy of which has been filed.

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**BY-LAW NO. 2013-38**

**Being a by-law to repeal By-law 2010-69 and to regulate the use of municipal watermains, valves, hydrants and the installation and connection of water service piping, and to provide penalties for violations within the Township of Tay.**

**WHEREAS** Section 8 of the *Municipal Act, S.O. 2001, as amended* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** Section 9 of the *Municipal Act, S.O. 2001, as amended* provides that Sections 8 and 11 of the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**AND WHEREAS** the Council of the Corporation of the Township of Tay deems it advisable to provide a by-law which sets out or amends the conditions on which domestic water service shall be supplied to the ratepayers;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AND BE IT ENACTED AS FOLLOWS:**

**1.0 DEFINITION:**

In this by-law:

**"Adequate Municipal Watermain"** means a "watermain" designed and constructed to provide adequate supply and quality on a year round, continuous basis;

**"Building Water Service Pipe"** means that part of the water service pipe that connects a building to the curbstop;

**"Clerk"** means the Clerk of the Corporation of the Township of Tay

**"Curbstop"** means a water service shut off valve located between the "building water service pipe" and the "water service lateral", placed at or near the property line and representing the dividing line between the Townships and owners equipment;

**"Director"** means the Township Director of Public Works or his designate;

**"Drought Conditions"** means the conditions resulting from the lack of natural rainfall, or equipment limitations or breakdowns, which cause the municipal water systems to become overloaded to the extent the water needs for domestic and fire protection cannot be satisfied on a continuous basis;

**"May"** means permissive;

**"Municipality"** means the Corporation of the Township of Tay;

**"Operator"** means the operator of the municipal water systems employed by the Corporation of the Township of Tay;

**"Owner"** means the owner of land within the Township of Tay;

**"Person"** means and includes any individual, firm, company, association, partnership, society, incorporated company, or group, and wherever the singular is used herein it shall also be construed as including the plural;

**"Shall"** mean mandatory;

**"Swimming pool"** means any privately owned body of water located outdoors above or below finished grade on privately owned property, contained in part or in whole by artificial means in which the depth of the water at any point can exceed 450 mm (18 inches) and includes hot tubs, whirlpools and spas;

**"Vacuum Breaker"** means a device or a method that prevents back-siphonage in a water distribution system;

**"Watermain"** means a pipe which carries water and in which all owners of abutting properties have equal rights and is controlled by the Corporation of the Township of Tay; and

**"Water Service Lateral"** means the service pipe from the water main to the curbstop.

## **2.0 GENERAL PROHIBITION:**

- (a) No person other than the Director or designate shall repair, remove, inspect, tamper with or connect to any of the municipality's equipment, before, during or after installation.
- (b) No person shall draw off or use any water from any fire hydrant without the written consent of the Director. This restriction shall apply to all fire hydrants including those on unassumed roads and private property. This restriction shall not apply to a municipal fire fighter where water is required for fire protection purposes.
- (c) No person other than a Licensed Township Water Operator or a Qualified Township Building Inspector shall operate any curbstop within the Municipal Water Distribution System.
- (d) No person other than a Licensed Township Water Operator shall operate any other valve in the Municipal Water Distribution Systems.
- (e) The property owner shall be responsible for the satisfactory operation, repairing, replacement and maintenance of the building water service pipe.
- (f) The rules and regulations set out in this by-law shall govern and regulate the operation of any water system owned by the Municipality and shall be considered to form a part of the agreement between the Municipality for provision of water service to such building and every such owner or occupant by applying for and receiving water service from the Municipality shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.
- (g) The Municipality agrees to use reasonable diligence in providing a regular uninterrupted supply of water for domestic use only, but does not guarantee a constant service or the maintenance of unvaried pressure and will not be liable in damages to the owner of property serviced by water or any other person by reason of any failure in respect thereto.

- (h) The Municipality shall not be liable to the owner of property serviced by water or any other person for damages by reason of failure to supply water for any reason whatsoever. The Municipality will, however, exercise reasonable diligence and make such repairs as may be necessary, and do such acts as within its powers, to restore the services, and shall at all times for such purpose, have the right to enter upon the lands of the owners; provided that if the Municipality by reason of its entry onto private property, occasions any damage to the said private property, then such damage shall be repaired in a proper manner forthwith, at the Municipality's expense.
- (i) Notwithstanding anything herein stated, there shall be no obligation on the part of the Municipality to service any lands within the Municipality for the supply of water and the Municipality reserves the right to determine what areas shall be serviced with the supply of Municipal Water.
- (j) In order to provide frost protection for those seasonal water service connections located on Robins Point Road from #40 to #434 and from #41 to #437 the Township will provide at no additional fee, water service shut-off and turn-on service for properties with seasonal water service connections. The related shut-off date will be no later than November 10<sup>th</sup> of each year and the turn-on date will be no earlier than April 1<sup>st</sup> of each year. Affected property owners are required to purge their private service connection with air in a manner which dispenses all water from the pipe(s) and are responsible to give the Township 24 hours notice for water service shut-off or turn-on. The water rate for the affected properties is the normal residential rate as may be decided by Council from time to time.

### **3.0 BUILDING WATER SERVICE PIPE CONNECTIONS:**

No person shall make a connection to a municipal watermain, except as follows;

- (a) Each property shall have a separate building water service pipe.
- (b) All building water service pipes from the water service lateral to the building shall be to the following specifications:
  - i) For buildings which serve more than one (1) residence or one (1) commercial function, the size of the building water service pipe shall be determined by the Director at the owner's expense.
  - ii) The Water Service Box shall be kept in an exposed position above the ground surface. Where the Water Service Box is located within a driveway or within 2.0 metres of a driveway, the Water Service Box shall be flush with the surface and encased in concrete or asphalt.
- (c) No connection shall be made to a municipal watermain or curbstop without the approval of the Municipality.

- (d) The Municipality shall not supply water or complete a water service connection unless the owners plumbing has passed an inspection by the Chief Building Official or designate.
- (e) Vacant lots, which are not serviced by a Municipal watermain, shall be provided with a watermain or a water service lateral subject to the following conditions:
  - i) All labour and material necessary for the construction of watermain or a water service lateral from the watermain to the street line shall be paid for by the owner of the property, which is to be provided with water service, by a lump sum deposit as set out by the Municipality. Upon payment, the property owner shall be entitled to such installation by the Director.
  - ii) In the event the actual cost of the installation of such water service lateral exceeds the amount prepaid to the Municipality, the person applying for such installation shall forthwith, after the completion of such installation, pay to the Municipality the balance of such cost. Where the costs are not paid by the date requested by the Township the said costs will be added to the tax roll for the property and collected in a like manner as taxes.
- (f) The Director or designate may, on the application of an owner, approve a temporary building water service pipe connection for the purpose of assisting the construction of a building.
- (g) All connections of the water service laterals to the municipal watermain shall be made with a corporation stop.

#### **4.0 CONNECTIONS:**

- (a) The owner of any residential, commercial or industrial building, whose property fronts on a Municipal roadway and an adequate municipal watermain servicing said property, shall connect to the said watermain for the supply of domestic water and to no other private water line according to the terms of this by-law.
- (b) An owner of any property, which fronts on an adequate municipal watermain, who wishes to connect to his/her own private water supply, may do so provided his/her building water service line is physically disconnected from the curbstop and he/she pays the annual water user fee as set by the municipality from time to time. If said owner wishes to reconnect to a municipal watermain, the owner shall pay the permit, inspection, construction, connection and any other applicable fees.
- (c) Any owner who wishes to disconnect from a private water supply and connect to the Municipal watermain shall not do so unless they have physically disconnected all plumbing from the private supply and have had this work inspected and approved by the Director.
- (d) The Director or designate may turn off the water to a property for non-payment, if there is a concern water is leaking, or if reasonable access is not granted for water meter reading or water meter maintenance.

## **5.0 WATER RESTRICTIONS:**

- (a) Under the terms of this by-law, the usage of water to water lawns, gardens or the topping up of swimming pools is not a domestic use and is subject to restrictions.
- (b) No person shall use municipal water (other than by use of a hand held watering can):
  - i) From more than one (1) outside faucet.
  - ii) To water lawns, gardens, or top up swimming pools except between the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m.
  - iii) To water lawns or gardens on the days of the month that do not correspond with the civic address, meaning odd numbered houses on odd calendar days and even numbered houses on even calendar days.
- (c) The Municipality upon receipt of a written request, may issue a permit allowing water from a municipal water system to be used to water newly placed nursery sod for seven (7) consecutive days during the designated outside water usage hours as set out herein. The permit, once issued is only valid if it is displayed in a conspicuous place which allows staff to easily recognize it.
- (d) Properties operating as Saint Marie Among the Hurons, Wye Marsh Wildlife Centre and, Martyrs' Shrine (PIN's 585130289, 585130290 and 584750372) are forbidden to use municipal water for the purpose of lawn irrigation in any amount at any time.

## **6.0 DROUGHT CONDITIONS:**

- (a) In the event of the occurrence of drought conditions, the Director may prohibit and regulate all outside water use.
- (b) The occupant of a building to which water is supplied by the municipality shall adhere to water restrictions and/or water bans in effect after public notification (Township website, community signs, media release to local media) of any such restriction or ban.

## **7.0 SWIMMING POOLS:**

- (a) All owners of properties with swimming pools shall install a vacuum breaker device on all outside water faucets.
- (b) No person shall cause or permit a swimming pool to be filled from a municipal water system.
- (c) An owner may occasionally top up a swimming pool during the designated outside water usage hours as set out herein.



## **8.0 PENALTIES:**

- 8.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- 8.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.4 Despite section 8.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 8.5 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.6 Despite section 8.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 8.7 Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- 8.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- 8.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.
- 8.10 Every person who contravenes any section of this by-law under a Part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 8.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**9.0 OBSTRUCTION:**

- (a) In accordance with the provisions of the *Municipal Act S.O. 2001, c.25, as amended*, Section 426(1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Township of Tay and/or agent in the lawful exercise or power or duty under this by-law.

**10.0 GENERAL:**

- (a) This By-law shall be know as a by-law to regulate the use of municipal watermains, valves, hydrants, and the installation and connection of water service piping, and to provide penalties for violations thereof.
- (b) Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

**11.0 SEPARATE OFFENCE:**

- (a) For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

**12.0 SHORT TITLE:**

- (a) The short title of this by-law is the Water Use By-law.

**13.0 REPEALED:**

- (a) That By-law 2010-69 is hereby repealed.
- (b) That this by-law shall take force and take effect immediately upon the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29<sup>TH</sup> DAY OF FEBRUARY, 2016.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**



**MAYOR, Scott Warnock**



**CLERK, Alison Thomas**

**CORPORATION OF THE TOWNSHIP OF TAY  
PART 1 PROVINCIAL OFFENCES ACT**

**By-law 2013-38: Water Use By-law**

| ITEM | Column 1<br>Short Word Form Wording   | Column 2<br>Provision<br>creating or<br>defining offence | Column 3<br>Set Fine |
|------|---|--|----------------------|
| 1    | Operate any curbstop within the Municipal Water Distribution System without permission. | 2.0 (c)  | \$125.00             |
| 2    | Operate any valve within the Municipal Water Distribution System without permission.    | 2.0 (d)  | \$125.00             |
| 3    | Use municipal water outside from more than one faucet.                                  | 5.0 (b) i  | \$125.00             |
| 4    | Use municipal water outside during non-permitted hours.                                 | 5.0 (b) ii   | \$125.00             |
| 5    | Use municipal water outside during non-permitted days.                                  | 5.0 (b) iii  | \$125.00             |
| 6    | Use municipal water for outside watering when a restriction or ban is in effect.        | 6.0 (b)  | \$300.00             |
| 7    | Fail to install a vacuum breaker on all outside water faucets.                          | 7.0 (a)  | \$150.00             |
| 8    | Cause or permit a swimming pool to be filled from a municipal water system.             | 7.0 (b)  | \$150.00             |
| 9    | Obstructing an Officer or Agent.  | 9.0 (a)  | \$125.00             |

Note: The penalty provision(s) for the offences indicated above is Section 8 of By-Law 2013-38 a certified Copy of which has been filed.

**CORPORATION OF THE TOWNSHIP OF TAY  
PART 1 PROVINCIAL OFFENCES ACT**

**By-law 2013-38: Water Use By-law**

| ITEM | Column 1<br>Short Word Form Wording  | Column 2<br>Provision<br>creating or<br>defining offence | Column 3<br>Set Fine |
|------|--|--|----------------------|
| 1    | Operate any curbstop or valve within the Municipal Water Distribution System without permission. | 2.0 (c)  |                      |
| 2    | Use municipal water outside from more than one faucet.   | 5.0 (b) i  |                      |
| 3    | Use municipal water outside during non-permitted hours.  | 5.0 (b) ii   |                      |
| 4    | Use municipal water outside during non-permitted days.   | 5.0 (b) iii  |                      |
| 5    | Use municipal water for outside watering when a restriction or ban is in effect.                 | 6.0 (b)  |                      |
| 6    | Use outside water faucet to top up a swimming pool without a vacuum breaker.                     | 7.0 (a)  |                      |
| 7    | Cause or permit a swimming pool to be filled from a municipal water system.                      | 7.0 (b)  |                      |
| 8    | Obstructing an Officer or Agent.   | 9.0 (a)  |                      |

Note: The penalty provision(s) for the offences indicated above is Section 8 of By-Law 2013-38 a certified Copy of which has been filed.

# Application for a Permit to Construct or Demolish

This form is authorized under subsection 8(1.1) of the *Building Code Act, 1992*

| For use by Principal Authority  |                                     |                                |                            |                           |
|---|-------------------------------------|--------------------------------|----------------------------|---------------------------|
| Application number:   |                                     | Permit number (if different):  |                            |                           |
| Date received:  |                                     | Roll number:                   |                            |                           |
| Application submitted to: _____<br>(Name of municipality, upper-tier municipality, board of health or conservation authority) |                                     |                                |                            |                           |
| A. Project information  |                                     |                                |                            |                           |
| Building number, street name  |                                     |                                | Unit number                | Lot/con.                  |
| Municipality  | Postal code                         | Plan number/other description  |                            |                           |
| Project value est. \$   |                                     | Area of work (m <sup>2</sup> ) |                            |                           |
| B. Purpose of application   |                                     |                                |                            |                           |
| New construction  | Addition to an<br>existing building | Alteration/repair              | Demolition                 | Conditional<br>Permit     |
| Proposed use of building  |                                     | Current use of building        |                            |                           |
| Description of proposed work  |                                     |                                |                            |                           |
| C. Applicant  |                                     |                                |                            |                           |
| Applicant is:   |                                     | Owner or                       |                            | Authorized agent of owner |
| Last name   |                                     | First name                     | Corporation or partnership |                           |
| Street address  |                                     |                                | Unit number                | Lot/con.                  |
| Municipality  |                                     | Postal code                    | Province                   | E-mail                    |
| Telephone number<br>(    )  |                                     | Fax<br>(    )                  |                            | Cell number<br>(    )     |
| D. Owner (if different from applicant)  |                                     |                                |                            |                           |
| Last name   |                                     | First name                     | Corporation or partnership |                           |
| Street address  |                                     |                                | Unit number                | Lot/con.                  |
| Municipality  |                                     | Postal code                    | Province                   | E-mail                    |
| Telephone number<br>(    )  |                                     | Fax<br>(    )                  |                            | Cell number<br>(    )     |

| <b>E. Builder (optional)</b>  |  |                        |  |          |
|---|--|------------------------|--|----------|
| Last name   |  | First name             | Corporation or partnership (if applicable) |          |
| Street address  |  |                        | Unit number                                | Lot/con. |
| Municipality  |  | Postal code            | Province                                   | E-mail   |
| Telephone number<br>(     )   |  | Fax<br>(     )         | Cell number<br>(     )                     |          |
| <b>F. Tarion Warranty Corporation (Ontario New Home Warranty Program)</b>   |  |                        |  |          |
| i. Is proposed construction for a new home as defined in the <i>Ontario New Home Warranties Plan Act</i> ? If no, go to section G.  |  |                        | Yes  | No       |
| ii. Is registration required under the <i>Ontario New Home Warranties Plan Act</i> ?  |  |                        | Yes  | No       |
| iii. If yes to (ii) provide registration number(s): _____   |  |                        |  |          |
| <b>G. Required Schedules</b>  |  |                        |  |          |
| i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.  |  |                        |  |          |
| ii) Attach Schedule 2 where application is to construct on-site, install or repair a sewage system.   |  |                        |  |          |
| <b>H. Completeness and compliance with applicable law</b>   |  |                        |  |          |
| i) This application meets all the requirements of clauses 1.3.1.3 (5) (a) to (d) of Division C of the Building Code (the application is made in the correct form and by the owner or authorized agent, all applicable fields have been completed on the application and required schedules, and all required schedules are submitted).<br>Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made. |  |                        | Yes  | No       |
| ii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .   |  |                        | Yes  | No       |
| iii) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enable the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.   |  |                        | Yes  | No       |
| iv) The proposed building, construction or demolition will not contravene any applicable law.   |  |                        | Yes  | No       |
| <b>I. Declaration of applicant</b>  |  |                        |  |          |
| I _____ declare that:<br>(print name)   |  |                        |  |          |
| 1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.  |  |                        |  |          |
| 2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.   |  |                        |  |          |
| _____   |  | _____                  |  |          |
| Date  |  | Signature of applicant |  |          |

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

# TOWNSHIP OF TAY

## Building Services Division

450 Park Street, P.O. Box 100, Victoria Harbour, ON L0K 2A0  
Phone (705) 534-7248 Fax (705) 534-4493



## AUTHORIZATION FOR AN APPLICATION

### FOR A BUILDING PERMIT

### BY A PERSON OTHER THAN THE LEGAL OWNER

I \_\_\_\_\_, being the legal owner of the  
subject property located at \_\_\_\_\_  
in the Township of Tay, hereby authorize \_\_\_\_\_  
to apply for a building permit for work to be done on this property.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Legal Owner

Personal information contained on this form/document/application is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy* legislation and will be used for the purpose for which it was collected. Questions about this collection should be directed to the Clerk of the Township of Tay.