

Note: Within the below table, items referenced utilizing a strikethrough have been removed and those highlighted are proposed to be included. Any wording not stroked out or highlighted is proposed to remain unchanged.

Table 1.0: – Formatting Errors / Omissions

Item	Existing By-Law 54-03	Proposed Approach	Explanation/Rationale				
Amendment Title Page	BY-LAW NUMBER 54-03 (As amended by By-Laws, 158-04, 74-11, and 84-11) Updated August 2011	<div><div><u>BY-LAW</u></div><div>- 2022</div></div> <div>AMENDED BY BY-LAW(S):</div> <table><tr><td>Amending By-Law</td><td>Explanatory Note</td></tr><tr><td></td><td></td></tr></table>	Amending By-Law	Explanatory Note			Allows ongoing amendments to the document to be easily referenced and tracked.
Amending By-Law	Explanatory Note						
By-Law Recital	<p>This is an office consolidation of By-Law 54-03 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk.</p> <p>BY-LAW NUMBER 54-03 (As amended by By-Laws, 158-04, 74-11, and 84-11) Updated August 2011 <u>BY-LAW NUMBER 54-03</u></p> <p>- of -</p>	<p>By-law 54-03 and amendments thereto previously regulated private swimming pool enclosures. For accurate reference you should consult the original By-laws that are retained by the Clerk.</p> <p><u>BY-LAW NUMBER</u> <u>-22</u></p> <p>- of -</p> <p><u>THE CORPORATION OF THE COUNTY OF BRANT</u></p>	<p>Provides reference to previous swimming pool enclosure regulations contained within the County of Brant Fence By-Law 54-03 and provides direction on where previous versions of the County’s Fence By-Law can be accessed.</p> <p>Includes By-Law title and number.</p>				

	<u>THE CORPORATION OF THE COUNTY OF BRANT</u>		
Short Title	A by-law to regulate fences	A by-law to regulate swimming pool enclosures on privately owned lands.	Provides brief description of the intent of the By-Law. Clarifies the existing description.
Applicable Sections of the <i>Municipal Act, 2001, S.O. 2001, c.25</i>	<p>WHEREAS Section 11(1) 7 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to pass a by-law regarding structures, including fences;</p> <p>AND WHEREAS Section 98(1) of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to provide that the <i>Line Fences Act</i> does not apply to all or any part of the municipality;</p> <p>AND WHEREAS Section 132 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes council to pass a by-law to authorize the</p>	<p>WHEREAS Sections 8, 9, and 10 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 6 of Subsection 10(2) authorizes by-laws respecting the health, safety and well-being of person and paragraph 10 of Subsection 10(2) authorizes by-law respecting fences;</p> <p>AND WHEREAS Pursuant to Subsection 8(3) of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> the by-laws of a municipality may (a) regulate or prohibit regarding a certain matter; (b) require a person to do certain things respecting such matter; (c) provide for a system of licences respecting the matter.</p> <p>AND WHEREAS Section 132 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes council to pass a by-law to authorize the owner or occupant of land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations;</p>	Recital of legislative authority to enact by-laws to regulate swimming pool enclosures on private property throughout the County is updated to reflect amendments to the <i>Municipal Act, 2001, S.O. 2001, c.25</i> since the initial passing of the County's Fence By-Law 54-03 in 2003.

	<p>owner or occupant of <i>land</i> to enter adjoining <i>land</i>, at any reasonable time, for the purpose of making repairs or alterations to any building, <i>fence</i> or other structures on the <i>land</i> of the owner or occupant but only to the extent necessary to carry out the repairs or alterations;</p> <p>AND WHEREAS Section 427 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to pass a by-law enabling the municipality to do such matter or thing at the <i>person's</i> expense when that <i>person</i> fails to do what they are required or directed to do by law or otherwise, and to recover the costs of such action from the <i>person</i> by adding the costs to the tax roll and collecting them in the same manner as taxes;</p>	<p>AND WHEREAS Section 425 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes the County of Brant to pass by-laws providing that a person who contravenes a by-law of the County Brant passed under that Act is guilty of an offence;</p> <p>AND WHEREAS Section 446 of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> authorizes Council to pass a by-law enabling the municipality to do such matter or thing at the person's expense when that person fails to do what they are required or directed to do by by-law or otherwise, and to recover the costs of such action from the person by adding the costs to the tax roll and collecting them in the same manner as taxes;</p> <p>AND WHEREAS Subsection 391(1) of the <i>Municipal Act, 2001, S.O. 2001, c.25</i> provides that a municipality may impose fees and charges on persons, (a) for services or activities provided or done by or on behalf of it; (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and (c) for the use of its property including property under its control;</p> <p>AND WHEREAS Council deems it necessary to require owners of privately owned swimming pools to erect and maintain a swimming pool enclosure.</p>	
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	<p>AND WHEREAS Council is desirous of regulating the injury to and maintenance of fences bordering on municipal property, and other matters relating to fences;</p>		
Terminology	<p>Masculine Pronouns “he”, “him”, and “his” throughout By-Law 54-03 relating to possession/ownership and Municipal Officials/Positions.</p>	<p>All use of masculine pronouns has been removed and replaced with gender neutral pronouns of “they”, “them”, and “theirs” throughout the By-Law.</p>	<p>Removes unnecessarily descriptive wording relating to gender specific pronouns.</p>
Short Title	<p><u>Short Title</u> 1. This by-law shall be known as the Fence by-law.</p>	<p>1. <u>Short Title</u> 1.1. This By-law shall be known as the “Municipal Swimming Pool Enclosure By-Law.”</p>	<p>The “Short Title” of the By-Law has been advanced within the document and amended slightly in wording.</p>

2 – Implementation Barriers

Item	Existing By-Law 54-03	Proposed Approach	Explanation/Rationale
General Formatting of Sections	Not all sections of By-Law 54-03 are formatted and identified.	The proposed By-Law is formatted into 15 Sections for ease of reference.	Formatting changes throughout the proposed By-law create consistency with other municipal by-law structure, ensure easy reference of Sections and Clauses, and provide clarity on Section titles for ease of reference.
Application of Provisions and Regulations	Reference to all provisions and regulations relating to Swimming Pool Enclosures have been removed.	Provisions and Regulations only relate to swimming pool enclosures on private property throughout the County of Brant.	Provisions and Regulations relating to swimming pool enclosures have been included in this separate document to facilitate improved implementation of the by-law and eliminate implementation barriers.
Definitions	<u>Definitions</u>	<p>2. Definitions</p> <p>2.1. For the purpose of this by-law:</p>	The “Definitions” Section of the By-Law has been formatted to create consistency throughout the document, add reference to each definition within this Section, and acknowledge how the meaning of each term is intended to be used.
Definitions – “Construct” definition	Does not form part of the current By-Law 54-03.	<p>2.3. “Construct” means to do anything in the erection, installation, extension, or material alteration of a <i>swimming pool</i></p>	Definition has been added based on the proposed

		and includes excavation activities and the installation of a <i>swimming pool</i> fabricated or moved from elsewhere and “ <i>Construction</i> ” has a corresponding meaning.	function, structure, and wording of the By-Law. Inclusion of this term offers clarity on what “construct” or variation of such term is intended to mean when relating to swimming pool enclosures on private property.
Definitions - “County” definition	County shall mean the Corporation of the County of Brant.	2.4. “ County ” means the Corporation of the County of Brant and includes the geographic area contained within the County of Brant.	Definition has been clarified to include reference to not only the County as a Corporation but also as a geographical location to assist with implementation.
Definitions – “Exterior Face” definition	Does not form part of the current By-Law 54-03.	2.5. “ Exterior Face ” means, when used in conjunction with a swimming pool enclosure, the side of the swimming pool enclosure from which access to the swimming pool is to be prevented.	Definition has been added within the proposed by-law to create greater certainty on meaning and intention when this term is used.
Definitions – “Gate” definition	Does not form part of the current By-Law 54-03.	2.6. “ Gate ” means a barrier swinging on a vertical axis.	Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used. This inclusion will also assist with eliminating implementation barriers noted in reviewing and

			inspecting swimming pool enclosures in past.
Definitions - “Ground Level” definition	Ground Level shall mean the ground level at the boundary line but where the ground levels are not the same on both sides of the boundary , the higher of such levels shall be considered as ground level for the purposes of the fence ; however, in the case of a privacy screen on an elevated deck, the surface of the deck shall be the point of measurement.	2.7. “Ground Level” shall mean the ground level at the swimming pool enclosure , but where the ground levels are not the same on both sides of the swimming pool enclosure , the higher of such levels shall be considered as ground level for the purposes of the swimming pool enclosure .	Definition has remained largely unchanged apart from minor amendments to terminology reflective of the intent of the proposed by-law.
Definitions - “Height” definition	Height shall mean the distance measured from the ground level or effective ground level, as the case may be, where the fence posts are embedded to the top of the said posts	2.8. “Height” means the height measured from the ground level at any point along the length of the swimming pool enclosure to the top of the swimming pool enclosure measured on the exterior face .	Definition has remained largely unchanged apart from minor amendments to terminology reflective of the intent of the proposed by-law.
Definitions – “Hydro-Massage Pool” definition	Does not form part of the current By-Law 54-03.	2.9. “Hydro-Massage Pool” means any privately owned outdoor tank or body of water maintained or used or which may be used for swimming, wading, bathing commonly referred to as hot tub, whirlpool, jacuzzi, spa, or swim spa, having a water surface area that is less than 8.01 square metres, a cover capable of being locked and holding a 90.72 kilogram .	Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used. This inclusion will also assist with eliminating implementation barriers noted in reviewing and inspecting swimming pool enclosures in past.

Definitions – “Officer” definition	Does not form part of the current By-Law 54-03.	2.10. “Officer” means a Municipal Law Enforcement Officer, or any other person appointed by the County for the enforcement of the by-laws and includes a peace Officer.	Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used.
Definitions - “Owner” definition	Owner when used in relation to a swimming pool or swimming pool enclosure shall mean the owner of the property or any person having care and control of the property upon which the pool is located.	2.15. “Owner” means a registered owner, but also includes an occupant, lessee, tenant, or any other person in charge of or in control of premises on which a swimming pool is located but does not include any Federal, Provincial or Municipal authority.	Definition has been amended to generalize intent and assist with implementation.
Definitions - “Person” definition	Person shall include an individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to which the context can apply in accordance with the Interpretation Act, R.S.O. 1990, c.1.11.	2.16. “Person” means a natural person, partnership, or corporation, and includes the heirs, executors, administrators or other legal representatives to whom the context can apply according to law.	Definition has been amended to generalize intent and assist with implementation.
Definitions – “Property” definition	Does not form part of the current By-Law 54-03.	2.13. “Property” means any grounds, yard, or vacant land.	Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used.
Definitions - “Swimming Pool” definition	Swimming Pool shall mean any privately owned body of water located out of doors which is contained solely by artificial means and is capable of containing a depth of 40 cm (16 inches) or more but	2.14. “Swimming Pool” means any privately owned outdoor tank or body of water maintained or used or which may be used for swimming, wading, diving, bathing which could, when filled, contain a depth of 600 mm or more of	Definition has been amended with the intention to include all swimming pools throughout the County of Brant containing a depth of 600mm of water or more.

	does not include a hot tub which is covered and locked.	water, other than an existing natural body of water or stream. It shall also include, but not be restricted to, a privately owned outdoor “swimming pool” on lands used in connection with, any type of multiple residential development, motel, hotel, or similar establishment and a privately-owned outdoor swimming pool used for display or commercial purposes. This does not include a hydro-massage pool as defined in this by-law.	<p>Current regulations only pertain to swimming pools containing 400 mm or greater.</p> <p>This definition excludes existing natural bodies of water or streams, and hydro-massage pools as proposed to be defined within this by-law.</p>
Definitions - “Swimming Pool Area” definition	Swimming pool area shall mean the swimming pool plus any surrounding platforms, walkways, play areas and landscaped areas, which lie within the swimming pool enclosure.	2.15. “Swimming Pool Area” means a swimming pool and includes any surrounding platforms, walkways, play areas and landscape areas within the swimming pool enclosure.	<p>Definition has been amended to reflect consistent wording used throughout the proposed by-law.</p> <p>There are no significant amendments proposed to how a swimming pool area is to be considered under the proposed by-law.</p>
Definitions - “Swimming Pool Enclosure” definition	Swimming pool enclosure shall mean a fence or wall or combination thereof including any doors or gates surrounding a swimming pool.	2.16. “Swimming Pool Enclosure” means a fence, wall or other structure or combination thereof, including doors and gates surrounding an outdoor swimming pool to restrict access thereto.	<p>Definitions has been amended to create clarity of what specifically a swimming pool enclosure is within the proposed by-law.</p> <p>There is no significant variation on how swimming pool enclosures will be</p>

			considered to be within the proposed by-law.
Definitions – “Swimming Pool Equipment” definition	Does not form part of the current By-Law 54-03.	2.17. “Swimming Pool Equipment” means water circulation or treatment equipment such as but not limited to heaters, pumps, and filters.	<p>Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used.</p> <p>This term currently does not exist within By-Law 54-03 but will assist in inspecting swimming pool enclosures in future.</p> <p>This inclusion will also assist with eliminating implementation barriers noted in reviewing and inspecting swimming pool enclosures in past.</p>
Definitions – “Temporary Swimming Pool Enclosure” definition	Does not form part of the current By-Law 54-03.	2.18. “Temporary Swimming Pool Enclosure” means a <i>swimming pool enclosure</i> used temporarily for the purpose of enclosing a <i>swimming pool</i> in the course of <i>construction</i> in order to effectively prevent or restrict access thereto by unauthorized <i>persons</i> , and to prevent any accident or injury to any <i>person</i> in or on the <i>property</i> .	<p>Definition has been added within the proposed by-law to create greater certainty on what is intended to mean when this term is used.</p> <p>This term currently does not exist within By-Law 54-03 but will assist in inspecting swimming pool enclosures in future.</p>

			This inclusion will also assist with eliminating implementation barriers noted in reviewing and inspecting swimming pool enclosures in past.
General Provisions	<u>General Provisions</u>	3. GENERAL PROVISIONS	The “General Provisions” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
General Provisions	Does not form part of By-Law 54-03	3.1. The provisions of this by-law shall regulate the <i>swimming pool enclosure</i> of privately-owned outdoor <i>swimming pools constructed on property</i> within the boundaries of the <i>County</i> .	Paragraph has been included to provide clarification on the proposed by-laws intent to regulate swimming pool enclosures on private property.
General Provisions	<u>Swimming Pools</u> 21. Every owner of a swimming pool shall erect and maintain a swimming pool enclosure in accordance with the provisions of sections 21 through 43.	3.2. Every owner of land upon which a swimming pool is located shall erect and maintain in good repair such swimming pool enclosures as required, in compliance with the standards in this by-law.	Paragraph has been amended to clarify regulatory language requiring a swimming pool enclosure for all pools.
General Provisions	22. No person shall erect, or permit to be erected any swimming pool, without obtaining a swimming pool enclosure permit from the Chief	3.3. No owner shall place, erect, construct or install or permit to be placed, erected, constructed, or have installed any swimming pool without first obtaining a	Paragraph has been amended to simplify regulatory language relating to the use of swimming pools prior to

	Building Official, , and except in compliance with the set back distances from a septic system as set out in Schedule C, both schedules attached hereto and forming part of this by law.	Swimming Pool Enclosure Permit, as required from the County.	approval, inspection, and/or maintenance of an enclosure.
General Provisions	<p><u>25. Swimming Pool – Permits</u></p> <p>(a) Every owner who wishes to construct or erect a swimming pool shall submit to the Chief Building Official plans showing details of the proposed swimming pool enclosure; (b) The plans shall be reviewed by the Chief Building Official who can refuse to issue a permit where the erection of the swimming pool enclosure would be contrary to the provisions of any County by law; (c) Upon being satisfied that the plan meets the requirements of this by law and other applicable legislation and upon receipt of the permit fee as set out in Schedule 'D', the Chief Building Official shall prepare and issue a permit certifying approval of the swimming pool enclosure plan.</p>	<p>3.4. An application for permit shall contain the following information:</p> <p>3.4.1. A site plan showing the location of the swimming pool enclosure, swimming pool and swimming pool equipment on the property in relation to the location of property lines, street lines, sewage system and all other buildings or structures on the property;</p> <p>3.4.2. A detailed drawing showing the details of the swimming pool enclosure including the type, height, materials, gate(s), and latching materials; and,</p> <p>3.4.3. A lot grading plan completed and stamped by a Professional Engineer, an Ontario Land Surveyor or a Landscape Architect may be required at the discretion of the Development Engineering Department.</p>	Paragraph has been amended to clarify what is required as part of a complete submission for all swimming pool enclosure permits.
General Provisions	<p><u>26. Upon completion of the swimming pool enclosure the owner shall contact the County to request a final inspection. If, upon</u></p>	Removed.	Paragraph has been removed as internal processes, such as that relating to Swimming

	<u>inspection, the swimming pool enclosure is found to be in compliance with the provisions of this by-law, the owner shall be issued a Certificate of Approval, as set out in Schedule 'E', forming part of this by-law. If, subsequent to the original issuance of a Certificate of Approval, the owner seeks a subsequent Certificate of Approval, the fee set out in Schedule 'D' shall apply.</u>		Pool Permits should form part of the By-Law.
General Provisions	Does not form part of By-Law 54-03	3.5. The applicant shall pay a fee in accordance with the County's Fees and Charges By-law. The fee pursuant to the County Fees and Charges By-law shall be payable upon application for the Swimming Pool Enclosure Permit.	Paragraph has been included within the proposed by-law to require all applicants applying for a swimming pool enclosure permit to pay a fee as set out within the County's Fees and Charges By-Law.
General Provisions	47. Nothing in Section 45 serves to exempt an owner from the requirements of Sections 21 through 43.	3.6. The provisions of this by-law, in no way exempt swimming pools from complying with any applicable Federal or Provincial statutes, and regulations thereunder, or any other regional or municipal by-law, including the requirement for a permit.	Paragraph has been amended to include further regulatory language relating to the inability to exempt swimming pool enclosures from the requirements of the proposed by-law or any other government policies which may be applicable.
General Provisions	23. No person shall place water or permit the placement of water in a swimming pool, until a swimming pool enclosure has been erected in	3.7. No person shall place water or allow water to remain in any swimming pool unless a required Swimming Pool Enclosure Permit has been issued and	Paragraph has been amended to clarify regulatory language while preserving the overall intent.

Attachment 4 – Comparison Chart - New Swimming Pool Enclosure Regulations (November 2022)

	compliance with the provisions of sections 28 through 43.	the swimming pool enclosure has been constructed, inspected, approved, and maintained in compliance with this by-law.	Swimming pools will not be permitted to be used/filled until an enclosure has been approved/inspected/maintained.
General Provisions	41. No person shall permit any gate or door forming part of a swimming pool enclosure to be unlocked when the swimming pool is not under competent supervision.	3.8. No person shall permit any gate or door forming part of a swimming pool enclosure to be unlocked when the swimming pool is not under competent supervision.	Paragraph and regulations remain unchanged.
General Provisions	37. Fences, or their equivalent, when forming part of the required swimming pool enclosure shall contain no barbed wire, electrical wiring, sharp projections or any other dangerous characteristics either on the outside or the inside.	3.9. No person shall install or allow the use of any barbed wire, broken glass, or electrification in connection with any swimming pool enclosure.	Paragraph has been amended to simplify regulatory language. Prohibitions and regulations remain unchanged.
General Provisions	27. A permit is not required in the case of a swimming pool which has been dismantled and is being reconstructed in the exact same manner and in the exact same position , provided a permit was obtained for the original swimming pool enclosure and provided that the enclosure is not being altered in any way.	3.10. A permit is not required for a swimming pool enclosure for a swimming pool which has been dismantled or deflated and is being reconstructed, placed, or erected in the exact location in which it was previously constructed, erected or placed provided that a permit was obtained for the original installation, and the required swimming pool enclosure remains in compliance with this by-law.	Paragraph has been amended to clarify when a swimming pool enclosure permit is not required.
General Provisions	Does not form part of By-Law 54-03	3.11. Swimming pools shall comply with all yard and setback requirements specified in the County of Brant Comprehensive Zoning By-law.	Paragraph has been included to require all swimming pools to be located in accordance with regulations contained

			within the County of Brant Comprehensive Zoning By-Law.
Swimming Pool Enclosure Requirements		4. SWIMMING POOL ENCLOSURE REQUIREMENTS	The “Swimming Pool Enclosure Requirements” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Swimming Pool Enclosure Requirements	28. The swimming pool enclosure shall extend from the effective ground level to a minimum vertical height of 1.22 metres (4 feet).	4.1. <i>Swimming pools shall be enclosed with a swimming pool enclosure not less than 1.52 m in height and not more than maximum permitted height in the County’s Fence By-law, measured from the ground level at the exterior face of the swimming pool enclosure.</i>	Height of a swimming pool enclosure is proposed to change from a minimum of 1.22 m to 1.52m. Paragraph has been amended to include wording to relate back to the County of Brant Fence By-Law for greater clarity of regulations.
Swimming Pool Enclosure Requirements	33. For the purposes of this By-law a fence or its equivalent, which is to form a swimming pool enclosure or part thereof, shall be of: (a) chain link construction; or (b) vertical board construction; or (c) an approved equivalent.	4.2. <i>All swimming pool enclosures shall be constructed of wood, metal, or chain link fencing unless the Officer has approved a fence of any other materials and construction which in their opinion will yield an equivalent or greater degree of safety to the standards specified in this by-law.</i>	Paragraph has been amended to include reference to the Municipal Official having discretion to approve other forms of swimming pool enclosure materials which may not specifically be

			<p>identified within this paragraph.</p> <p>Flexibility provided for within the current Fence By-Law is still maintained within the proposed by-law.</p>
Swimming Pool Enclosure Requirements	<p>34. A fence of chain link construction shall:</p> <p>(a) have a mesh not greater than 5 cm (2 inches) consisting of 11 gauge galvanized steel wire; and</p> <p>(b) be supported by a minimum of 3.81 cm (1.5 inches) galvanized steel posts, spaced not more than 3.05 metres (10 feet) apart that extend at least .91 metres (3 feet) below grade and are encased in concrete at least 5 cm (2 inches) thick all around; and</p> <p>(c) have top and bottom rails firmly fastened to the upright posts made of minimum 3.18 cm (1.25 inches) galvanized steel pipe. Galvanized steel tension wire of sufficient strength to keep the bottom of the fence taut may be substituted for the bottom rail; and</p> <p>(d) have the bottom rail located a maximum of 5 cm (2 inches) from the finished grade.</p>	<p>4.3 Chain Link – A fence of chain link construction shall:</p> <p>4.3.1 Be supported by galvanized posts having a diameter of not less than 38.01 mm;</p> <p>4.3.2 Be set in concrete, spaced not more than 2.44 m apart;</p> <p>4.3.3 Such chain link fencing shall be at least 14 gauge with a mesh of diameter not more than 38.01 mm, having a top rail securely fastened to the upright posts and a bottom rail or a tension wire securing the bottom of fencing to the posts.</p>	<p>Measurements have been amended from “cm” to “mm.” The measurement relating to galvanized post diameters has remained unchanged.</p> <p>Separation of galvanized posts has been decreased from 3.05m to 2.44m.</p> <p>A minimum requirement of 14 gauge mesh material has been included for all chain link enclosures.</p> <p>Paragraph has been amended to remove reference to depth of post installation, top and bottom rail specifications, and distance from bottom rail to finish grade.</p>

Swimming Pool Enclosure Requirements	<p>35. A fence of wood construction shall: (a) have vertical boarding attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must measure not less than 2.5 x 10 cm (1 x 4 inches) and must be spaced not more than 3.81 cm (1.5 inches) apart; and (b) be supported by cedar posts or pressure treated lumber that measure a minimum of 10 x 10 cm (4 x 4 inches), spaced not more than 2.44 metres (8 feet) apart. Such posts shall extend at least .91 cm (3 feet) into the ground; and (c) have that portion of the post below the ground level treated with an approved wood preservative; and (d) have top and bottom rails which measure a minimum of 5 x 10 cm (2 x 4 inches) spaced not less than 1.07 metres (3 feet, 6 inches) apart.</p>	<p>4.4 Wood – A fence of wood construction shall: 4.4.1 Be supported by posts that measure a minimum of 100.01 mm x 100.01 mm, spaced not more than 2.44 m apart. Such posts shall extend at least 0.91 m into the ground; 4.4.2 Be constructed of solid panels, vertical boards or vertical pickets, having horizontal rails not less than 1.22 m apart measured vertically from the top of the bottom horizontal rail to the top of the upper horizontal rail. 4.4.3 Have openings between the panels, vertical boards or pickets not exceeding 38.01 mm.</p>	<p>Depth of posts for wood enclosures has changed from .91cm to 0.91m into the ground.</p> <p>Spacing of rails has changed from 1.07m to 1.22m apart.</p> <p>Paragraph has been amended to remove other regulations relating to wooden enclosures to simplify regulations and implementation of the proposed by-law.</p>
Swimming Pool Enclosure Requirements	<p>Does not form part of By-Law 54-03.</p>	<p>4.5 Wrought iron or other metal type – a fence of wrought iron or metal construction shall: 4.5.1 Be of sufficient strength to provide an effective swimming pool enclosure; 4.5.2 Have supports of posts spaced not more than 2.41 m apart and placed at least</p>	<p>Paragraph included to establish regulations relating to wrought iron swimming pool enclosures which have been identified as common and trending through swimming pool enclosure permits and inspections.</p>

		0.91 m below ground level or sufficiently anchored to a suitable surface; and 4.5.3 Have horizontal members, including top and bottom rails, that are spaced at least 1.21 m apart, and vertical members that are spaced no more than 100.01 mm apart on the exterior face of the fence.	
Swimming Pool Enclosure Requirements	31. The swimming pool enclosure shall be located at a distance of at least 1.22 metres (4 feet) from any outside structure, fence, tree, air conditioning unit, meter, steps, ledge, window sill, or other object, that might afford a means whereby, in the opinion of the Municipal Law Enforcement Officer, the safety of the swimming pool enclosure is compromised.	4.6 The swimming pool enclosure shall be located at a distance of at least 1.22 m from any outside structure, fence, tree, air conditioning unit, metre, steps, ledge, windowsill, or other object that might afford a means whereby, in the opinion of the Officer, the safety of the swimming pool enclosure is compromised.	Paragraph has been slightly amended to only refer to an “officer” as defined within the proposed by-law.
Swimming Pool Enclosure Requirements	Does not form part of By-Law 54-03	4.7 The maximum permitted space between the bottom of the swimming pool enclosure and the ground or surface beneath it, is 76.01 mm.	Paragraph has been included to require a maximum space between the bottom of an enclosure and the ground or surface beneath.
Swimming Pool Enclosure Requirements	32. The swimming pool enclosure shall be located at a distance of not less than 1.22 metres (4 feet) from the nearest inside wetted surface of the swimming pool wall.	4.8 All swimming pool enclosures shall be set back not less than 1.22 m from the nearest inside wetted surface of the swimming pool wall.	Paragraph has been amended slightly to remove wording, simplifying the regulatory language.
Swimming Pool Enclosure Requirements	30. The required swimming pool enclosure, except for any building walls which may form part thereof, shall have no attachment on the	4.9 No swimming pool enclosure shall have any element or attachment which will aid or facilitate climbing the exterior.	Paragraph has been amended to simplify the intent of regulations relating to swimming pool enclosures.

	exterior face such as horizontal or diagonal bracing, horizontal rails or other members, which would facilitate climbing.		
Swimming Pool Enclosure Requirements	29. The wall of a building may form a part of the required swimming pool enclosure provided that any entrances on the wall are kept locked when the pool is not supervised.	4.10 The wall of a building may form a part of the required swimming pool enclosure provided that any entrances on the wall, leading to the swimming pool area, are kept locked when the pool is not supervised.	Paragraph amended to include locational requirements relating to walls which form part of swimming pool enclosures.
Swimming Pool Enclosure Requirements	36. A swimming pool enclosure of any other construction that might yield an equivalent or greater degree of safety to that specified in Sections 34 and 35 may be approved by the Chief Building Official upon the receipt of complete plans and specifications for such fence.	Removed.	Paragraph has been removed as there have been inclusions for municipal officials to utilize discretion for other types of swimming pool enclosures within the proposed by-law to maintain a flexible approach to implementation.
Gates and Entrances		5. GATES AND ENTRANCES	The “Gates and Entrances” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Gates and Entrances	38. Gates, which form a part of the swimming pool enclosure, shall: (a) be of such height and of such	5.1. Gates of entrances which form part of the swimming pool enclosure shall be:	Paragraph has been amended to simplify regulatory language where appropriate

	<p>construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence; (b) be supported on substantial hinges; and (c) be self-closing and self latching with the latch device at the top and on the inside of the gate.</p>	<p>5.1.1. Of construction and height equivalent to or greater than that of the swimming pool enclosure as described in Section 4 of this by-law;</p> <p>5.1.2. Supported on substantial hinges;</p> <p>5.1.3. Equipped with self-closing hardware capable of placing the gate or entrance in a latched position; and</p> <p>5.1.4. Equipped with an operable self-latching device located at least 1.22 m above the ground level on the swimming pool side of the gate or entrance. Any thumb latch or release mechanism of any kind that is located on the exterior face of the gate or entrance, and is connected to the self-latching device, shall be located at least 1.52 m above the ground level.</p>	<p>and provide further regulations for self-latching devices relating to self-closing gates which form part of an enclosure.</p>
Gates and Entrances	Does not form part of By-Law 54-03	<p>5.2. Where double gates are used, both sections shall be supported by substantial hinges and one section equipped with approved self-closing and self-latching hardware, having the self-latching hardware located on the top inside of the gate. The remaining section of the gate is to be equipped with a ground pin and lock to mechanically secure that section of the gate. Ground pin and locks shall be located on the inside of the gate. Both sections of the gate to be locked at all times when the swimming pool is not under competent supervision. Ground locks are to be located on the inside</p>	<p>Paragraph has been included to provide regulations for double gates proposed to form part of a swimming pool enclosure.</p>

		of the swimming pool enclosure to prevent access.	
Gates and Entrances	<p>39. Doors, which form a part of the swimming pool enclosure, shall be of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence.</p> <p>40. Where any garage forms part of the swimming pool enclosure, any man door that leads to the swimming pool enclosure shall: (a) be supported on substantial hinges; and (b) be self-closing and self-latching by means of a device located at least 1.53 metres (5 feet) above the bottom of the door.</p>	<p>5.3. Doors providing direct access to a swimming pool area from an attached or detached garage, but excluding doors from a dwelling unit, are to be equipped with a self-closing device and with a self-latching device located not less than 1.52 m above the bottom of the door and kept securely locked when the swimming pool is not under competent and immediate supervision.</p>	Paragraph amended to include further regulations relating to doors forming part of an enclosure to ensure safety of swimming pools when unattended or unsupervised.
Temporary Swimming Pool Enclosure		6. <u>TEMPORARY SWIMMING POOL ENCLOSURE</u>	The “Temporary Swimming Pool Enclosure” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Temporary Swimming Pool Enclosure	Does not form part of By-Law 54-03	6.1. A swimming pool while under construction, shall be completely enclosed by a temporary swimming pool enclosure,	Paragraph included to provide regulations for enclosure of swimming pools

		except where the swimming pool enclosure requirements have been approved by the Officer.	which are under construction.
Temporary Swimming Pool Enclosure	<p>Swimming Pools – Temporary Fences</p> <p>42. Where it is necessary during construction to permit the entry of construction equipment into the swimming pool enclosure, a portion of the approved swimming pool enclosure may be replaced by temporary fencing provided it meets the following requirements:</p> <p>(a) the fencing material must be snow fencing or an approved alternate; (b) the fencing must be a minimum of 1.0 metres (3.28 ft) in height and adequately supported; (c) the fencing must enclose the swimming pool area whenever the area is not under competent supervision; and (d) the temporary fencing must be replaced by the approved permanent swimming pool enclosure within 15 days of filling the pool with water.</p>	<p>6.2. A temporary swimming pool enclosure shall:</p> <p>6.2.1 consists of a 1.22 m high plastic mesh fence having mesh openings not greater than 50.01 mm and supported by steel bar posts located a maximum of 2.41 m apart and with a nine (9) gauge galvanized steel wire threaded through the top and bottom of such fence; or</p> <p>6.2.2 be constructed of material that will provide an equivalent or greater degree of safety referred to in article 6.2.1 above, and which has been approved by the Officer.</p>	<p>Paragraph has been amended to provide a detailed description of “snow fencing” for greater certainty.</p> <p>Height of a temporary enclosure has changed from 1.0m to 1.22m.</p> <p>Further regulations relating to maximum measurement of openings and galvanized steel have also been added.</p> <p>Discretionary flexibility of temporary fencing and materials remains part of this paragraph to assist with implementation of the proposed by-law.</p>
Above Ground Swimming Pools	<p>Swimming Pools – Above Ground</p> <p>43. Except with respect to vinyl free form pools as described in subsection 43(c), for the purposes of this by-law, above ground swimming pools will be deemed to</p>	Removed.	Section has been removed as above ground swimming pool enclosures are proposed to be regulated in accordance with all other swimming pool types.

	<p><u>comply with the swimming pool enclosure requirements of this by-law if: (a) (i) the swimming pool walls are at least 1.22 metres (4 feet) in height; (ii) the swimming pool has a ladder which can be removed or locked in an upright position prohibiting access to the swimming pool; (iii) the ladder is always removed or locked in an upright position when not under competent supervision; and (iv) the swimming pool walls are at least 1.22 metres (4 feet) from other objects, including but not limited to, trees and swimming pool equipment, such as heater and filter, and free from angled side supports, which could provide access to the swimming pool, or (b) (i) the above ground swimming pool has a fence around the swimming pool area as an integral part of its construction; (ii) the fence extends from the surface level of the water, a minimum vertical distance of 1.22 metres (4 feet) and is at least 0.91 metres (3 feet) removed from the inside wetted wall of the swimming pool; and (iii) a ground constructed enclosure, meeting the requirements of this by-law, as</u></p>		<p>This is a change from the current approach as most above ground pool enclosures which meet the requirements as set out within the County of Brant Fence By-Law would not be subject to any other enclosure regulations.</p>
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	<u>applicable, encloses the entrance ladder and any other objects, including trees or swimming pool equipment, such as heater and filter, which could provide access to the pool, or (c) the swimming pool is a vinyl, free form pool, tightly secured with a lockable cover, manufactured for that purpose, or an equally secure alternative, and is locked and covered when not supervised.</u>		
Maintenance		7. MAINTENANCE	The “Maintenance” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Maintenance	Does not form part of By-Law 54-03	7.1. The owner of any lands on which a swimming pool is located or constructed shall maintain a swimming pool enclosure around the entire swimming pool area, in accordance with the provisions of this by-law.	Paragraph added to provide firm regulatory language on the obligations of an owner to maintain enclosure of swimming pools.
Maintenance	Does not form part of By-Law 54-03	7.2. No person shall place water, or cause water to be placed, in a swimming pool, unless the swimming pool enclosure described in this by-law is maintained in	Paragraph added to provide firm regulatory language on the obligations of an owner

		accordance with the provisions of this by-law.	to maintain enclosure of swimming pools.
Maintenance	Does not form part of By-Law 54-03	7.3. Where an existing swimming pool enclosure is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this by-law.	Paragraph added to provide clarification on existing swimming pool enclosures and the replacement or alterations of those enclosures.
Maintenance	<p><u>Maintenance of Fences</u></p> <p>44. An owner or occupant of land, or an employee or agent of the owner or occupant of land, may enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structure on the land of the owner or occupant provided that: (a) the owner or occupant enters the adjoining land only to the extent necessary to carry out repairs or alterations; (b) the person exercising the power of entry displays or, on request, produces proper identification; (c) the owner or occupant provides reasonable notice of the proposed entry to the occupier of the adjoining land; and (d) the owner or occupant of land, in so far as is practicable, restores the adjoining land to its original condition and shall provide</p>	<p>7.4. Any owner may enter adjoining land, at any reasonable time during daytime hours, for the purpose of maintenance (i.e., repairs or alterations) to any fence on the land of the owner provided that:</p> <p>7.4.1. The owner enters the adjoining land only to the extent necessary to carry out maintenance;</p> <p>7.4.2. The person exercising the power of entry displays or, on request, produces proper identification;</p> <p>7.4.3. The owner provides reasonable notice of the proposed entry to the adjoining owner; and</p> <p>7.4.4. The owner restores the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or maintenance.</p>	Paragraph has been amended to clarify regulatory language relating to the access of adjoining lands for the purpose of maintaining a swimming pool enclosure.

	compensation for any damages caused by the entry or by anything done on the adjoining land.		
Revocation of Swimming Pool Enclosure Permit		8. REVOCATION OF SWIMMING POOL ENCLOSURE PERMIT	The “Revocation of Swimming Pool Enclosure Permit” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Revocation of Swimming Pool Enclosure Permit	Does not form part of By-Law 54-03	8.1. The County may revoke a Swimming Pool Enclosure Permit immediately; 8.1.1. Where it was issued on mistaken or false information; 8.1.2. It was issued in error; or 8.1.3. The permit holder requests in writing that it be revoked.	Paragraph has been added to provide regulatory action relating to swimming pool enclosure permits.
Revocation of Swimming Pool Enclosure Permit	Does not form part of By-Law 54-03	8.2. The County may revoke a Swimming Pool Enclosure Permit; 8.2.1. If after six (6) months after its issuance, construction of the swimming pool enclosure, in the opinion of the Officer, has not started; or 8.2.2. Where the construction or erection of the swimming pool enclosure, in the opinion of the Officer, has not commenced, has been suspended or discontinued for a period of more than one (1) year.	Paragraph has been added to provide regulatory action relating to swimming pool enclosure permits.

Revocation of Swimming Pool Enclosure Permit	Does not form part of By-Law 54-03	8.3. Prior to revoking a Swimming Pool Enclosure Permit as described in Section 8.2 of this by-law, the Officer shall give written notice of intention to revoke the swimming pool enclosure permit and rationale of revocation to the permit holder at their last known address and if, on the expiration of fifteen (15) days from the date of such notice, if the ground for revocation continues to exist, the Swimming Pool Enclosure Permit shall be revoked without further notice and all submitted plans and other information shall be disposed of in accordance with the County of Brant Records and Retention By-law.	Paragraph has been added to provide regulatory action relating to swimming pool enclosure permits.
Swimming Pool Enclosure Refunds		9. <u>SWIMMING POOL ENCLOSURE PERMIT REFUNDS</u>	The Swimming Pool Enclosure Permit Refund” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Swimming Pool Enclosure Refunds	Does not form part of By-Law 54-03	9.1. Where an applicant requests, in writing, the cancellation of a Swimming Pool Enclosure Permit to the County, and is no longer commencing with the project, the applicant of the Swimming Pool Enclosure Permit shall be entitled to a refund not to	Paragraph has been added to provide clarification on cancellation of swimming pool enclosure permits and refund policies relating to cancellations.

		exceed fifty (50%) percent of the permit fee paid.	
Enforcement Provisions		<u>10. ENFORCEMENT PROVISIONS</u>	The “Enforcement Refunds” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Enforcement Provisions	Does not form part of By-Law 54-03	10.1. The Officer or their designate shall enforce the provisions of this by-law and are authorized to enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with or compliance with an order issued under this by-law.	Paragraph has been added to provide regulatory policies for municipal officials charged with enforcing the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Enforcement Provisions	24. Where a person fails to erect or maintain a swimming pool enclosure in accordance with the provisions of this by-law the County may erect or maintain the swimming pool enclosure at the owner or occupant's expense pursuant to section 427 of the Municipal Act, 2001, and may enter onto the property for the purpose	10.2. Where an owner fails to comply with any provision of this by-law, an order may be issued to the owner requiring compliance and indicate the time for complying with the order and giving notice that, if the order is not complied with within that time, the County may carry out the order at the owner's expense.	Paragraph has been added to provide regulatory policies relating to enforcement and issuance of orders by municipal officials charged with enforcing the proposed by-law. This additional clause will assist with implementation of the proposed by-law.

	of carrying out the powers granted therein.		
Enforcement Provisions	Does not form part of By-Law 54-03	10.3. An order may be personally delivered, posted in a conspicuous location on the property or served by Registered Mail. An order posted on the property is considered served. Where an order is mailed, the order shall be deemed delivered on the earlier of receipt of the order by the addressee or the fifth (5th) day following the date of mailing, whether actually received or not.	<p>Paragraph has been added to provide clarity on how municipal official may lay an order in relation to the proposed by-law.</p> <p>This additional clause will assist with implementation of the proposed by-law.</p>
Enforcement Provisions	Does not form part of By-Law 54-03	10.4. Where an order has been issued and compliance has not been achieved within the required time period as set out in the order the County may, through its employees or agents or persons acting on its behalf, enter upon the land to drain, fill in or enclose the swimming pool at the expense of the owner and any and all expenses incurred may be added to the tax roll and collected from the owner of the property in the same manner as municipal taxes.	<p>Paragraph has been added to provide clarity on the actions a municipal official may take in relation to an order issued under the proposed by-law.</p> <p>This additional clause will assist with implementation of the proposed by-law.</p>
Enforcement Provisions	Does not form part of By-Law 54-03	10.5. Where it is required for the County to have work conducted to remedy a non-conformity as described in Section 10.4 of this by-law, the County may charge an administration fee of fifteen (15%) percent of such expense which will be added to the expense of the work.	Paragraph has been added to provide clarity on the ability for the County to recoup costs associated with conducting works associate with an order on behalf of an Owner under the proposed by-law.

			This additional clause will assist with implementation of the proposed by-law.
Penalties		<u>11. PENALTIES</u>	The “Penalties” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Penalties	Does not form part of By-Law 54-03	11.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction is liable to the penalties as prescribed by the Provincial Offences Act, R.S.O. 1990 c. P.33.	Paragraph has been added to clarify provisions relating to contraventions of the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Penalties	Does not form part of By-Law 54-03	11.2. A person convicted under this by-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.	Paragraph has been added to clarify fines relating to penalties for contravention of the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Penalties	Does not form part of By-Law 54-03	11.3. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence	Paragraph has been added to clarify fines relating to

		continues a maximum of no more than \$10,000. The total daily fines imposed for each offence may exceed \$100,000.	penalties for contravention of the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Penalties	Does not form part of By-Law 54-03	11.4. No person shall hinder or obstruct an Officer, from carrying out an inspection of a property for the purpose of confirming compliance with the provisions of this by-law or for compliance with an order issued for the property.	Paragraph has been added to include regulations relating to the inspection of swimming pool enclosures under the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Penalties	Does not form part of By-Law 54-03	11.5. No person shall hinder or obstruct an Officer, or their agent or agents, from entering onto lands to carry out remedial action on a property whereby an order has been issued and compliance has not been achieved by the stipulated compliance date.	Paragraph has been added to include regulations relating to the inspection of swimming pool enclosures and actions relating to issuance of orders under the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Penalties	Does not form part of By-Law 54-03	11.6. No person shall hinder or obstruct any Officer who is exercising a power or performing a duty under this by-law, including refusing to identify themselves when requested to do so by an Officer.	Paragraph has been added to include regulations relating to ability for a municipal official to carry out duties assigned through the proposed by-law and the impendance of said actions.

			This additional clause will assist with implementation of the proposed by-law.
Administration		12. ADMINISTRATION	The “Administration” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Administration	Does not form part of By-Law 54-03	12.1. If there is a conflict between a provision of this by-law and a provision of any other municipal by-law, the provision that establishes the highest standard to protect the health or safety of the public shall apply.	Paragraph has been added to provide direction on regulations of enclosures through other municipal by-laws. This additional clause will assist with implementation of the proposed by-law.
Administration	Does not form part of By-Law 54-03	12.2. Pursuant to the provisions of Sections 23.1 through 23.5 of the Municipal Act, 2001, S.O. 2001, c.25 the Clerk of the Corporation of the County of Brant is hereby authorized to affect any minor modifications or corrections of an administrative, numerical, grammatical, semantical, or descriptive nature or kind to the by-law and	Paragraph has been added to provide the ability for Clerks of the County to make minor administrative corrections to the proposed by-law where/if necessary.

		schedules as may be necessary after the passage of this by-law.	
Severability		<u>13. SEVERABILITY</u>	The “Severability” Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Severability	Does not form part of By-Law 54-03	13.1. If any provision or part of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.	Paragraph has been added to provide direction on court or tribunal decisions relating to the proposed by-law. This additional clause will assist with implementation of the proposed by-law.
Severability	Does not form part of By-Law 54-03	13.2. If there is a conflict between a provision of this by-law and a provision of any other municipal by-law or piece of legislation, then the more restrictive provision shall apply.	Paragraph has been added to provide clarification on conflicting legislative regulations governing enclosures. This additional clause will assist with implementation of the proposed by-law.
Transition		<u>14. TRANSITION</u>	The “Transition” Section of the By-Law has been

			formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Transition	<u>Transition</u> 45. Subject to Section 46, and section 47, any fence proven to have been lawfully erected before the day this by-law comes into force is deemed to comply with this by-law and may be maintained as erected, but when the fence is replaced, the replacement fence shall comply with this by-law.	14.1. Any swimming pool enclosure that was in lawful existence prior to the effective date of this by-law shall be deemed to comply with this by-law and may be maintained to the same location, height and dimensions as previously existed.	Paragraph has been amended to simplify regulatory language relating to existing swimming pool enclosures which were lawfully erected prior to the proposed by-law coming into force and effect.
Transition	Does not form part of By-Law 54-03	14.2. After the date of the passing of this by-law those by-laws as described in Section 14.1 of this by-law, shall apply only to those properties in which an application for permit has been submitted prior to the date of passing, and then only to such properties until such time as the work permitted under any issued permit for those applications has been completed.	Paragraph has been added to allow for consideration of regulations set out under the County of Brant Fence By-Law 54-03 during a transitional period prior to the proposed by-law coming into force and effect and shortly after the effective date, dependant on timing of submission of a permit and inspection.

			This will assist with implementation of the proposed by-law.
Transition	46. All properties that have proven to have legally non-conforming fences shall be set out in Schedule 'F' for reference purposes.	Removed.	Paragraph has been removed as there will no longer be a schedule forming part of the proposed by-law to track legal non-conforming enclosures throughout the County. Schedule 'F' could not be located when undertaking this project nor was there a historic list of legal non-conforming enclosures identified.
Enactment		15. ENACTMENT	The "Enactment" Section of the By-Law has been formatted to create consistency throughout the document and only include provisions and regulations which are generally intended to apply to swimming pool enclosures throughout the County of Brant.
Enactment		15.1. By-law #54-03 is hereby repealed on January 1, 2023. 15.2. This By-law shall come into force and effect on January 1, 2023.	Recital of the date that the proposed by-law shall come into force and effect if adopted by Council.

