

Being a by-law to further amend the Pool Enclosure By-law 79-2006, as amended.

Whereas at its meeting of March 31, 2025 Council adopted the recommendation contained in Item SF-25-14 to further amend Pool Enclosure By-law 79-2006, as amended ("Pool Enclosure By-law") to implement minor technical amendments to support the continuous improvement of standards to meet the intended outcome of Pool Enclosure By-law.

Therefore it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. The City's Pool Enclosure By-law 79-2006, as amended is hereby further amended as follows:
 - 1.1 Section 2.1.1. is amended by adding a new definition "Agricultural Use" immediately before "Building" as follows:

""Agricultural Use" has the same meaning as defined in the City's Zoning By-law 60-94, as amended, and shall mean an area of land with or without accessory buildings, structures or outdoor storage which is used primarily for: (a) the growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers, cannabis or landscaping materials, and may include woodlot and forest tree uses; (b) the breeding, training, raising or boarding of birds, fish or animals of any kind; (c) the erection and use of greenhouses and/or controlled environment agriculture facilities; (d) the packing, crating, storing, and sale of produce grown on the premises; or (e) other similar uses customarily carried on in the field of general agriculture, but does not include a kennel."
 - 1.2 Section 2.1.1. is amended by adding a new definition "Cemetery" immediately after "Building Services" as follows:

""Cemetery" has the same meaning as defined in the City's Zoning By-law 60-94, as amended, and shall mean land set aside to be used for the interment of human or pet animal remains and may include a mausoleum, columbarium, crematorium or other buildings or structures intended for the interment of such remains and an accessory funeral visitation centre."
 - 1.3 Section 2.1.1. is amended by adding a new definition "City" immediately after "Cemetery" as follows:

""City" means The Corporation of the City of Oshawa"
 - 1.4 Section 2.1.1. is amended by adding a new definition "Council" immediately preceding "Covering Plate Device" as follows:

""Council" means the City's Council."
 - 1.5 Section 2.1.1. is amended by adding a new definition "Director" immediately after "Decorative Pond" as follows:

""Director" means the City's Director, Municipal Law Enforcement and Licensing Services, including their designates."
 - 1.6 Section 2.1.1. is amended by adding a new definition "Golf Course" immediately after "Disrepair" as follows:

""Golf Course" has the same meaning as defined in the City's Zoning By-law 60-94, as amended, and shall mean an area of land operated for the purpose of playing golf and may include a restaurant, a facility for the sale of golf equipment, a banquet hall or

assembly hall, accessory miniature golf courses, driving ranges, putting greens or similar accessory uses.”

- 1.7 Section 2.1.1. is amended by capitalizing the word “pool” under the definition of “Inflatable Pool”.
- 1.8 Section 2.1.1. is amended by adding a new definition “Municipal Act” immediately after “Inflatable Pool” as follows:

““Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as from time to time amended.”
- 1.9 Section 2.1.1. is amended by deleting the word “fenn” and replacing with “fen” under the definition “Natural Body of Water”.
- 1.10 Section 2.1.1. is amended by deleting the definition of “Officer” and replacing with the following:

““Officer” has the same meaning as defined City’s Inspection By-law 64-2008, and shall mean each of:

 - a) the Director;
 - b) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce a by-law or a direction or order of the City made under the Municipal Act or made under a by-law; and
 - c) a police officer employed by a municipal police force or by the Ontario Provincial Police.”
- 1.11 Section 2.1.1. is amended by deleting the definition of “Owner” and replacing with the following:

““Owner” means the lawful owner of a Property, but also includes a lessee, tenant or occupant who is in care or control of a Property, upon which a Pool is located and also includes all persons involved in the installation, excavation or erection of a Pool and Pool Enclosure.”
- 1.12 Section 3.1.1. is amended by capitalizing the word “owner”.
- 1.13 Section 4.1.5. is deleted in its entirety and replaced with the following:

“4.1.5 Upon issuance of a Pool Enclosure Permit, all work on the Pool Enclosure shall be completed within six (6) months failing which, that Permit shall expire and a new Permit must be obtained for any future work. The Director may impose conditions including, but not limited to, the reduction of the six (6) months Permit work period for the purposes of addressing health and safety concerns.”
- 1.14 Section 5.4.1. is amended by capitalizing the word “device”.
- 1.15 Section 5.4.2. is deleted in its entirety and replaced with the following:

“5.4.2. Metal, wrought iron and chain link gates and fences used in a Pool Enclosure shall be equipped with a Covering Plate Device, a minimum of 0.3 m (12 in.) x 0.3 m (12 in.) size, covering the Self-Latching Device on both the gate and fence to prevent access to the Self-Latching Device from the outside of the Pool Enclosure. The Covering Plate Device shall be a minimum thickness of 6.3 mm (¼” in.).”
- 1.16 Section 5.4.3. is deleted in its entirety and replaced with the following:

“5.4.3. Double gates used in a Pool Enclosure shall have one of the two gates equipped with a Self-Closing Device and Self-Latching Device to provide access. The other gate shall have a securing device permanently affixed to the ground or other non-moveable object, which prevents access through this gate without lifting or removing this device and then releasing the latch. This gate must be securely closed unless open for access and supervised to prevent unauthorized access to the pool area.”
- 1.17 A new Section 5.4.4. shall be added immediately after Section 5.4.3., as follows:

“5.4.4. Gates used in a Pool Enclosure with decorative features or inserts which provide unobstructed access to the gate latching device shall be equipped with a Covering Plate Device, a minimum of 0.3 m (12 in.) x 0.3 m (12 in.) size, covering the latching device on gate to prevent access to the latching device from the outside of the Pool Enclosure. The Covering Plate Device shall be a minimum thickness of 6.3 mm (¼” in.).”

By-law passed this twenty-sixth day of May, 2025.

Mayor

City Clerk