BY-LAW NUMBER 150-2026

A BY-LAW TO ESTABLISH STANDARDS,
REGULATIONS AND MAINTENANCE
REQUIREMENTS FOR SWIMMING POOLS,
THEIR ENCLOSURES AND EQUIPMENT

Passed the 28th day of September, 2026.

WHEREAS pursuant to s.10(2) of the Municipal Act, 2001, municipalities have authority to pass by-laws respecting health, safety and well-being of persons, protection of persons, and property and structures including fences;

AND WHEREAS it is deemed expedient to repeal By-law 63-2021 and replace it with a new consolidated By-law

AND WHEREAS pursuant to s.10(2) of the Municipal Act, 2001, municipalities have authority to pass by-laws respecting health, safety and well-being of persons, protection of persons, and property and structures including fences;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 TITLE

1.1 This By-law may be referred to as the Swimming Pool By-law.

SECTION 2 DEFINITIONS

In this By-law:

ACCEPTABLE means accepted by the *Officer* with respect to the standards set out in this bylaw.

BUILDING CODE means the Regulations made under the section 34 of the Building Code Act.

CHIEF BUILDING OFFICIAL means the Chief Building Official of the City or his/her designate.

CITY means The Corporation of the City of Windsor.

CITY CLERK means the person duly appointed as Clerk for the City.

CONSTRUCT means to build and/or to permit to build or erect, alter, relocate or cause any material alteration to a swimming pool or swimming pool enclosure. Without limiting the generality of the foregoing construct includes any work in preparation to construct, and constructed has a corresponding meaning.

EFFECTIVE GRADE LEVEL means the highest level of ground within 0.5m of a pool enclosure or above ground pool wall, measured horizontally in any direction, from the location under consideration.

ENTRANCE includes a gate, or opening intended for a means of entry or exit within a *swimming pool enclosure*.

EXTERIOR means the surface of a fence, swimming pool enclosure, deck or ramp that does not face toward a swimming pool or swimming pool area.

FARM means those lands dedicated primarily to the practice of farming.

FEES AND CHARGES BY-LAW means the City's By-Law to establish and require payment of fees and charges, as amended from time to time.

HOT TUB means a vessel designed or intended for therapeutic or bathing purposes commonly referred to as a hot tub, whirlpool, hydro massage pool, jetted tub or spa.

INTERIOR means the surface of a fence, swimming pool enclosure, deck or ramp which surface faces towards the swimming pool or swimming pool area.

MAINTAIN means to keep a swimming pool, swimming pool enclosure and associated equipment in a condition that complies with this By-law.

OFFICER means a provincial offences officer as defined in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 or any successor legislation

ORDER means a direction issued pursuant to Section 9 and requiring compliance with the standards prescribed by this bylaw, and "Orders" shall have a corresponding meaning.

OWNER includes the registered owner, occupant or any other person with an interest in the property.

PERSON includes an individual, an owner, occupant, agent, contractor, tenant, firm, proprietorship, partnership, association, syndicate, trustee, corporation, department, bureau or mortgagee.

POND means a contained body of water not intended for swimming or diving which is located in an area permitting residential uses but does not include bodies of water that are designed for storm water retention, those located on farms, or those on golf courses.

POOL SEASON means the period of time a swimming pool shall be operational: June 1st through October 31st.

PROPERTY means lands or structures on which a swimming pool, swimming pool enclosure, pond or hot tub is located.

IN GOOD REPAIR means free from damaged, defective and/or deteriorating materials, and capable of performing the function as designed per manufacturer's specifications.

STAGNANT WATER means an accumulation of water on any swimming pool cover or untreated or uncirculated water in any swimming pool, pond or hot tub.

SWIMMING POOL means any privately owned body of water contained in whole or in part by artificial means, including:

a) a *pond* located outdoors, above or below grade, on privately owned property;
b) any body of water contained in a man-made vessel,
   i. which is capable of holding a minimum depth of water at any point of 610mm and with more than 2.0m² in potential liquid surface area; and
   ii. which may be used or is capable of being used for swimming or diving or both;
c) swimming pools which are designed to be removed periodically on a seasonal or more frequent basis.

SWIMMING POOL does not include the following:

i. a) a *pond* or reservoir utilized for farming purposes or as part of a golf course;
ii. b) those swimming pools regulated by the Building Code; or
iii. c) an existing natural body of water or stream; a privately or publicly owned storm water management facility or publicly owned pool.

SWIMMING POOL AREA means the area of the swimming pool and surrounding areas adjacent thereto used or intended or capable of being used in conjunction with the swimming pool.

SWIMMING POOL ENCLOSURE means a permanent barrier, guard, railing, entrance or wall of any type, surrounding a swimming pool and swimming pool area. Earth berms, hedges and other similar natural or man-made topographic features are not deemed to be swimming pool enclosures.

TEMPORARY ENCLOSURE means an enclosure used for the purpose of temporarily enclosing a swimming pool or swimming pool excavation.

UNSAFE CONDITION means any condition that in the opinion of the Officer is hazard to the health or safety of any person(s).

WORKING CONDITION in relation to *swimming pools, ponds and hot tubs*, their enclosures and equipment means in a condition capable of performing the function for which they were designed.

ZONING BY-LAW means the Zoning By-law in effect for the *City*.

SECTION 3 AUTHORITY

3.1 The City Clerk shall administer this By-law.

3.2 This By-law shall be enforced by the City Clerk and any *Officer* assigned the responsibility of enforcing this By-law.

3.3 Nothing in this By-law shall restrict the *use* of alternative methods, materials or design as pre-approved by the *Chief Building Official at the time the application for a permit is made and prior to commencement of construction* or demolition.

SECTION 4 PERMITS, INSPECTIONS, EXPIRY & RENEWAL

4.1 No *person* shall *construct* or cause to be constructed a *swimming pool* unless a permit has been issued by the *Chief Building Official*.

4.2 No *person* shall demolish or cause to be demolished or fill in an in-ground *swimming pool* unless a permit has been issued by the *Chief Building Official*.

4.3 An Officer may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site in respect of which a permit is issued or an application for a permit is made.

4.4 A permit issued pursuant to this By-law shall be valid for a period of six (6) months from the date of issue. The permit may be revoked by the *Chief Building Official* if the work covered by the permit has not commenced before the expiry of six (6) months from the date of issue.

4.5 Where no work has commenced within six (6) months of issue, a permit may be renewed once for a further six (6) month period upon submitting a written request for renewal to the *Chief Building Official* before the expiry of the initial six (6) month period.

4.6 If a permit has been revoked and not renewed, and the owner or person(s) to whom a permit was issued wishes to proceed with the construction of the *swimming pool*, a new application for a permit shall be made and all applicable fees paid.

4.7 It is the responsibility of the *owner* or the *person(s)* to whom a permit has been issued to schedule the following mandatory inspections:

a) On site pre-construction – prior to excavation;

b) The relocation of a rear yard drain, catch basin or other means to retain or dispose of surface water to accommodate the *swimming pool* must be reinspected, and

c) When the *swimming pool* and *swimming pool enclosure* is complete and prior to filling with water.

SECTION 5 SWIMMING POOL REGULATIONS

5.1 No *person* shall *construct,* cause to be constructed or have a *swimming pool* except in accordance with the application, information, plans and specifications approved by the *Chief Building Official* and upon which the permit was issued.

5.2 No *person* shall *construct* or cause to be constructed a *swimming pool* without first having installed a *temporary enclosure*, unless an existing *swimming pool enclosure* has been confirmed to be in compliance with this By-law by an Officer.

5.3 No *person* shall *construct*, cause to be constructed or have a *temporary enclosure* unless:

a) it consists of a minimum 1.2m high mesh fence having a mesh not greater than 38mm, with a steel T-bar support post every 3.0 m maximum horizontal distance and a minimum 9 gauge galvanized steel wire located at the top and bottom of such fence; or

b) it is constructed of material that will provide the degree of safety referred to subsection a), as determined by the Chief Building Official.

5.4 No *person* shall place water in or permit water to be placed in a *swimming pool* or allow water to remain therein unless the *swimming pool enclosure* required by this By-law is erected and maintained *in good repair*.

5.5 No *person* shall place water in or permit water to be placed in a *swimming pool* or permit the use of a swimming pool unless it is constructed, installed and maintained in accordance with this By-law.

5.6 No *person* shall maintain a *swimming pool* with water at a level lower than that for which it was designed.

5.7 No *person* shall *construct,* cause to be constructed or have a *swimming pool* enclosure closer than 1.2m to any permanent physical object, plantings or geographical feature or any combination thereof that permits or facilitates the climbing from the *exterior* of such *swimming pool enclosure*.

5.8 No *person* shall *construct,* cause to be constructed or have an above ground *swimming pool* unless:

a) all access points are fenced in accordance with this By-law;

b) such *swimming pools* with a minimum height of 1.2m are constructed in a manner that would prevent climbing from the exterior and, access points to the *swimming pool* are fenced in accordance with this By-Law; or

c) such *swimming pools* which may be accessed by portable or removable ladders or other similar devices, have the ladders or other such devices removed from the *swimming pool* and securely locked and stored so as to prevent ready access to the *swimming pool* when it is not in use.

5.9 No *person* shall maintain, cause to be maintained or have a seasonal *swimming pool* assembled or in place outside of the usual *pool season* as described in this By-law.

5.10 No *person* shall *construct,* cause to be constructed or have a deck or ramp or part thereof serving a *swimming pool area* with a height greater than 610mm above the *effective grade level,* unless a continuous guard or other barrier is constructed and maintained around the *exterior* perimeter of the deck or ramp. Such guard barrier shall be constructed in general conformance with the height and spacing provisions stated in the Building Code.

5.11 Where any *swimming pool* has been removed, demolished or filled in;

a) The site shall be cleared of all swimming pool walls, floor, supports and other appurtenant components and left in a graded and levelled condition;

b) Only clean, inert, native material or granular material approved by the Chief Building Official shall be used as backfill;

c) Building rubble including but not limited to, broken bricks and concrete, shall not be acceptable as backfill material;

d) The site shall be properly graded, grass seeded and otherwise restored to the satisfaction of the Officer to ensure that water will not pond on the site or drain onto adjoining properties.

5.12 No *person* shall remove or demolish an in-ground *swimming pool* without removal of its walls, floor and any other component attached to that which formed part of the swimming pool or its enclosure. Existing drains may remain but shall be capped and inspected prior to backfilling.

5.13 Every person shall ensure that a reaching pole or similar device that measures at least half the width of the *swimming pool* in length is provided in a clear and conspicuous location at all times.

5.14 Every *person* shall ensure that every *swimming pool* chemical is stored in a safe and secured container in a ventilated building out of the reach of children.

SECTION 6 SWIMMING POOL ENCLOSURE REGULATIONS

6.1 No *person* shall *construct*, cause to be constructed or have a *swimming pool enclosure* or part thereof unless it is constructed of:

a) chain link construction;

b) vertical panel or metal picket construction;

c) such other materials and construction that will provide the degree of safety referred to subsection a) or b) as determined by the Chief Building Official; or

d) a combination of (a), (b) and (c) above.

6.2 No person shall construct, cause to be constructed or have a *swimming pool enclosure* as described in s. 6.1 unless the maximum dimension from the underside of the swimming pool enclosure to the *effective grade* is 50mm or less.

6.3 No *person* shall *construct* or cause to be constructed or have a *swimming pool enclosure* of chain link construction having a mesh not greater than 38mm unless such *swimming pool enclosure:*

a) is a minimum of 1.2m high;

b) has mesh consisting of minimum 13 gauge galvanized steel wire, or of 11 gauge steel wire covered with vinyl or other product which has been approved by the Chief Building Official;

c) has no rails, bracing or exposed attachments on the exterior of the swimming pool enclosure; and

d) has minimum 32mm diameter top and bottom rails firmly fastened to the upright posts, which rails shall consist of at least 32 mm galvanized steel pipe provided that a continuous galvanized steel tension rod or wire of at least 5 gauge wire thickness may be substituted for the bottom rail.

6.4 No *person* shall *construct*, cause to be constructed or have a *swimming pool enclosure* of chain link construction having a mesh not greater than 50mm unless such *swimming pool enclosure*:

a) is a minimum of 1.5m high above *effective grade level*;

b) has a mesh consisting of minimum 13 gauge galvanized steel wire, or of 11 gauge steel wire covered with vinyl or other product which has been approved by the Chief Building Official;

c) has no rails, bracing or exposed attachments on the exterior facing for a height of 760mm above *effective grade level* that could facilitate or permit climbing from the exterior; and

d) has minimum 32mm diameter top and bottom rails firmly fastened to the upright posts, which rails shall consist of at least 32 mm galvanized steel pipe provided that a continuous galvanized steel tension rod of at least 5 gauge wire thickness may be substituted for the bottom rail.

6.5 No *person* shall *construct, cause to be constructed* or have a *swimming pool enclosure* of panel construction unless such *swimming pool enclosure*:

a) has panels of at least 25mm thickness attached to supporting rails in such a manner as to not facilitate or permit climbing from the *exterior,*

b) is supported by posts at least 89mm x 89mm spaced not more than 2.45m apart, which posts shall extend at least 600mm into the ground for any swimming pool enclosure having a height of 1.2m and shall extend at least 900mm into the ground for any *swimming pool enclosure* having a height greater than 1.2m and which posts shall be securely embedded into the soil and any portion thereof below *effective grade level* consisting of wood shall be treated with a suitable wood preservative or be of pressure treated wood.

6.6 No *person* shall *construct*, cause to be constructed or have a *swimming pool enclosure* of vertical panel construction unless such *swimming pool enclosure*:

a) Is a minimum of 1.2m in height with panels spaced no more than 100mm apart with no intermediate horizontal rails or diagonal supports,

b) Is a minimum of 1.5m In height with an intermediate horizontal rail constructed of 38mm x 89mm located no less than 760mm measured vertically from top of rail to top of the next rail with vertical panels spaced not more than 100mm apart, or

c) Is a minimum of 1.5m in height with an intermediate horizontal rail constructed of 38mm x 89mm located less than 760mm measured vertically from top of rail to top of the next rail with the exterior vertical panels spaced not more than 38mm apart.

6.7 No *person* shall *construct*, cause to be constructed or have a *swimming pool enclosure* of horizontal panel construction unless such *swimming pool enclosure* has horizontal panels spaced not more than 25mm apart.

6.8 No *person* shall *construct,* cause to be constructed or have a *swimming pool enclosure* of metal picket or tube construction unless such *swimming pool enclosure*:

a) has vertical members spaced not more than 100mm apart which are attached to a supporting structure which does not contain any diagonal members or framework that would facilitate or permit climbing from the *exterior*;

b) is a minimum of 1.2m in height with posts firmly embedded into the ground and spaced not more than 2.44m apart, such posts shall extend:
   i. at least 600mm into the ground for any *swimming pool enclosure* having a height of 1.2m or less, or
   ii. at least 915mm into the ground for any *swimming pool enclosure* having a height greater than 1.2m; and

c) has a minimum 30mm x 6mm top and bottom rails permanently connected to the vertical members, such that the top of the bottom rail to the top of the next rail is not less than 760mm.

6.9 No *person* shall *construct,* cause to be constructed or have a *swimming pool enclosure* which contains barbed or razor wire, electrified wire, sharp projections, or any other unsafe or dangerous feature on either side of the *swimming pool enclosure.*

6.10 No *person* shall *construct,* cause to be constructed or have a *swimming pool enclosure* containing an *entrance* consisting of double gates, unless:

a) both gates are supported on operable hinges of a quantity and quality to safely and adequately support them at all times;

b) with at least one of the gates equipped with an operable self-closing device,

c) such gate is equipped with an operable self-latching device, located a minimum of 1.2m above *effective grade level* on the *interior* of the *entrance*;

d) such gate is equipped with an operable locking device that locks both gates; and

e) the remaining gate shall be anchored with a ground pin to mechanically secure that section of the gate.

6.11 No *person* shall *construct*, cause to be constructed or have an *entrance* that forms part of a *swimming pool enclosure* unless such *entrance*:

a) is of a type and height equivalent to that of the required *swimming pool enclosure*;

b) is supported on operable hinges of a quantity and quality to safely and adequately support the entrance at all times;

c) is equipped with an operable self-latching device located a minimum of 1.2m above *effective grade level* on the interior of the entrance;

d) is equipped with an operable self-closing device; and

e) is equipped with an operable locking device.

6.12 Except when the *swimming pool* is in *use* and being supervised by an adult, the *entrance(s)* which form part of a *swimming pool enclosure* shall be kept locked at all times.

6.13 No *person* shall have the wall of an attached or detached accessory building as part of the required *swimming pool enclosure* unless the door or *entrance* in that wall has a self-closing door equipped with a self-latching device (ie. lockset) and shall be locked when the pool is not in use or being supervised by an adult.

6.14 No *person* shall construct, cause to be constructed or have a *hot tub* unless:

a) the hot tub complies with the swimming pool enclosure requirements of this By-law or;

b) the hot tub has a cover that prevents access to the hot tub and the cover is in place and locked when the hot tub is not in use.

SECTION 7 MAINTENANCE

7.1 Every person shall:

a) i. *maintain* their *swimming pool*, *hot tub* or *pond* and any necessary or parts thereof, including covers, *in good repair* and *working condition*,

ii. *maintain* the *swimming pool, hot tub, pond* and any covers so that during the *pool season*, it is free from accumulation of *stagnant water, leaves and debris;* and

iii. *maintain* any deck, *swimming pool, hot tub, pond*, railings, and guards, . *in good repair* and structurally sound condition, or

b) remove the *swimming pool, hot tub, pond* and any accessories or parts thereof.

7.2 No *person* shall place, pile, attach or lean any object or material against or near the *exterior* side of a *swimming pool enclosure* which in the opinion of the *Officer* may:

a) facilitate climbing of the swimming pool enclosure,

b) diminish the structural integrity of the swimming pool enclosure, or

c) render the swimming pool *enclosure* in non-conformity with this By-law.

7.3 The *owner* of any lands on which a *swimming pool* is located or constructed shall *maintain* in good *repair* a *swimming pool enclosure* around the entire *swimming pool area* in accordance with the applicable provisions of this By-law.

7.4 No *person* shall backwash or drain a *swimming pool, hot tub,* or *pond* in a manner that adversely affects any adjacent land or that is directed towards any point of disposal other than a municipal storm sewer system with an appropriate extension to prevent flooding erosion or other nuisances to neighbouring properties.

7.5 All repairs and maintenance of *swimming pools, hot tubs and ponds*, their enclosures and any accessory or parts thereof, including covers and equipment, shall be carried out with suitable and sufficient materials in a manner *acceptable* to the Officer.

SECTION 8 FEES/ DEPOSITS

8.1 Every *person* applying for a *swimming pool* permit to construct or install a *swimming pool* or *swimming pool enclosure* within the *City* of Windsor shall, (in addition to Public Works Indemnity Deposit) pay the fees and deposits set out in accordance with the City's Fees and Charges By-Law prior to commencement of construction.

8.2 Where an Order to Comply is issued by an *Officer* pursuant to this by-law, a fee will be assessed to the registered owner(s) in accordance with the city's Fees and Charges By-law.

8.3 Where a permit has been revoked all fees and deposits shall be in accordance with city's Fees and Charges By-law

SECTION 9 ORDERS

9.1 An officer who finds a contravention of this By-law or an *Unsafe Condition* may make an Order directing compliance with this By-law and may require the Order to be carried out immediately or within such time as is specified in the Order.

9.2 The Order shall be served on the person whom the officer believes is contravening the By-law, by:

a) personal service;

b) registered mail to the person's last known address in which case the order shall be deemed to have been served on the fifth day after mailing; or

c) posting a copy of the order on the property.

9.3 Power of Entry for Inspections

An Officer may enter on *property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

a) a by-law of the municipality passed under the Municipal Act;

b) a direction or order made under this By-law.

9.4 Inspection Powers

For the purposes of an inspection under section 9.3, an Officer may:

a) require the production for inspection of documents or things relevant to the inspection;

b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

c) require information from any person concerning a matter related to the inspection; and

d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.5 Samples

a) A sample taken under clause 9.4 shall be divided into two parts; one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time that the sample is taken and provides necessary facilities,

b) If a sample is taken under clause 9.4 and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken, and

c) A receipt shall be provided for any document or thing removed under Section 9.4 and the document or thing shall be promptly returned after the copies or extracts are made.

9.6 Inclusion

Every Order delivered, sent, posted or published shall specify that if the *person* defaults in doing the thing(s) required to be done under this by-law by the date specified in the Order, the *Chief Building Official, City Clerk,* or designate may take action to cause the *City* to do the thing(s) required to be done as specified in the order and that the *City* may recover the costs of doing the thing(s) required to be done from the *owner* and that the *City* may recover the costs by action or by adding the costs to the tax roll and collect them in the same manner as taxes.

9.7 Power of Entry re: Compliance

a) For the purposes of inspecting a *property* to determine compliance and action with the terms of the Order issued under Section 9, the *Chief Building Official, City Clerk,* or *Officer* may enter onto any public or private *property*;
b) Where the *City* proceeds with action under s.10.2 of this by-law, the *Chief Building Official, City Clerk,* or Officer, or an agent appointed by the *City* may enter onto the *property* accompanied by any *person(s)* under his or her direction and with the appropriate equipment as required to bring the *property* into compliance with this by-law.

SECTION 10 OFFENCES

10.1 Offence

Every *person* who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine and any other penalties as provided for in the *Municipal Act 2001*, S.O. 2001, c.25

10.2 Non-Compliance with Order

If an *owner* or *person*, as the case may be, fails to comply with an *Order* issued under section 9.1, the *Chief Building Official, City Clerk,* or *Officer* may take action to make remedial repairs or other thing(s) required to be done as specified in the *Order*.

10.3 No *person* shall hinder or obstruct, or attempt to hinder or obstruct;

a) Any *Officer* in the performance of a duty under this By-Law, or
b) Employees or Agents authorized to take action to do the thing(s) required to be done as specified in the order.

10.4 Recovery of Expense

If the *City* takes action to do the thing(s) required to be done as specified in the Order, the costs of such action may be added to the tax roll and collected in the same manner as taxes.

SECTION 11 VALIDITY AND SEVERABILITY

11.1 In the event that any portion of this By-law shall be deemed to be invalid, illegal or unenforceable, it shall not affect the validity, legality or enforceability of any other portion of this By-law.

SECTION 12 REPEAL AND TRANSITION

12.1 Except as provided by Section 12.2 hereof, By-law 63-2021 is hereby repealed.

12.2 Notwithstanding Sections 12.1 hereof, the provisions of By-law 63-2021, shall continue to apply to any person in respect of which an Order has been issued, or any enforcement action has been commenced under the said by-law until such Order has been concluded or enforcement action concluded.

SECTION 13 EFFECTIVE DATE

13.1 This By-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

By signing this by-law on September 28, 2026, Mayor Drew Dilkens will not exercise the power to veto this by-law, and this by-law is deemed passed as of this date.

First Reading – September 28, 2026
Second Reading – September 28, 2026
Third Reading – September 28, 2026