

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 028-2024**

**A By-law to amend Fence By-law 189-2020, as amended, regarding the permitted location of swimming pool enclosures.**

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (*Municipal Act*), provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** subsection 8 of the *Municipal Act* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** subsection 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority;

**AND WHEREAS** paragraph 7 of subsection 11(3) of the *Municipal Act* provides that a municipality may pass by-laws respecting Structures, including Fences and Signs;

**AND WHEREAS** City Council seeks to clarify the permitted location of a *Swimming Pool Enclosure*, to ensure it can be properly accessed and maintained;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. To amend Fence By-law 189-2020 to delete the current text in section 8.0(1) and replace it with the following:
  - (1) The *Owner* of a *Swimming Pool* shall Erect and maintain a *Swimming Pool Enclosure* around the *Swimming Pool* and shall ensure that the *Swimming Pool Enclosure*:
    - (a) shall meet the applicable criteria found in Schedule "A";
    - (b) is in compliance with this By-law such that it is structurally sound, stable, safe and capable of performing its intended use.

2. To amend Fence By-law 189-2020, Schedule “A” – Swimming Pool Enclosure Requirements, to create section (1)(d) to state:

(d) the *Owner* of a *Swimming Pool* shall ensure that the *Swimming Pool Enclosure* is wholly located on the *Lot* on which the *Swimming Pool* is located, but may use a *Division Fence* as a side(s) of the *Swimming Pool Enclosure* provided that all other conditions required by this by-law are met.

Voted in favour by City of Vaughan Council this 21<sup>st</sup> day of February, 2024.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

Authorized by Item No. 10 of Report No. 5 of the Committee of the Whole.  
Report adopted by Vaughan City Council on February 21, 2024.  
City Council voted in favour of this by-law on February 21, 2024.  
Approved by Mayoral Decision MDC 002-2024 dated February 21, 2024.  
**Effective Date of By-Law: February 21, 2024**