



The Corporation of the Town of Fort Erie By-law 43-2026

Being a By-law to Amend Swimming Pool By-law 149-2008 respecting Administrative Penalties and Enforcement Provisions

Whereas Section 11 of the *Municipal Act, 2001*, authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons; and

Whereas section 391 of the *Municipal Act, 2001*, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas section 434.1 of the *Municipal Act, 2001*, authorizes municipalities to require persons to pay administrative penalties where the municipality is satisfied that a contravention of a by-law has occurred; and

Whereas Council enacted Swimming Pool By-law 149-2008 to regulate swimming pools and pool enclosures within the Town of Fort Erie in order to promote public safety and reduce the risk of injury or drowning arising from unauthorized access to swimming pools; and

Whereas Administrative Penalty By-law 111-2019 establishes a system of administrative penalties for designated by-law contraventions; and

Whereas Council has determined that the existing administrative penalty schedule contained within the Swimming Pool By-law 149-2008 has not been comprehensively updated since 2008 and no longer provides an effective deterrent to non-compliance; and

Whereas Council recognizes that non-compliance with swimming pool enclosure requirements may create hazardous conditions and increase the risk of injury or death; and

Whereas at its Council-in-Committee meeting held June 8, 2026, Council considered and approved Report PBBS-30-2026 entitled "Administrative Penalty Update to Swimming Pool By-law 149-2008 to Strengthen Public Safety and Enforcement"; and

Whereas it is deemed necessary to amend the administrative penalty schedule of Swimming Pool By-law 149-2008 in order to modernize enforcement provisions, improve compliance, and strengthen public safety;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Section 1.1 of By-law 149-2008 be amended by adding the following definitions, to be inserted in alphabetical order in accordance with the existing sequence of definitions:

"Administrative Penalty" means a monetary penalty imposed by the Town in accordance with this By-law and the Town's Administrative Penalty By-law;

"Penalty Notice" means a notice issued by an Officer under this By-law imposing an Administrative Penalty in accordance with the Town's Administrative Penalty By-law.

2. **That** By-law 149-2008 be amended by repealing section 5.5 and replacing it as follows:

"5.5 Every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction, is liable to such penalties, as are provided for in the *Provincial Offences Act*, and the *Municipal Act, 2001*."

3. **That** By-law 149-2008 be amended by adding the following Sections:

“5.6 In addition to any other remedy or enforcement mechanism available to the Town, where an Officer is satisfied that a Person has contravened any provision of this By-law, the Officer may issue a Penalty Notice imposing an Administrative Penalty in the amount set out in schedule “A” to this By-law.

5.7 Administrative Penalties issued under this By-law shall be subject to the provisions of the Town’s Administrative Penalty By-law 111-2019, as amended or replaced from time to time.

5.8 A Person who is issued a Penalty Notice under this By-law shall be liable to pay the Administrative Penalty in accordance with the Town’s Administrative Penalty By-law 111-2019, as amended or replaced from time to time.”

4. **That** By-law 149-2008 be amended by repealing the administrative penalty schedule and replacing it with a revised administrative penalty schedule attached hereto as Schedule “A” and forming part of this By-law.

5. **That** all other provisions of By-law 149-2008 shall remain in full force and effect.

6. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 22nd day of June 2026.

Mayor

Clerk

SCHEDULE “A”

To Swimming Pool By-law 149-2008

Administrative Penalties

Column 1 (“Description of Offence”) in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 (“Section”) in the table lists the specific section of the provision that has been contravened.

Column 3 (“Penalty Tier 1”) sets out the Administrative Penalty amounts that are payable for a first contravention of the designated provisions listed in Columns 1 and Column 2.

Column 4 (“Penalty Tier 2”) sets out the Administrative Penalty amounts that are payable for a second contravention of the same designated provisions listed in Columns 1 and Column 2 by the same Person within a one (1) year period from the date the first penalty notice is affirmed.

Column 5 (“Penalty Tier 3”) sets out the Administrative Penalty amounts that are payable for a third contravention of the designated provisions listed in Columns 1 and Column 2 by the same Person within a one (1) year period from the date the second penalty notice is affirmed.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Offence	Section	Penalty Tier 1	Penalty Tier 2	Penalty Tier 3
Fail to erect or maintain pool enclosure in accordance with by-law	2.1	\$1000.00	\$1250.00	\$1500.00
Install or permit to be installed a pool without a permit	2.2	\$500.00	\$750.00	\$1000.00
Place water in pool without a pool permit	2.3	\$500.00	\$750.00	\$1000.00

Schedule "A" to By-law 43-2026

Fail to ensure pool enclosure is latched or locked	2.4	\$500.00	\$750.00	\$1000.00
Drain pool not in accordance with by-law	2.5	\$250.00	\$500.00	\$750.00
Fail to comply with order	2.6	\$500.00	N/A	N/A
Fail to ensure private spa has compliant cover	4.2.1.1	\$500.00	\$750.00	\$1000.00
Construct pool enclosure not in accordance with height requirements	4.2.2.1	\$250.00	\$500.00	\$750.00
Install pool enclosure with prohibited fencing	4.2.2.3	\$250.00	\$500.00	\$750.00
Exceed maximum space between ground level and swimming pool enclosure	4.2.2.4	\$250.00	\$500.00	\$750.00
Swimming pool enclosure too close to swimming pool wall	4.2.2.5	\$250.00	\$500.00	\$750.00
Dangerous devices attached to swimming pool enclosure	4.2.2.6	\$500.00	\$750.00	\$1000.00
Install gate at incorrect height	4.2.2.7(a)	\$250.00	\$500.00	\$750.00
Gate not properly supported	4.2.2.7(b)	\$250.00	\$500.00	\$750.00
Gate not self closing	4.2.2.7(c)	\$250.00	\$500.00	\$750.00
Self latching gate not in compliance with by-law	4.2.2.7(d)	\$250.00	\$500.00	\$750.00
Fail to have self-closing door from a building directly to pool area	4.2.2.8	\$250.00	\$500.00	\$750.00

Schedule "A" to By-law 43-2026

Fail to direct light away from residential properties	4.3.1	\$250.00	\$500.00	\$750.00
Fail to install back flow water preventer	4.3.2	\$250.00	\$500.00	\$750.00