

THE CORPORATION OF
NORTH ALGONA WILBERFORCE TOWNSHIP

BY-LAW No. 99 - 21

COPY

A BY-LAW TO REGULATE THE SAFETY OF CONSTRUCTION OF PRIVATELY OWNED SWIMMING POOLS IN NORTH ALGONA WILBERFORCE TOWNSHIP.

WHEREAS the construction or installation of privately owned swimming pools, together with their related appurtenances, has become a matter of increasing importance in this Municipality.

AND WHEREAS the Provincial Building Code is considered to provide sufficient guidelines to regulate such construction or installation.

AND WHEREAS Section 210, paragraph 30, of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, authorizes the Municipality to pass By-Laws to require owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining such fences and gates, for prohibiting persons from placing water in privately owned outdoor swimming pools or allowing water to remain therein until the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans, without which permit no privately owned outdoor swimming pool may be excavated for or erected, and for authorizing the refusal of a permit for any such fence or gates that if erected would be contrary to the provisions of any By-Law of the Municipality.

1. TITLE

This By-Law shall be known as "The By-Law To Regulate The Security Of Privately Owned Swimming Pools".

2. DEFINITIONS

- (a) "Building Inspector" shall mean the Building Inspector appointed by Township Council.
- (b) "Township" shall mean the Corporation of North Algona Wilberforce Township.
- (c) "Enclosure" shall mean a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
- (d) "Person" shall include a Firm, Partnership, Company, Corporation, Contractor or Owner.
- (e) "Privately Owned Swimming Pool" shall mean a privately owned outdoor body of water contained in part or in whole by artificial means, and which holds water in excess of eighteen (18) inches in depth.

3. ENCLOSURES

- (1) No person shall construct a privately owned outdoor swimming pool, or erect a fence around same without first acquiring the necessary permit from the Building Inspector. The application for a permit shall include a plot plan satisfactory to the Building Inspector, and in conformity with all other related By-Laws of the Municipality.
- (2) No person shall have a privately owned swimming pool in the Township unless the area is completely enclosed by fencing in compliance with the requirement of this By-Law:
 - (a) Such fencing including gates therein shall extend from the ground to the height of not less than sixty (60) inches, and shall fulfill the intent of prohibiting unauthorized entry into the pool area.
 - (b) A fence forming part of such enclosure:
 - (1) Shall be vertically boarded wood construction, solid wood, masonry, plastic or metal construction;
 - (2) shall have no rails or other horizontal or diagonal bracing or attachments on the outside face that may facilitate climbing;
 - (3) shall have no opening with a horizontal or vertical dimension greater than two (2) inches;
 - (4) shall include no part consisting of barbed wire or have no similar dangerous characteristics such as a device for projecting electric current through the fence.

4. SECURITY

- (a) Gates shall be of the same construction and height as that required for the fence.
- (b) Gates shall be supported on substantial hinges.
- (c) Gates shall be equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate, or be equipped with a lock.
- (d) The swimming pool area must be secured at all times except when actually used by the owner, his family, or persons authorized by the owner to use the pool.
- (e) A fence erected on the owner's property which complies with the provisions of this By-Law shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located, but in no case shall the fence be closer to the pool than four (4) feet.
- (f) A wall or walls of a building or buildings may form part of such fence providing that all doors providing access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self-closing device and self-latching device located not less than forty-eight (48) inches above the bottom of the door.

5. RESTRICTIONS

- (a) All electrical circuitry servicing the swimming pool shall be installed by a qualified licenced electrician, in compliance with Ontario Hydro regulations governing swimming pool installations, and shall not be put into service, under any circumstances, until inspected and accepted by an Inspector for Ontario Hydro.
- (b) No swimming pool having a surface area of more than three hundred and sixty (360) square feet shall be constructed or installed in any residential lot measuring less than fifteen thousand (15,000) square feet, unless the Municipal authorities are satisfied that the underground water supply to any adjoining or proximate residential lot will not be adversely affected, either by the initial filling of the pool, or by maintaining the level of such pool while in use.

6. ADMINISTRATION AND ENFORCEMENT

- (a) The administration and enforcement of this By-Law shall be under the authority of the Building Inspector of North Algona Wilberforce Township.
- (b) The provisions of this By-Law shall apply to all installations or alterations of privately owned outdoor swimming pools, regardless of the date of construction or installation of such swimming pool.

7. PENALTIES

Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay at the discretion of the convicting Magistrate a penalty of not less than Three Hundred Dollars (\$300.00) or not more than One Thousand Dollars (\$1,000.00), exclusive of costs, and the same shall be recovered under the provisions of The Summary Conviction Act as provided by the Municipal Act.

<u>ITEM</u>	<u>OFFENCE</u>	<u>SECTION</u>
1.	Construct an outdoor swimming pool without acquiring building permit.	1
2.	Construct fence around outdoor swimming pool without acquiring necessary permit.	2
3.	Having a privately owned swimming pool not completely enclosed by fence complying with requirements of this By-Law.	2(a)
4.	Having a privately owned outdoor fenced swimming pool with gates not in compliance with security requirements of this By-Law.	4
5.	Failing to obtain Municipality's permission for a swimming pool in excess of 360 square feet in a lot less than 15,000 square feet.	5(b)

8. VALIDITY

This By-Law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 19th DAY OF July 1999.

Jane Cestayo
REEVE

Marilyn M. Schuder
CLERK TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF July 1999.

Jane Cestayo
REEVE

Marilyn M. Schuder
CLERK TREASURER

