

CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2002-30

Being a by-law to regulate fences around privately owned swimming pools in the Township of Bonnechere Valley.

WHEREAS Section 210, subsection (30) of the Municipal Act, R.S.O. 1990, C.302 as amended authorizes a Municipality to pass by-laws regulating the installation of privately owned swimming pool, for prescribing the height, description and manner in which fencing must be erected and for the requiring of permits for the installation of such pools.

NOW THEREFORE the Corporation of the Township of Bonnechere Valley enacts as follows:

1. **Short Title**

- (a) This By-Law shall be known and may be cited as the “The Security of Privately Owned Swimming Pool By-Law”.

2. **Definitions**

- (a) In this by-law,
 - (i) **“Chief Building Official”** means the Chief Building Official appointed by the Township of Bonnechere Valley under Section 3 of the Ontario Building Code Act or his/ her designate for administrative purposes.
 - (ii) **“Enclosure”** means a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access to.
 - (iii) **“Person”** means an owner, lessee, tenant, or other person in possession of property upon which a privately-owned outdoor pool is located.
 - (iv) **“Privately Owned Swimming Pool”** means a privately owned outdoor body of water contained in part or in whole by artificial means, which holds water in excess of eighteen (18) inches in depth.
 - (v) **“Township”** means the Corporation of the Township of Bonnechere Valley.

3. **General Provisions**

- (a) **Administration - Chief Building Official**
The administration of this By-Law shall be under the authority of the Chief Building Official of the Corporation of the Township of Bonnechere Valley.
- (b) **Inspection - right of entry - all reasonable hours**
The Chief Building Official shall have the right to enter onto any property containing a privately-owned outdoor swimming pool during reasonable hours for the purpose of inspecting the pool fence enclosure.
- (c) **Pools - distance from lot lines**
Swimming pools shall be located no closer to lot lines than permitted by the Township of Bonnechere Valley Zoning By-law(s).
- (d) **Provisions - apply to all pools**
The provisions of this by-law shall apply to all privately-owned outdoor swimming pools regardless of the date of construction of such swimming pool.

4. **Applications - Permits**

- (a) **Application - to Chief Building Official**
The owner of land upon which it is intended to construct or erect a swimming pool, or the owner's agent, shall apply to the Chief Building Official for a permit.
- (b) **Application - plans - information - requirements**
Plans submitted with an application to construct or erect such fence shall show the location of the swimming pool in relation to the property boundary and to adjoining buildings and shall provide full details of all fencing required to be erected including gate hardware to be used.
- (c) **Application - fee - to accompany**
All applications shall be accompanied with the prescribed fee as set out from time to time in Schedule "A" to the Building By-Law.
- (d) **Refusal - proposed installation - in contravention**
An application for a swimming pool and pool fence permit to install or erect a privately-owned outdoor swimming pool may be refused if the proposed application is incomplete or the proposed installation will contravene this or any other applicable law.

5. **Fencing - Requirements**

- (a) **Requirements - specifications - set out - including gates**
Every swimming pool shall be enclosed with fencing including gates, in accordance with one or more of the specifications set out in this By-Law.
 - (1) Such fencing, including gates therein shall extend from the ground to the height of not less than 1.22 meters (4 feet) and shall fulfill the intent of prohibiting unauthorized trespass into the pool area.
- (b) **Chain link - link size - height**
Chain link fencing may be used, with links not exceeding 40 mm (1.5 inches) consisting of 12 gauge galvanized steel wire, or of 14 gauge steel wire covered with vinyl or other approved plastic that would yield a total thickness equivalent to 12 gauge wire.
- (c) **Wood - board dimensions - spacing - requirements**
A fence of vertical board construction shall have wood of 19 millimetres ($\frac{3}{4}$ inch) thick attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such boards must not be less than 19 millimetres x 100 millimetres ($\frac{3}{4}$ inch x 4 inches) and must be spaced not more than 100 millimetres (4 inches) apart.
- (d) **Wall - part of enclosure - permitted - exceptions**
The wall of a building may form part of the required enclosure, except where:
 - (i) the main building entrance is located within the pool enclosure; or
 - (ii) the service entrance to a multiple occupancy building is located within the pool enclosure ; or
 - (iii) a utility meter or furnace oil filler pipe is located within the pool enclosure.
- (e) **Other types - meet requirements of Code**
Other types of fences including retaining walls and deck guards to serve as pool

fences shall be constructed in accordance with the requirements of the Ontario Building Code.

(f) **Temporary fence - during construction**

A temporary fence shall consist of 1.22 metre (4 feet) high plastic mesh, having mesh not greater than 38 millimetres (1.5 inches) and shall be permitted only during construction. It must be replaced prior to the pool being used.

(e) **Barbed wire - electrical current - prohibited**

The use of barbed wire or electrical current with respect to any fence enclosing a privately-owned swimming pool is prohibited.

6. Gates - Entrances

(1) **Gate - height - support - self-closing - locking**

Every gate shall be at least the same height as the fence, of which it is a part, be supported by substantial hinges and be equipped with approved self-closing hardware and self-latching hardware installed at the top on the inside of the gate.

(b) **Gate - closed - locked - at all times - pool - unsupervised**

Every gate and every enclosure shall be closed and locked at all times except when the owner or the owner's representative is in direct control and supervision of the pool enclosure.

7. Enforcement

(a) **Enforcement - Chief Building Official**

The enforcement of this By-law shall be under the authority of the Chief Building Official of the Township of Bonnechere Valley.

(b) **Fine - contravention**

Any person found to be in contravention of any portion of this By-Law is guilty of an offence and is subject to a penalty as prescribed in the Provincial Offences Act.

(c) **Continuation - repetition - separate offence - daily**

Where an offence under this By-Law is a continuing offence, charges may be laid for each day during which the offence continues.

8. Repeal - Enactment

(a) **By-law - previous**

By-Law 87-18 of the Corporation of the Village of Eganville is hereby repealed.

(b) **Effective date**

This by-law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME THIS 3rd DAY OF JUNE, 2002.

READ A THIRD TIME AND PASSED THIS 3rd DAY OF JUNE, 2002.

REEVE

CHIEF ADMINISTRATIVE OFFICER

