

Corporation of the Municipality of West Perth

By-Law 73-2002

Being a By-Law to regulate privately owned outdoor swimming pools.

WHEREAS the Council of the Municipality of West Perth deems it necessary in the public interest to pass a By-law to regulate fences around privately owned outdoor swimming pools;

AND WHEREAS pursuant to the provisions of Section 210 (30) of the Municipal Act, R.S.O. 1990 Chapter M. 45., By-laws may be passed by municipalities for the regulation of privately owned outdoor swimming pools;

NOW THEREFORE the Council of the Municipality of West Perth enacts as follows:

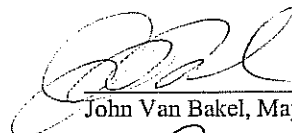
- 1) All previous By-laws regulating privately owned swimming pools are hereby repealed.
- 2) All privately owned outdoor swimming pools on lands in the Municipality of West Perth must be fenced in accordance with the requirements of this By-law.
- 3) Every person shall during the construction of a swimming pool, enclose the swimming pool area with temporary fencing, as approved by the Chief Building Official.
- 4) All permanent fences required by this By-law must meet the following specifications, within ~~90~~⁴⁵ days of the notice of excavation:
 - i) Have a minimum height of 1.2 metres above the finished grade level. The finished grade level shall be measured from the ground adjoining the swimming pool and within 4.5 metres of the swimming pool.
 - ii) Shall be a chain link fence, vertical wooden fence, vertical metal fence, or other type of fencing acceptable to the Municipal Council.
 - a) Where the fence type is a chain link fence, the openings, holes, or gaps shall not permit a solid spherical object with a diameter greater than 6 centimetres to pass through it.
 - b) Where the fence type is a vertical wooden fence or vertical metal fence, the openings, holes, or gaps shall not be greater than 10 centimetres.
 - c) Where the fence type is an other type of fencing acceptable to the Municipal Council, the size of the openings, holes, or gaps must also be acceptable to Council.
 - iii) Where a gate(s) is provided, such gate(s) must be capable of being locked.
 - iv) Buildings and structures such as dwellings and accessory buildings shall be permitted as part of the required fencing under this By-law provided that such

buildings and structures have a controlled and secure access (i.e. doors capable of being locked) and provided that such buildings and structures conform to the required yard provisions.


- v) The bottom of the required fence shall not be more than 7.5 centimetres above the finished grade level.
 - vi) When dealing with above ground swimming pools, the exterior wall of such swimming pools may serve as the required fence for the purposes of this By-law provided that such walls have a minimum height of 1.2 metres above the finished grade level. The finished grade level shall be measured from the ground adjoining the swimming pool and within 4.5 metres of the swimming pool.
 - vii) Where above ground swimming pools are accessed by ladders, steps, or deck (or other similar structures), such ladder areas, steps, or decks must be enclosed by a fence or gate constructed in accordance with the regulations pertaining to fences in Section 3 ii) above. Where above ground outdoor swimming pools are accessed by ladders or steps that can be raised or detached, the said ladders or steps must remain raised or detached when the swimming pool is not in use.
- 5) No person shall excavate for or erect a privately owned outdoor swimming pool unless:
- i) Plans of all fences and gates required pursuant to this By-law are produced and submitted to the Municipality of West Perth; and
 - ii) The municipality and/or authorized agent (e.g. building inspector) are satisfied with the type of fencing proposed.
- 6) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to the following:
- i) To a fine of not more than \$500.00, exclusive of costs, for a first offence;
 - ii) To a fine of not more than \$1000.00, exclusive of costs, for a second and each subsequent offence.
- 7) This By-law shall come into force on the date of its adoption.

Read a first & second time this 3rd day of September 2002.

Read a third time and finally passed this 3rd day of September 2002.



John Van Bakel, Mayor



Patricia Taylor, Clerk-Administrator

3.134 School, Commercial means a school other than an academic school where instruction is given for hire or gain and without limiting the generality of the foregoing may include the studio of a dance teacher, an art school, business or trade school.

STATEMENT OF CONFORMITY

3.135 Secondary Farm Occupation means an occupation and/or a profession conducted on a farm as part of the farm unit and such secondary farm occupation shall:

- (a) be conducted only by residents of the farm who are involved in conducting the farming operation on a day-to-day basis and not more than one employee from off of the farm;
- (b) be limited to those uses involved in the manufacture or fabrication of goods, small-scale food processing operations, trades occupations (such as an electrician, plumber, carpenter, small engine repair, welder), and occupations which are primarily and directly related to agriculture and farming;
- (c) not result in the loss of good and/or productive farm land; not occupy building area that is necessary for or essential to the farming operation; and in no way impede or interfere with the ability of the farmer to conduct the farming operation;
- (d) be conducted inside of buildings and/or structures and not occupy more than 186 square metres total floor area; not include any outdoor storage exceeding 2000 square metres in area, provided such outdoor storage is abutting the building containing the secondary farm occupation and is maintained in a neat and orderly fashion;
- (e) be accommodated in buildings and structures which are capable of being converted/reverted to a farming use that is appropriate for the farm property at such time that the secondary farm occupation ceases to exist, and which are located in proximity to the principal farm buildings (i.e. farm dwelling and barns);
- (f) be small scale and clearly secondary to the principal use of the farm for farming purposes, not be separate or independent from the farm operation, and be located on the same farm therewith;
- (g) be accessed by a driveway which serves the farm unit, and not accessed by a separate driveway serving only the secondary farm occupation;
- (h) not require municipal water or sewer services; and require the approval of the appropriate authority for the method of water supply and waste disposal, if such approval is required;
- (i) be limited to not more than one secondary farm occupation use per farm lot; and

3.136 Shopping Centre means a group of commercial establishments designed, developed, owned, and managed as a unit containing three or more separated spaces for lease or occupancy by commercial uses or business or professional offices, providing common open spaces, on-site parking areas, loading areas, driveways, and other shared facilities, and which may be held in a single ownership or by participants in a condominium corporation.

3.137 Sign means a name, identification description, device, display, or illustration which is affixed to, or represented directly upon a building, structure, or lot and which directs attention to an object, product place, activity, person, institution, organization, or business.

3.138 Storey, means that portion of a building, other than an attic, basement, or cellar, which is situated between any floor and the ceiling or roof next above it.

3.139 Street, Road or Highway (Private) means a road which has not been assumed by the Corporation, the County or the Province and shall include the principle means of access to any mobile / modular home site.

3.140 Street, Road or Highway (Public) means a road which has been assumed by the Corporation, the County, or the Ministry of Transportation for Ontario and shall include such public road, street, or highway as affords the principal means of access to any lots that abut thereon, but does not include a lane or private right-of-way. For the purpose of determining yards, an unopened road allowance shall be considered a road, street, or highway (public).

3.141 Streetline means the line that divides the lot from the street.

3.142 Structure means any thing that is constructed of one or more parts, whether permanent or temporary, and which is fixed to or supported by the soil or an attachment to something having a location on the ground, but does not include a boundary wall, fence, retaining wall, hedge or other planting, light standard, sign, patio stones or other hard surface at grade level for people or vehicles, weigh scale or tombstone.

3.143 Swimming Pool ^{15"} means any body of water with a depth greater than 0.4m located indoors or outdoors which is contained by artificial means, and used and maintained for the purpose of swimming, wading, or diving, but shall not include a water storage tank.