

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:

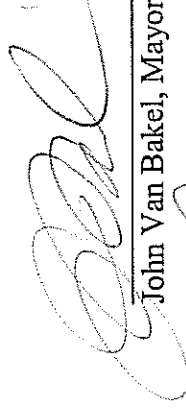
- 1) All previous By-laws regulating privately owned swimming pools are hereby repealed.
- 2) All privately owned outdoor swimming pools on lands in the Municipality of West Perth must be fenced in accordance with the requirements of this By-law.
- 3) Every person shall during the construction of a swimming 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