

THE CORPORATION OF THE TOWN OF DEEP RIVER

BY-LAW NO. 29-92

A By-law to require the erection and maintenance of fences and gates around privately-owned outdoor swimming pools, to regulate such fences and gates, and to repeal by-law 7-76.

WHEREAS under the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210 (30), by-laws may be passed by the councils of local municipalities for requiring and regulating fences around privately-owned outdoor swimming pools;

NOW THEREFORE the Council of the Corporation of the Town of Deep River ENACTS AS FOLLOWS:


1 Definitions

In this by-law:

- 1.1 "Enclosure" means a fence, wall or other structure, including doors and gates therein, which surrounds a privately-owned outdoor swimming pool and restricts access thereto.
- 1.2 "Privately-owned outdoor swimming pool" means any body of water located outdoors on privately-owned property, contained partly or wholly by artificial means, in which the depth of water can exceed twenty-four inches and which is used or capable of being used for swimming.
- 1.3 "Service entrance" means that entrance into a building which would normally be used by persons entering such building for the purpose of delivering goods or rendering maintenance service.
- 1.4 "Owner" includes a person in possession of the property on which a swimming pool is located.
- 1.5 "Permit" means permission or authorization in writing from the Chief Building Official to perform work regulated by this by-law.
- 1.6 "Set of Plans and Specifications" means all of the following;
 - 1.6.1 site plan
 - 1.6.2 pool specifications including type
 - 1.6.3 fence and gate construction specifications.

2 Permits


- 2.1 No person shall erect an enclosure until a set of plans and specification for such enclosure have been submitted to the Chief Building Official, the appropriate permit fee has been paid to the municipality, and a permit certifying approval of such plans and specifications has been issued.
- 2.2 No person shall excavate for or erect a privately-owned outdoor swimming pool unless a permit for the enclosure of such pool has been issued.
- 2.3 No person shall place water in a privately-owned outdoor swimming pool or allow water to remain therein unless an enclosure has been erected in accordance with this by-law.


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- 2.4 The permit fee for an enclosure shall be \$30.00.
- 2.5 The Chief Building Official may refuse to issue a permit if the enclosure proposed does not comply with any other by-law of the Town of Deep River.

3 Enclosures

- 3.1 The owner of every privately-owned outdoor swimming pool shall erect and maintain an enclosure surrounding the entire swimming pool area in accordance with this by-law.
- 3.2 Except as further provided in section 3.8, every enclosure, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than 1.2 metres.
- 3.3 When a wall of a building forms part of such enclosure, no main or service entrance to the building shall be located within the swimming pool area enclosure, except that this requirement shall not apply when the main entrance and all exterior service meters and intakes are located outside the enclosure and a sign is erected and maintained directing all service personnel to use the main entrance.
- 3.4 Except as provided in 3.5.4, no enclosure shall have rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- 3.5 An enclosure shall be of vertically boarded wood construction, chain link construction, or of other materials and construction as provided for in section 3.5.3.
- 3.5.1 If of chain link construction, an enclosure shall:
- 3.5.1.1 be of not greater than 3.8 cm. diamond mesh;
 - 3.5.1.2 be constructed of galvanized steel wire no less than No. 12 gauge, or of minimum 14 gauge steel wire covered with a vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;
 - 3.5.1.3 be supported by a least 3.8 cm. inch diameter galvanized steel posts each covered by a minimum of 5 cm. of concrete from grade to a minimum of .6 metres below grade, such posts to be spaced not more than 3 metres apart. Top and bottom horizontal rails shall be provided of 3.2 cm. minimum diameter galvanized pipe, but steel tension rod may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating;


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3.5.2 If of wood construction, an enclosure shall:

3.5.2.1 have vertical boards attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside. Such vertical boards shall not be less than one inch by four inch nominal dimensions spaced not more than 3.8 cm. apart;

3.5.2.2 be supported by a minimum of four inch square or four inch diameter cedar posts, nominal dimensions, spaced not more than 2.4 metres on centre and securely embedded to a minimum of .6 metres below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood two inch by four inch minimum nominal dimensions;

3.5.3 An enclosure may be of construction other than that specified in Section 3.5.1 and 3.5.2. provided that an equivalent degree of safety is maintained in the opinion of the Chief Building Official, and that the enclosure is constructed so that its rigidity is equal to that specified for those enclosures described in section 3.5.1 and 3.5.2.

3.5.4 An enclosure constructed other than as specified in Sections 3.5.1 or 3.5.2 may have rails or other horizontal or diagonal bracing or attachments on the outside that might facilitate climbing the outside of the enclosure, provided that the minimum clear vertical distance between any two such parts is 1.2 metres.

3.6 No enclosure shall include any barbed wire or part having similar dangerous characteristics, nor any device for transmitting an electric current through the enclosure.

3.7 No enclosure shall be located closer than 1.2 metres to any structure or condition on the property or on any adjacent property that would facilitate climbing of the enclosure.


3.8 Every enclosure shall be located not less than 1.2 metres from the swimming pool, unless the minimum height of the enclosure is 1.6 metres and a continuous hand-hold is available along the edges of the pool for the purpose of providing, in an emergency, support for a person in the pool area.

3.9 Gates forming part of an enclosure shall

3.9.1 be of construction and height equivalent to that required for the enclosure;

3.9.2 be supported on substantial hinges, and

3.9.3 be self-closing and equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate such that the device latches when the gate is in the closed position.


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3.10 Doors providing access from a building directly to an enclosed pool area, other than doors located in a dwelling unit or a rooming unit, shall each be self-closing and equipped with a locking device and a self-latching device located not less than 1.5 metres above the bottom of the door.

3.11 The owner of every privately-owned outdoor swimming pool shall ensure that every gate or door required by sections 3.9 or 3.10 to be equipped with a locking device shall be kept locked at all times if there is more than twenty-four inches of water in the pool and a responsible person is not present and supervising the pool.

4 Enforcement

Any person convicted of a breach of any of the provisions of this by-law shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) for each offence.

5 Repeal of Previous By-law

By-law 7-76 is hereby repealed.

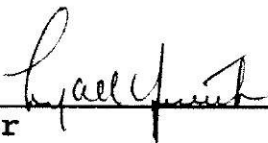
6 Enactment

This By-law comes into force upon adoption by Council of the Corporation of the Town of Deep River.

READ A FIRST AND SECOND TIME THIS 22nd DAY OF JULY, A.D. 1992.

READ A THIRD TIME and FINALLY PASSED THIS 5th DAY OF AUGUST, A.D. 1992.

Mayor



Clerk-Treasurer

