

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NUMBER 18-2004

SWIMMING POOL FENCE BY-LAW

A BY-LAW TO REQUIRE OWNERS TO ERECT AND MAINTAIN FENCES AROUND PRIVATE SWIMMING POOLS

WHEREAS Section 11. (2) of the Municipal Act, SO 2001, Chapter 25 Spheres of Jurisdiction provides that a lower-tier municipality may pass by-laws respecting fences;

AND WHEREAS the Council of the Corporation of the Township of Georgian Bluffs deems it necessary and expedient to pass a by-law to address these issues;

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bluffs enacts as follows:

APPLICATION

1. The provisions of this by-law apply to all lands within the Township of Georgian Bluffs.

DEFINITIONS

2. For the purposes of this by-law;
 - (a) "fence" means a barrier constructed around a private swimming pool in compliance with "SCHEDULE A" attached and forming part of this by-law;
 - (b) "permit" means a permit issued by the Chief Building Official for the Township of Georgian Bluffs granting permission to excavate, construct and fence a private swimming pool pursuant to this by-law and all other valid legislation governing swimming pools in effect at that time;
 - (c) "private swimming pool" means any body of water located outdoors, contained by artificial means, having a depth of greater than 0.6 metres (2 feet) at any point, and used and maintained for the purpose of swimming, wading, diving or bathing.

CONSTRUCTION AND FENCING

3. No owner of property in the Township of Georgian Bluffs shall excavate or construct a swimming pool except under the authority of a permit issued by the Chief Building Official for the Township of Georgian Bluffs.
4. No owner of property shall place or allow water in an excavation or structure for a swimming pool to a depth of 0.6 meters (2 feet) or more at any point except when a fence has been constructed, inspected and approved pursuant to "SCHEDULE A" of this by-law.
 - (a) For the purposes of this Section, if a fence is constructed around a swimming pool which does not conform to "SCHEDULE A" the fence shall be deemed to be no fence at all.
5. No owner of property shall allow or permit a fence to contain barbed wire or any device for projecting an electric current through the fence.
6. No owner of a private swimming pool shall leave the pool unattended except when the gate is locked or when the pool is an above ground pool the ladder has been removed and any other access to the pool has been secured.
7. No owner of a swimming pool shall allow the fence to deteriorate or from lack of maintenance fail to fulfill its original purpose in accordance with "SCHEDULE A".

ADMINISTRATION AND ENFORCEMENT

8. This by-law shall be administered by the Chief Building Official and enforced by the Chief Building Official and/or the Municipal Law Enforcement Officer for the Township of Georgian Bluffs.

PENALTY

9. Every owner of property who violates the provisions of this by-law is guilty of an offence and on conviction is liable to the penalty provided in Section 61 of the Provincial Offences Act, R.S.O. 1990, chapter P.33 amended or re-enacted from time to time.
10. This by-law rescinds all previous or existing by-laws on issues covered by this by-law.

Read a first and second time this 17th day of March, 2004.

Read a third time and passed this 17th day of March, 2004.

Mayor - Larry Miller

Clerk - Kenneth Clarke

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NUMBER 18-2004

"SCHEDULE A"

PERMITS

1. Every applicant for a permit to excavate or construct a private swimming pool shall provide the Chief Building Official with the following information;
 - (a) a site plan showing the intended location of the swimming pool;
 - (b) type of swimming pool (in ground or above ground);
 - (c) intended duration of construction and means of securing safety of any excavation;
 - (d) dimensions of the pool and depth of water intended;
 - (e) type of fence to be constructed; and
 - (f) any further information required to properly consider the application.
2. The Chief Building Official will endorse on the permit the various stages of construction when inspections are required.

FENCE

3. Every fence securing a private outdoor swimming pool shall be;
 - (a) chain link fencing of at least 13 gauge, or of wood material with board openings of not more than 3 inches apart and be not less than (1.5) meters (5 feet) in height from finished grade and supported by steel or wood posts set in concrete to a depth of at least (0.6) meters (2 feet) and spaced not more than three (3) meters (10 feet) apart with a supporting rail along the top of the fencing between the posts and with the bottom of the fencing no more than .075 meters (3 inches) above the ground or other surface and secured in such a manner that no child could enter the pool area through or under the fence. A wall of the main building may be used as part of the fence enclosure
4.
 - (a) Every entrance to the pool area, through the fence, shall be protected by a gate of similar construction as the fence supported by substantial hinges and equipped with self-closing, self latching devices placed at the top inside of the gate which shall be locked at all times when the swimming pool is not in use and shall be located at a distance of not less than 1.5 metres (5 feet) from the swimming pool.
 - (b) No swimming pool or part thereof shall be located above a septic tank or septic tile bed.
 - (c) For swimming pools located above finished grade, all provisions of this by-law apply, save and except that the fence enclosing the pool may be located closer than 1.5 metres (5 feet) to the edge of the swimming pool.
5. Every private outdoor swimming pool and fence must receive a final inspection and approval by the Chief Building Official before being put into use.

