

THE CORPORATION OF THE TOWNSHIP OF JAMES

BY-LAW 03-13

Being a By-Law to establish rules to govern the erection and maintenance of fences around privately-owned outdoor swimming pools.

WHEREAS the Municipal Act, 2001 provides that Council may pass By-Laws to require that fences be erected and maintained around privately-owned outdoor swimming pools;

AND WHEREAS it is deemed necessary to pass such a By-Law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF JAMES ENACTS AS FOLLOWS:

1. Definition:

Swimming Pool – means a structure or excavation installed or constructed above or below the ground level and so constructed to be capable of containing a body of water whose surface measurement is greater than 5.9 square metres (64 square feet) in area and /or capable of holding water in excess of 46 centimetres (18 inches) in depth in any location of the pool.

2. That every privately-owned outdoor swimming pool within the boundaries of the Township of James shall be completely enclosed by a lawful fence which shall be kept in good order and repair at all times.
3. That the fence shall be not less than 1.5 metres (five feet) and not over 1.83 metres (six feet) in height measured from grade level outside the pool enclosure, the lower member being not more than 7.6 centimetres (three inches) from ground level and shall be supported by posts every 3.05 metres (ten feet) or less.
4. That for the purposes of this By-Law, a lawful fence shall be one that is constructed of material of sufficient resistance to provide a barrier for children, with open spacing of not more than 7.6 centimetres (three inches).
5. That until the lawful fences and gates have been erected and approved in accordance with this By-Law no person or persons shall place water in a privately owned swimming pool or allow water to remain therein.
6. The wall of a building may for the purposes of this By-Law be used in place of any portion of an approved fence.

7. GATES

- a) All gates in a lawful fence shall be of construction and height equivalent to that required for the fence enclosure.
- b) All gates shall be supported on substantial hinges.
- c) All gates shall be self-closing and equipped with a self-latching device placed at the top and on the pool side of the gate or a minimum of 1.37 metres (four feet six inches) above grade if not placed on the pool side of the gate.
- d) If two gates are adjacent, one gate shall be permanently fixed in a closed position, or a permanent centre post shall be provided for the gates to close and latch against.
- e) In cases where access into the swimming pool enclosure can be gained from a garage door or any other door from the dwelling then that door must be self-closing and equipped with a self-latching device at least 1.37 metres (four feet six inches) above grade.
- f) Every access gate and door must be kept closed and locked at all times when a responsible person is not present and supervising the pool.


8. EXCEPTIONS

That the regulations contained herein shall apply to every privately-owned outdoor swimming pool except any privately-owned outdoor swimming pool installed above ground level does not require an enclosing fence provided:

- a) The pool is so constructed with vertical sides not less than 1.83 metres (six feet) in height measured from grade level outside the pool structure and free from supporting members that may be used to facilitate entry into the pool, and any stairs or any means of mounting to a deck to gain entry into a privately-owned outdoor swimming pool installed above ground level shall be removed at such times as the swimming pool is not under direct supervision of a responsible person or enclosed by a lawful fence and gate so as to prevent such access to such stairs or means of mounting to the deck.
9. That a building permit to install privately-owned outdoor swimming pool shall be refused if any such fences or gates if erected would be contrary to the provisions of any other By-Law of the Township of James.
10. No privately-owned outdoor swimming pool may be excavated or erected unless the plan of all such fences and gates have been produced and approved by the Council of The Corporation of the Township of James.
11. That any person who violates any of the provisions of this By-Law shall for every offence incur a penalty of not more than \$1,000.00 exclusive of costs, and such penalty shall be recoverable under the provisions of the Provincial Offences Act, 1979.
12. This by-law shall come into force and take effect on the date of passing.

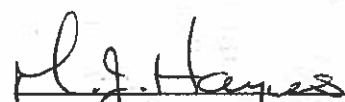
READ A FIRST AND SECOND TIME THIS 10th DAY OF SEPTEMBER, 2003.


Terry Fiset, Reeve


Myrna Hayes, Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF SEPTEMBER, 2003.


Terry Fiset, Reeve


Myrna Hayes, Clerk