

# **BY-LAW REGARDING POOLS AND FENCING**

## **BY-LAW #2006-10**

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### **BEING A BY-LAW TO REGULATE OUTDOOR SWIMMING POOLS**

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**WHEREAS** the Municipal Act, S.O. 2001, c. 25, Section 11(1)7, authorizes the passing of a by-law requiring the owners of privately owned outdoor swimming pools to obtain a permit for the installation and to erect and to maintain fences and gates around such pools;

**AND WHEREAS** the Corporation of the Township of Athens deems it desirable to enact such a by-law;

**NOW THEREOFRE** the Council of the Corporation of the Township of Athens enacts as follows:

#### **1. DEFINITIONS**

a) Privately Owned Outdoor Swimming Pool means any artificial body of water located outdoors on privately owned property, including soft sided pools, in which the depth of the water at any point can exceed twelve (12) inches and is capable of being used for swimming, wading, diving or bathing.

b) Enclosure means a fence, wall or other structure including doors and gates surrounding a privately owned outdoor swimming pool to restrict access thereto.

c) Owner means a person in possession of the property and includes a lessee or tenant on which the swimming pool is located.

d) Person means an individual, firm, corporation, association or partnership.

#### **2. REGULATIONS**

##### **2.1 General**

a) No person shall erect, construct or excavate for an outdoor swimming pool until the required permit has been issued and approval of the plans for the fence and gates has been granted.

b) No person shall fill a privately owned outdoor swimming pool with water, or allow water to remain therein, until the provisions of this by-law have been complied with respecting swimming pool fences.

c) No swimming pool shall be located within the minimum front yard or minimum exterior side yard nor closer than 3 m (9.84 ft.) to any rear or interior side lot line.

d) The owner of a privately owned outdoor swimming pool shall erect and maintain completely around such swimming pool a fence in accordance with the provisions of this by-law. The intention of this fence is to reduce the potential of unsupervised access by small children.

## **2.2 Enclosures**

a) Every enclosure shall:

1. have an exterior facing extending from within 5 cm (2 inches) above grade to a height of not less than 1.2 m (4 feet) above grade, measured from the grade level on the side of the fence facing away from the pool.
2. be of a close-boarded, chain link, metal picket or other approved design, to reasonably deter children from climbing it to gain access to the enclosed area;
3. have no attachments or bracing on the exterior facing of the fence within a height of 1.2 m (4 feet) of the grade level which might facilitate climbing;
4. have no barbed wire or similar dangerous characteristics and shall have no device for projecting an electric current;
5. be rigidly constructed to prevent entry/access to the enclosed area;
6. be located no closer than 1 m (3 feet) from the edge of any outdoor pool; and
7. only have entry or access as permitted and described in this by-law.

b) Where an outdoor swimming pool is erected above grade such pool walls shall be deemed a suitable enclosure provided that:

1. the pool walls project a minimum of 1.2 m (4 feet) above grade;
2. there are no attachments or bracing on the exterior facing of the pool which may facilitate climbing the wall of the pool ;
3. the grade of the ground adjacent to the outside wall of the pool, for a distance of 1.2 m (4feet) is a least 1.2 m (4feet) below the top of the pool walls; and
4. any ladder or gate or other means of access to the pool is designed to be locked in a like manner as is required for gates in this by-law.

- c) Every gate erected in a fence or enclosure around a pool shall:
  1. be of construction and height equal to that of the fence/enclosure;
  2. be supported by substantial hinges; and
  3. be self-closing and equipped with a self-latching device placed at the top, on the inside, a minimum distance of 1m (3 feet) above grade.

d) A wall of a building or deck may form part of an enclosure provided it meets the requirements for enclosures and provide a degree of security equal to the enclosure requirements of this by-law. All doors located in a wall of the building which forms part of an enclosure, other than doors located in a dwelling unit, shall be equipped with self-closing, self-latching devices located not less than 1 m (3 feet) above the bottom of the door and comply with all other sections of this by-law.

e) A pool and associated decks, pumps, etc.. shall be located in compliance with the provision of all by-laws for the Township of Athens, including the Ontario Building Code which requires the pool to be 1.5 m (5 feet) from a septic tank and 5 m (17 feet) from a leaching bed.

f) All accessory buildings, accessory structures and pool equipment, including pumps and filters, that could be used to assist in gaining access to the pool shall be located a minimum of 1 m (3 feet) from an approved enclosure to reduce access to the pool, unless they are located under a deck which has been enclosed in accordance with the provisions of this by-law.

g) The owner of every privately owned outdoor swimming pool shall ensure that every gate, ladder, or door providing access to swimming pools shall be kept locked at all times when they are not present and supervising the pool.

**3. PENALTIES**

Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a fine of up to one thousand (\$1,000.00) dollars, exclusive of costs, for each and every offence.

**READ A FIRST AND SECOND TIME THIS 5<sup>th</sup> DAY OF JUNE 2006.**

**READ A THIRD TIME AND FINALLY PASSED THIS 5<sup>TH</sup> DAY OF JUNE 2006.**

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