

THE CORPORATION OF THE TOWN OF COLLINGWOOD

BY-LAW NO. 91-42

Being a By-law to require the erection and maintenance of fences and gates around private outdoor pools and to require permits for the installation or erection of swimming pools as provided by Section 210(23) of the Municipal Act of Ontario, R.S.O. 1980, as amended.

The Council of the Corporation of the Town of Collingwood ENACTS as follows:

1. DEFINITIONS

In this By-law:

- (a) "Authority having jurisdiction" means the Chief Building Official and any Building Inspector authorized by him to administer this by-law.
- (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 the registered owner of a property, a lessee, tenant, mortgagee in possession, or person otherwise in charge of any property, acting as the authorized agent of the owner.
- (d) "Privately owned outdoor swimming pools" means a privately owned body of water located outdoors contained entirely or in part by artificial means in which the depth of water at any point can exceed 18 inches and used or capable of being used for swimming.

2. PERMIT

- (a) No person shall erect an enclosure for a swimming pool until plans for such fences and gates have been submitted to the Chief Building Official and a permit certifying approval of such plans has been issued.
- (b) No person shall excavate for or erect a privately owned swimming pool without a permit.
- (c) A permit may be refused if the enclosure does not comply with this or any by-law.
- (d) Fee for such permit shall be as per Policy schedule set from time to time by the Council of the Corporation.

3. ENCLOSURES

- (a) The owner of a privately owned outdoor swimming pool shall erect and maintain an enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children.
- (b) No person shall place water in a privately-owned outdoor swimming pool or allow water to remain therein unless the fence and gates prescribed by this by-law have been erected and inspected by authority having jurisdiction.

- (c) Where a wall of a building forms part of an enclosure, the main entrance to the residential dwelling, the service meters and fuel filler pipe shall not be located within the area protected by the enclosure.
- (d) An enclosure, including the gates therein shall extend from the ground to a height, measured on the outside of the enclosure, of not less than 1.2 metres (3.9') and except as provided under subsection 3(e) of this By-law, no raised area of the ground or raised sundeck or other raised structures shall be within 1.5 metres (5') of the enclosure, whether located on the owner's property or on adjoining property.
- (e) Where raised area of the ground, a sundeck or other raised structure is or is to be located closer than 1.5 metres (5') from the outside of the enclosure, the height of the section of the enclosures opposite such raised area, sundeck or other raised structure shall be measured from the top of the raised area, sundeck or other raised structure an increased height shall extend, laterally or at a departing angle, a distance of not less than 1 metre (39") beyond the limits of the raised area, sundeck or other raised structure.
- (f) The bottom edge of an enclosure shall not be more than 50 mm (2") from the ground.
- (g) An enclosure shall have no attachments on the exterior face thereof such as horizontal or diagonal bracing, horizontal rails or other attachments which would facilitate climbing.
4. A fence, forming part of an enclosure shall
- (a) be of vertically boarded wood construction, chain link construction or of other materials and construction as provided for in clause 4,
- (b) be of chain link construction
- (i) not greater than 38 mm (1 1/2") diamond mesh;
- (ii) galvanized steel wire not less than 11 gauge or not less than 13 gauge steel wire covered with vinyl or other approved coating;
- (iii) supported by 38 mm (1 1/2") diameter galvanized steel line posts, a 50 mm (2") diameter galvanized steel corner or end post. Posts shall be spaced not more than 2.4 metres (8') extending into the ground at least 750 mm (30") and be set in concrete;
- (iv) top and bottom rails shall be 30 mm (1 1/4") diameter galvanized steel, except that a 6 mm minimum diameter galvanized steel tension rod may be substituted for the lower steel rail.
- (c) shall, if of vertically boarded wood construction

(i) have the vertical boards attached to horizontal members of 50 mm (2") nominal thickness that are at least 1.2 metres (4') apart. Vertical boards shall be not less than 25 mm X 150 mm (1" x 6") nominal dimension and shall be spaced not more than 40 mm (1 3/4") apart;

(ii) be supported by a minimum of 100 mm X 100 mm (4" x 4") posts, nominal dimensions, spaced not more than 2.4 metres (8') on centres securely embedded to a minimum of 750 mm (30") below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom rails shall be provided of wood 38 mm by 89 mm (2" x 4") minimum nominal dimensions.

(d) may be of construction other than described in clauses (b) and (c) provided an equivalent degree of safety is established and maintained.

5. Gates forming part of an enclosure shall

(a) be of construction and height equivalent to that required for the fence;

(b) be supported on substantial hinges;

(c) be self-closing and equipped with a self-latching device mounted near the top and on the inside of the gate;

(d) be equipped with a locking device and be kept locked at all times except while a responsible person is present and supervising the swimming pool.

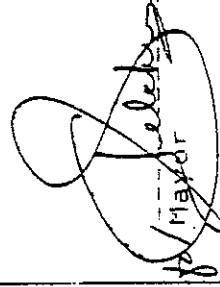
6. THAT By-law Nos. 2916 and 2992 and any other by-law being inconsistent with the provisions of this by-law be and are hereby repealed.

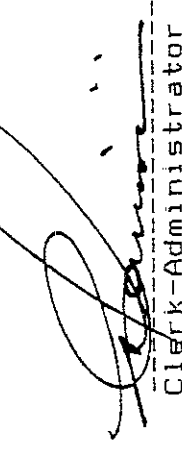
7. PENALTIES

Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay a penalty not exceeding, exclusive of cost, the sum of One Thousand Dollars (\$1,000.00) for each offence.

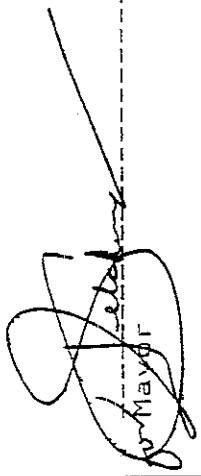
8. THAT this By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Collingwood, in the Committee of the Whole.

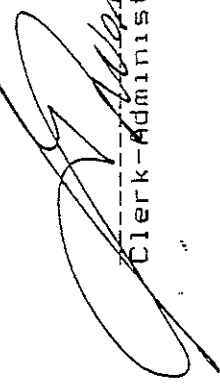
THAT this By-law be introduced, read a first and second time and referred to the Committee of the Whole for study, this
8th day of July, 1991.


Mayor


Clerk-Administrator

THAT this By-law having been studied in the Committee of the Whole, be presented, read a third time and finally passed this 22nd day of July, 1991.


Mayor


Clerk-Administrator