

BY-LAW NUMBER 1998-29

SWIMMING POOL FENCES

BEING a By-Law to prescribe the height and description of fences and gates around privately owned outdoor swimming pools.

WHEREAS, pursuant to Subsection 30 of Section 210 of the Municipal Act R.S.O. 1990, Chapter M45 as amended, a Municipality may pass By-Laws for requiring owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for prescribing the height and description of such fences and gates;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRE HASTINGS HEREBY ENACTS AS FOLLOWS:

1. That the owner of a privately owned outdoor swimming pool shall erect and maintain an adequate enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children.
2. That such enclosures, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure of not less than five (5) feet.
3. That a fence or its equivalent forming part of such enclosures shall be of vertically boarded wood construction, chain link construction, or of other materials and construction as provided for in clause 3 (c).
 - (a) If of chain link construction shall be of not greater than 1-1/2" diamond mesh, shall be constructed of No. 12 gauge steel, shall be supported by at least 1-1/2" galvanized steel posts, such posts to be spaced not more than ten (10) feet apart. Top and bottom horizontal rails shall be provided of 1-1/4 inch minimum diameter galvanized steel, except that a 1/4 inch minimum diameter galvanized 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.
 - (b) If of wood construction shall have vertical boarding attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside, such vertical board shall not be less than 1 x 4 inch nominal dimensions spaced not more than 1-1/2 inches apart, shall be supported by a minimum of four (4) inch diameter posts spaced not more than eight (8) feet apart. Top and bottom horizontal rails shall be provided of wood 2" x 4" minimum dimensions.
 - (c) may be of construction other than that specified provided that an equivalent degree of safety is maintained and shall be constructed so that the rigidity is equal to that specified for those fences described in Section 3 (a) and (b).
4. That gates forming part of such enclosure shall be of construction and height equivalent to that required for the fence, shall be supported on substantial hinges and shall be equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate.)

By-law 2001-11 amended Section 4 by adding the following sentence "The gate is to include a self-closing, self-latching device placed at the top and on the inside of the gate" Also changed is the removal of sentence as bracketed

5. That no person shall allow water to remain in a privately owned outdoor swimming pool unless the fences and gates as prescribed by this By-Law have been erected.
6. (a) That plans for any fences and gates as prescribed by this By-Law must first be produced to the Municipality of Centre Hastings By-Law Enforcement Officer for approval prior to construction.
- (b) That the Municipality of Centre Hastings By-Law Enforcement Officer be given five days from receipt of plans as noted in 6(a) above to review and make decision on said plans.
7. That no one shall excavate for or erect a privately owned swimming pool unless;
- (a) (i) the plans of all fences and gates are first produced to the Municipality of Centre Hastings By-Law Enforcement Officer.
- (ii) such plans conform to this By-Law
- (iii) a permit is issued by the Municipality of Centre Hastings By-Law Enforcement Officer certifying approval of such plans
- (b) A permit for such fences and gates shall be refused for any such fences or gates that if erected would be contrary to the provisions of this By-Law.
8. That any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay, at the discretion of the convicting justice a penalty not exceeding, exclusive of costs, the sum of two thousand dollars (\$2,000.00) for each offence.
9. That this By-Law shall come into full force and effect upon the passing hereof.

READ A FIRST AND SECOND TIME THIS 29TH. DAY OF JULY, 1998.
READ A THIRD TIME AND PASSED THIS 29TH. DAY OF JULY, 1998.



THOMAS DELINE, REEVE



DOUG PARKS, CLERK