

**MUNICIPALITY OF TRENT HILLS
BY-LAW # 2003-10**

**Being a By-law of the Municipality of Trent Hills
respecting fences around privately owned outdoor swimming pools**

WHEREAS the Municipal Act, 2001, S. O. 2001, C. 25, S11(2) as amended, provides that the Council of a lower tier municipality may pass by-laws respecting matters within spheres of jurisdiction;

AND WHEREAS under Section 15(4) specific powers to pass a by-law with respect to fences around pools is not restricted

NOW THEREFORE the Council of the Corporation of the Municipality of Trent Hills enacts as follows:

In This By-law:

1. Definitions:

- (a.) "Fence" shall mean a barrier constructed of chain link metal, wood, stone, or material having an equivalent degree of strength;
- (b.) "Gate" shall mean a swinging or sliding barrier used to fill or close an access and includes a door;
- (c.) "Swimming Pool" shall mean a privately owned outdoor swimming pool and excludes any pool, which is designed to have a maximum holding capacity of 61 cm. (24 inches) in depth or less.

2. Regulations

Every owner of a swimming pool and every owner and lessee of lands upon which a swimming pool is situated shall enclose and maintain around it a fence and gate or gates in accordance with the following requirements.

- (a) Every fence shall have a minimum height extending from the ground or floor of 1.25 meters, (4 feet)
- (b) If the fence is of chain link construction, the fence shall:
 - (i) Be constructed of galvanized wire, vinyl coated wire or steel which has a diameter of not less than 11 gauge and
 - (ii) The mesh shall have a diameter no greater than 3.175 cm. ([1¼" - one and one-quarter inches) and;
 - (iii) The fence shall be supported by solid posts made of either wood or steel for support that are placed no more than 3.04 metres (10 feet) apart which are securely embedded in the ground.
- (c) If the fence is of wood or wood type product the fence shall be;
 - (i) Constructed so the wood is attached to supporting posts;
 - (ii) Supported on solid posts that are not more than 3.04 metres (10 feet) apart and which are securely embedded in the ground.
 - (iii) The posts shall be located on the inside portion of the fence facing the lot of the property owner responsible for the fence.
- (d) If the fence is constructed of steel, the fence shall be constructed in such a manner so that there is a space of no more than 10 cm. (4 inches) between the vertical posts or any other opening
- (e) No person shall construct or cause to be constructed any fence around a swimming pool that consists of barbed wire, barbs, electrical or any other means that may cause injury to any persons.
- (f) Every fence shall have a gate or gates of a minimum height extending from the ground or floor supported by substantial hinges and equipped with self closing latching devices placed at the top and on the inside of the gate.
- (g) No fence that will facilitate climbing shall be construct around a pool.

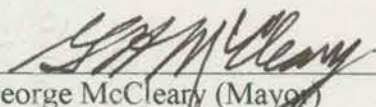
3. No fence shall be required around a swimming pool where the wall of the swimming pool extends a minimum of 1.25 meters (4 feet) above the level of the ground abutting the pool.
4. Where access to a swimming pool is provided by means of a portable ladder or ladders, in the absence of direct adult supervision, such ladder or ladders shall be kept away from the swimming pool.
5. Every owner of a swimming pool and every owner or lessee of lands upon which a swimming pool is situated shall, in the absence of an adult person directly supervising the swimming pool, keep every gate securely locked.
6. The Chief Building Official and or his representative of the Municipality of Trent Hills shall enforce this By-law.

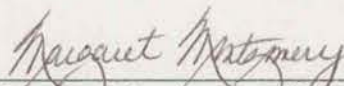
7. Enforcement:

Any person who contravenes any of the provisions of this By-law, or who causes or permits such contravention, is guilty of an offence and shall upon conviction be liable to a fine of not more than twenty five thousand dollars (\$25,000), exclusive of costs, and every such fine is recoverable under the provisions of the Provincial Offences Act.

8. If any section; clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid; the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and that it is hereby declared to be the intention of council that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed notwithstanding that one or more provisions of this by-law have been declared invalid.

By-Law 2003-10 introduced and deemed to be read a first, second and third time passed and properly sealed this 17th day of February, 2003


George McCleary (Mayor)


Margaret Montgomery (Clerk)