

THE CORPORATION OF THE TOWN OF RAYSIDE-BALFOUR

BY-LAW NO. 81- 36

BEING A BY-LAW TO REGULATE THE  
ERECTION OF FENCES AND GATES  
AROUND PRIVATE OUTDOOR SWIMMING  
POOLS

WHEREAS authority is granted to the councils of all municipalities under Section 210(23) of The Municipal Act, R.S.O. 1980, to pass by-laws to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and to prescribe the height and description of fences and gates and the manner of erecting and maintaining such fences and gates and for issuing permits;

AND WHEREAS the Municipal Council deems it expedient to pass such a by-law to regulate the erection of fences and gates around private outdoor swimming pools;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Rayside-Balfour as follows:

1. DEFINITIONS:

In this by-law, the following definitions shall apply as follows:

- (a) ENCLOSURE means a fence, wall or other structure including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
- (b) PRIVATELY OWNED OUTDOOR SWIMMING POOL means any body of water located outdoors on privately owned property, contained in part or in whole by artificial means, in which the depth of the water at any point can exceed sixty-one (61) centimetres and used or capable of being used for swimming.
- (c) SERVICE ENTRANCE means that entrance into a building which would normally be used by persons entering such building for the purpose of delivering goods or rendering maintenance service.
- (d) OWNER includes a person in possession of the property on which the swimming pool is located.
- (e) PERSON means any firm, corporation, partnership, individual or association.
- (f) TOWN means the Corporation of the Town of Rayside-Balfour.
- (g) OFFICER means the Municipal Law Enforcement Officer for the Corporation of the Town of Rayside-Balfour.
- (h) SWIMMING includes wading, bathing or diving.

2. No person shall erect a fence or gate for a swimming pool until plans for such fences and gates have been submitted to the Town and a permit certifying approval of such plans has been issued.

3. No person shall excavate for or erect a privately owned swimming pool without first having obtained a permit certifying that approval of the plans for the fence and gates has been issued.
4. A permit may be refused if the fences or gates do not comply with this by-law.
5. No person shall place water in a privately owned outdoor swimming pool or allow water to remain therein unless the enclosure prescribed by this by-law has been erected.
6. ENCLOSURES:
  - (a) 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.
  - (b) Except as further provided in clause 6(c), such enclosure, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than one point two (1.2) metre nor higher than one point eight (1.8) metre.
  - (c) Where a wall of a building forms part of such enclosure, no main entrance or service entrance to the building shall be located within the swimming pool area enclosure, except that this requirement shall not apply when the main entrances and all exterior service meters and intakes are located outside the enclosure and a sign is erected and maintained directing all service personnel to use the main entrance.
  - (d) Except as provided in (e) (vi) (2), such enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
  - (e) A fence or its equivalent forming part of such enclosure,
    - (i) shall be of vertically boarded wood construction, chain link construction or of other materials and construction as provided for in clause (e) (vi);
    - (ii) if of chain link construction, shall
      1. be of not greater than three point eight (3.8) centimetres diamond mesh;
      2. be constructed of galvanized steel wire not less than No. 12 gauge, or of minimum 14 gauge steel wire covered with a vinyl or other approved coating, forming a total thickness equivalent to No. 12, gauge galvanized wire;
      3. be supported by at least three point eight (3.8) centimetres diameter galvanized steel posts each covered by a minimum of five point one (5.1) centimetres of concrete from grade to a minimum of zero point six (0.6) metre below grade, such posts to be spaced not more than three point five (3.5) metres apart. Top and bottom horizontal rails shall be provided of three point five (3.5) centimetres minimum

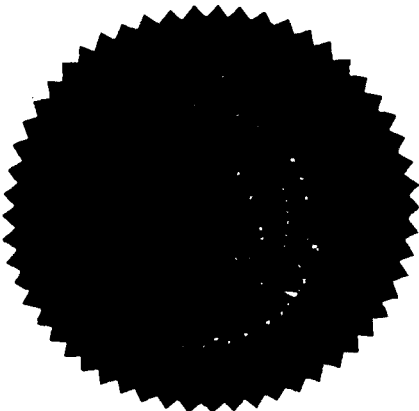
- diameter galvanized steel, except that a zero point sixty-four (0.64) centimetre minimum diameter galvanized steel tension rod may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating.
- (iii) if of wood construction, shall
1. have the 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 boards shall be not less than two point fifty-four (2.54) centimetres by ten point one (10.1) centimetres nominal dimensions spaced not more than three point eight (3.8) centimetres apart;
  2. be supported by a minimum of ten point one (10.1) centimetres square or ten point one (10.1) centimetres diameter cedar posts, nominal dimensions spaced not more than two point four (2.4) metres on centres securely embedded to a minimum of zero point six (0.6) metre below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood five point one (5.1) centimetres by ten point one (10.1) centimetres minimum nominal dimensions;
- (iv) shall include no part consisting of barbed wire or having similar dangerous characteristics and no device for projecting an electric current through the fence;
- (v) shall be located not less than one point two (1.2) metre from the swimming pool unless
- (i) the required height of said fence, as prescribed in paragraph 6(b), is increased to one point eight (1.8) metre, and
  - (ii) a continuous hand hold is available along the edges of the pool for the purpose of providing in an emergency, support for a person in the pool and such fence shall not regardless of height, be located closer than one point two (1.2) metre to any condition on the property that would contribute to the lessening of these minimum safety requirements by facilitating the climbing of the swimming pool fence.
- (vi) may be of construction other than that specified provided an equivalent degree of safety is maintained and shall
1. be constructed so that the rigidity is equal to that specified for those fences described in clauses (e) (ii) or (iii);
  2. be permitted to have exposed structural or other members or parts thereof that may facilitate climbing the outside of the enclosure provided the minimum clear vertical distance between any such members, or parts thereof, is one point two (1.2) metre and, regardless of the location of such members, where the minimum one point two (1.2) metre vertical dimension is

maintained the least dimension of any opening through such fence may be increased to not more than that required to prevent the passage of a spherical object having a diameter of ten point one (10.1) centimetres.

- (f) Gates forming part of such enclosure shall
  - (i) be of construction and height equivalent to that required for the fence;
  - (ii) be supported on non-detachable hinges, and
  - (iii) be self-closing and equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate such that the device latches when the gate is in the closed position.
- (g) Subject to the provisions of Paragraph (c), doors providing access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit or rooming unit, shall each be self-closing and equipped with a locking device and with a self-latching device located not less than one point five (1.5) metre above the bottom of the door.
- (h) The owner of every privately owned outdoor swimming pool shall ensure that every gate and door required by Paragraphs (f) and (g) to be equipped with a locking device shall be kept locked at all times if there is more than sixty-one (61) centimetres of water in the pool and a responsible person is not present and supervising the pool.

- 7. Any person who contravenes any of the provisions of this by-law, upon conviction, is liable to a fine not exceeding two thousand (\$2,000.00) dollars, for each offence, exclusive of costs, pursuant to The Provincial Offences Act of Ontario.
- 8. This by-law hereby repeals all previous by-laws regulating the erection of fences and gates around privately owned swimming pools.

READ A FIRST time and considered read a SECOND and THIRD time and PASSED as such in open Council this 8th day of December, 1981.



*[Handwritten Signature]*  
MAYOR

*[Handwritten Signature]*  
CLERK

THE CORPORATION OF THE TOWN OF RAYSIDE-BALFOUR

BY-LAW NO. 81-36

EXPLANATORY NOTE ON METRIC MEASURES

This explanatory note does not form part of this by-law but is provided for convenience only.

This by-law is written using metric measures. The following provides a quick reference to the imperial measures for the benefit of those not yet conversant with the metric system.

LINEAR MEASURES

General conversion factors:    feet    = metres x 3.2808  
   metres = feet    x 0.3048

0.64	centimetre	=	$\frac{1}{4}$	inch	approximately
2.54	centimetres	=	1	inch	approximately
3.5	centimetres	=	$1\frac{1}{4}$	inch	approximately
3.8	centimetres	=	$1\frac{1}{2}$	inch	approximately
5.1	centimetres	=	2	inches	approximately
10.1	centimetres	=	4	inches	approximately
61	centimetres	=	24	inches	approximately
0.6	metre	=	2	feet	approximately
1.2	metre	=	4	feet	approximately
1.5	metre	=	5	feet	approximately
1.8	metre	=	6	feet	approximately
2.4	metres	=	8	feet	approximately
3.5	metres	=	10	feet	approximately