

THE CORPORATION OF THE TOWN OF RAYSIDE-BALFOUR
BY-LAW NO. 97-34

BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF RAYSIDE-BALFOUR TO REGULATE THE ERECTION OF FENCES AND GATES AROUND PRIVATE OUTDOOR SWIMMING POOLS.

WHEREAS the Council of the Corporation of the Town of Rayside-Balfour deems it necessary to amend By-law 81-36;

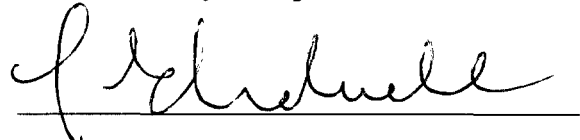
NOW THEREFORE the Municipal Council of The Corporation of the Town of Rayside-Balfour **ENACTS AS FOLLOWS:**

1) **THAT** section 6 V(ii) be deleted in its entirety and the following added:

6 V(ii) Where the space between the edge of the pool and a fence is of insufficient width to prevent, render difficult or not permit refuge for a person in the pool in the event of an emergency, or would hinder or prevent a rescue by a person outside the pool, at the direction of a municipal law enforcement officer or inspector, a continuous hand hold shall be installed along the fence or along the edge of the pool, whichever in the opinion of an officer or inspector provides the greatest degree of safety and accessibility; further the fence, regardless of height, shall not be located closer than one point two (1.2) metres 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.

READ a third time and passed in open Council this 23rd day of September, 1997.

Seal



Mayor



Chief Administrative Officer/Clerk



COUNCIL MEMORANDUM

to: Gary J. Michalak, C.A.O./Clerk
cc: Council
from: Joseph D. Steen
date: September 16, 1997
subject: Amendment to By-Law 81-36
referred: Motion

ISSUE:

Amendment to by-law 81-36, being a by-law regulating the erection of fences and gates around private swimming pools.

RECOMMENDATION:

That section 6 V (ii) of by-law 81-36 be amended to provide greater clarity.

CURRENT STATUS:

Section in it's present form is ambiguous as it specifies the requirement of a hand hold along the edges of a pool.

It is unclear as to the location of a hand hold eg. deck, on the pool, or on the fence.

CONCLUSION:

The amendment would clarify the installation and location of a hand hold.

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 these 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