

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 727

Being a by-law setting out the regulations regarding
privately-owned swimming pools.

WHEREAS Section 210, Sub-section 23 of the Municipal Act, R.S.O. 1980 provides that by-law may be passed by the Councils of local municipalities 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, and the manner of erecting and maintaining such fences and gates;

THEREFORE the Corporation of the Town of Thessalon hereby enacts as follows:

1. For the purposes of this by-law,
 - (a) "owner" includes a firm, corporation, club or unincorporated society;
 - (b) "swimming pool" means any structure, basin, chamber or tank containing an artificial body of water for swimming, diving, wading or recreational bathing and having a water depth of 12 inches (30.48 cm.) or more at any point but does not include:
 - i) any such structure, basin, chamber or tank that is completely above ground and which has a side height of not more than 25 inches (63.50 cm.) measured from ground level at all points on its perimeter, or;
 - ii) a swimming pool which is subject to the regulations made under The Public Health Act;
 - (c) "ground level" means the highest level of the ground at any point around the exterior of the swimming pool within 42 inches (1.07 meters) measured horizontally from the outside wall of the swimming pool;
 - (d) "backflow preventor" means a device used in a water supply pipe which incorporates a check valve to prohibit the reverse flow of the water;
 - (e) a swimming pool shall be subject to the restrictions in the Zoning By-law pertaining to a structure.
2. Subject to Section 4, every owner of a privately-owned outdoor swimming pool shall erect and maintain on the land or a part of the land on which such swimming pool is located a fence that,
 - (a) by itself, or in conjunction with any building; provided any and all doors which allow access to the pool can be locked with a key; or with any boundary fence which complies with the requirements of clauses b, c and d of this section, shall completely enclose the swimming pool,
 - (b) shall be not less than 5 feet (1.53 meters) in height measured from ground level at all points on its perimeter,
 - (c) shall be either:
 - i) of metal wire (chain link) of not less than 12 gauge with openings not greater than 2 inches (5.08 cm.) by 2 inches (5.08 cm.) and supported by iron posts spaced not more than 10 feet (3.05 meters) apart and set securely in concrete and having a top rail to which the fence fabric is securely attached, or
 - ii) of wood, masonry or other material of equivalent strength and providing an equivalent degree of safety and supported by posts of wood, masonry, iron or pipe spaced not more than 10 feet (3.05 meters) apart and set securely and if such fence has openings at least one dimension of any such opening shall not exceed 3 inches (7.63 cm.),
 - (d) shall not consist of any barbed wire and shall not have any devices for projecting an electric current through the fence, and
 - (e) shall be so located and constructed that access to the swimming pool area from outdoors shall be only by means of one or more gates in the fence which comply with the requirements of Section 3.

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- (f) any opening between the bottom of the fence and the ground beneath it shall be not greater than 3 inches (7.63 cm.)
- (g) shall be so designed and constructed to deter persons from climbing it
- (h) shall be so designed and constructed that all horizontal or diagonal structure members shall be located on the inside or pool side of the fence.
3. The owner of a privately-owned outdoor swimming pool shall erect and maintain each gate in the fence enclosing the swimming pool in accordance with the following requirements:
- (a) each gate shall be constructed of metal wire (chain link) of not less than 12 gauge with openings not greater than 2 inches (5.08 cm.) by 2 inches (5.08 cm.) or of wood or other material of equivalent strength which provides an equivalent degree of safety and with openings no greater than provided in subclause (ii) of clause of (c) of Section 2,
- (b) each gate shall be not less than 5 feet (1.53 cm.) in height
- (c) each gate shall be supported by substantial hinges and
- (d) each gate shall be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate
- (e) any opening between the bottom of the gate and the ground beneath it shall not be greater than 3 inches (7.63 cm.)
4. The provisions of this by-law requiring the erection and maintenance of a fence that shall completely enclose the swimming pool shall not apply if the outside wall of the swimming pool has a height of not less than 42 inches (1.07 meters) measured from ground level at all points on the perimeter of such wall provided that any steps, ladder or other means of entry to the swimming pool are protected by a fence and gate which comply with all other requirements contained in Sections 2 and 3.
5. Every owner of a privately-owned outdoor swimming pool shall maintain the said fence and gates in such a manner and to such an extent as to ensure at all times maximum security and protection against entry to the swimming pool by unauthorized persons.
6. Every owner of a privately-owned pool shall ensure that a backflow preventor has been installed in the water supply.
7. Every owner of a privately-owned pool shall discharge the water from the pool into an approved drainage ditch or storm sewer. In no event shall any water so discharged result in flood damage to private property or property owned by the municipality.
8. This by-law shall be administered by the Building Inspector.
9. Pursuant to Section 325, R.S.O. 1980, c. 302, where the conditions of this by-law have not been complied with, the Building Inspector may order the owner to make the necessary changes to comply with the regulations.
10. 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 judge a penalty of not more than \$300.00 exclusive of costs.
11. This by-law shall come into force and effect on the date of passing hereof.
- READ A FIRST AND SECOND TIME THIS 2nd DAY OF JUNE, 1986.
- READ A THIRD TIME AND FINALLY PASSED THIS 2nd DAY OF JUNE, 1986.



MAYOR



CLERK