

BY-LAW NUMBER 2004-78

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING By-Law prescribing the height and description of and the manner of erecting and maintaining fences and gates around privately owned outdoor swimming pools.

WHEREAS the Municipal Act, Chapter M.45, R.S.O. 1990, Section 210, paragraph 30, authorizes the passing of a By-Law requiring the owners of privately owned outdoor swimming pools to obtain a permit for the installation of pools and to erect and to maintain fences and gates around such pools;

AND WHEREAS the Council of The Corporation of the Township of Rideau Lakes has deemed it expedient to enact such a By-Law;

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. DEFINITIONS

- 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) “OWNER” includes a lessee or tenant in possession of property on which a swimming pool is located;
- c) “SWIMMING POOL” means any privately owned outdoor body of water contained by artificial means and is capable and intended of being used for swimming, wading, diving or bathing.

2. REGULATIONS

- a) The owner of a privately owned outdoor swimming pool shall ensure that an enclosure around such a pool is constructed and maintained to the provisions of this By-Law.
- b) No person shall erect or construct a private swimming pool unless and until the required permit has been issued by the Chief Building Official.
- c) Every private swimming pool shall be secured against entry of the public other than tenants or their guests.

- d) A temporary fence shall be erected during construction of the pool. It is the applicant's responsibility to ensure safety during construction.
- e) No barbed wire nor device for projecting an electric current shall form part of a fence or gate.
- f) Every gate erected in a fence around a privately owned outdoor swimming pool shall:
 - 1) be of construction and height equivalent to that required for the fence;
 - 2) be supported by substantial hinges; and
 - 3) be self-closing and equipped with a self-latching device placed at the top, a minimum distance of three (3) feet six (6) inches above grade.
- g) Where a wall of a building is used as part of the enclosure, all doors located in the wall of the building shall be equipped with self-closing, self-latching and locking devices.
- h) Every swimming pool shall have an enclosure erected in accordance with the following provisions:
 - 1) **Chain Link:**
 - I. not greater than (1 ½ inch mesh, 38 millimeters) 12 gauge steel wire or 14 gauge steel wire covered with vinyl or other approved plastic.
 - II. Galvanized steel posts: spaced (9 feet apart, 2.7 m) 4 feet below grade or to solid rock encased in concrete.
 - III. End Posts: (1 7/8" inch diameter, 50 millimeters) 4 feet below grade or to solid rock encased in concrete.
 - IV. Top and Bottom Rail: (1 ¼ inch diameter, 32 millimeters) or 12 gauge steel wire or 14 gauge steel wire plastic covered for bottom rail.

2) **Wood:**

- I. 1x4 or 1x6 boards spaced not more than 1” apart
- II. Fastened on 2x4-top and bottom rail spaced not more than 36” apart, fastened 2 – 3 ½” nails on each post.
- III. Fastened to 4x4 posts spaced 8 feet on center, 4 feet below grade or to solid rock, encased in concrete end of post, to have preservative.

3) **Solid Metal:**

- I. 28 gauge solid steel panels screwed to top and bottom rails.
- II. Rails: 1x4 or 2x4 fastened 2 nails each post
- III. Posts: 4x4 spaced 8 feet center 4 feet below grade or to solid rock encased in concrete end of post, to have preservative

- i) Where a swimming pool is erected above grade, it shall be completely enclosed with a fence of the same specifications as in ground pools as set out in this By-Law, or shall project a minimum of forty-eight (48) inches above grade and have no attachments or bracing on the exterior facing of the pool which may facilitate climbing and shall be secured against entry by a self closing, self latching gate.

3. **ISSUANCE OF PERMITS**

- a) To obtain a permit for an outdoor swimming pool, the applicant must:
 - 1) fill out a Pool Permit Application;
 - 2) pay a fee as set out in Schedule “A” of By-Law 2004-78;
 - 3) submit a plot plan describing the location of buildings, pool, enclosure, decks, distances from lot lines, septic system, etc.;
 - 4) submit details of pool and enclosure installation.

- b) The Chief Building Official may refuse to grant a permit for the pool or for a fence around a privately owned outdoor pool if the erection of a fence is contrary to the provisions of any By-Law of the Township of Rideau Lakes.

4. PENALTIES

Any person who contravenes any provision of this By-Law is guilty of an offence and shall be liable to a fine not more than one thousand (\$1,000.00) dollars, exclusive of costs.

5. EFFECTIVE DATE

- a) The provisions of this By-Law shall apply to all privately owned outdoor swimming pools constructed or in construction subsequent to the date hereof, and to all such pools which, as of the date of final passing of this By-Law, fail to meet the requirements for such pools as set forth in this By-Law.

AND FURTHER that By-Law 98-66 be hereby repealed.

Read a first and second time this 5th day of April 2004.

Ronald Holman
Mayor

Robert J. Maddocks
Deputy Clerk

Read a third time and finally passed this day of 2004.

Ronald Holman
Mayor

Robert J. Maddocks
Deputy Clerk