

TOWNSHIP OF HORTON

BY-LAW NO. 85-19

A BY-LAW TO REGULATE FENCES AROUND PRIVATELY OWNED SWIMMING POOLS
IN THE TOWNSHIP OF HORTON.

WHEREAS the Council of the Corporation of the Township of Horton deems it advisable and expedient to enact this By-law:

AND WHEREAS paragraph 24 of Subsection 1 of Section 354 of the Municipal Act, R.S.O. 1970, Chapter 284, as amended, authorizes the municipality to pass by-laws to require owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of and the manner of erecting and maintaining such fences and gates for prohibiting persons from placing water in privately owned outdoor swimming pools or allowing water to remain therein until the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fence or gates that if erected would be contrary to the provisions of any by-law of the municipality.

NOWHEREFORE the Municipal Council of the Corporation of the Township of Horton enacts as follows:

1. TITLE

This By-law shall be known and may be cited as "THE SECURITY OF PRIVATELY OWNED SWIMMING POOL BY-LAW".

2. DEFINITIONS

- (a) "BUILDING INSPECTOR" shall mean the Building Inspector appointed by Township Council.
- (b) "TOWNSHIP" shall mean the Corporation of the Township of Horton.
- (c) "ENCLOSURE" shall mean a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
- (d) "PERSON" shall include a Firm, Partnership, Company, Corporation, Contractor or Owner.
- (e) "PRIVATELY OWNED SWIMMING POOL" shall mean a privately owned outdoor body of water contained in part or in whole by artificial means, which hold water in excess of eighteen (18) inches in depth.

3. ENCLOSURES

- 1. No person shall construct a privately owned outdoor swimming pool or erect a fence around same without first acquiring the necessary permit or permits from the Building Inspector. The application for a permit shall include a plot plan satisfactory to the Building Inspector.

2. No person shall have a privately owned outdoor swimming pool in the Township unless the area is completely enclosed by fencing in compliance with the requirements of this By-law.
 - (a) such fencing, including gates therein shall extend from the ground to the height of not less than forty-eight (48) ⁴⁸ inches.
 - (b) a fence forming part of such enclosure:
 - (i) shall be vertically boarded wood construction, solid wood, masonry, plastic or metal construction.
 - (ii) having any other horizontal or diagonal bracing or attachments on the outside face that may facilitate climbing.
 - (iii) shall have no opening with a horizontal dimension greater than two (2) inches.
 - (iv) shall include no part consisting of barbed wire or have no similar dangerous characteristics such as a device for projecting electric current through the fence.
3. Owners of privately owned outdoor swimming pools in the Township that ~~had~~ were in existence at the date of passage of this by-law may claim relief from the provisions of this by-law by submitting an application for minor variance to the Committee of Adjustment for the Township of Horton.

4. SECURITY

- (a) Gates shall be of the same construction and height to that required for the fence.
- (b) Gates shall be supported on substantial hinges.
- (c) Gates shall be equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate or equipped with a lock.
- (d) The swimming pool area must be secured at all times except when actually used by the owner, his family or person authorized by the owner to use the pool.
- (e) A fence erected on the owner's property which complies with the provisions of this by-law shall be deemed a sufficient fence, if it completely fences in the yard in which the swimming pool is located, but in no case shall the fence be closer to the pool than four (4) feet.
- (f) A wall or walls of a building or buildings may form part of such fence provided that all doors affording access from a building directly to an enclosed swimming pool are other than doors located in a dwelling unit, are equipped with a self-closing device and self latching device located not less than 48 inches above the bottom of the door.

5. ADMINISTRATION AND ENFORCEMENT

- (a) The administration and enforcement of the By-law shall be under that authority of the Building Inspector of the Township.
- (b) The provisions of this By-law shall apply to all installation or alterations of privately owned outdoor swimming pools regardless of the date of the construction of such a swimming pool.

6. PENALTIES

Any person convicted of a breach of any of the provision of

this By-law shall be liable of a fine of not more than \$300.00 exclusive of costs, and the same shall be recoverable under the Provincial Offences Act.

7. This By-law shall come into force and take effect upon the final passing thereof.

Passed this 2nd day of April 1985.

Norman Eady

REEVE

Chicki Leskie

CLERK