

THE CORPORATION FOR THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2005-60 (AMENDED BY BY-LAW 2012-038)

BEING a by-law to prescribe 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, 2001*, c.25 s.130 provides that a by-law may be passed relating to the safety and well being of the inhabitants of the municipality;

AND WHEREAS the *Municipal Act, 2001*, c.25, s. 11, provides that a by-law may be passed relating to the building of structures, including fences;

AND WHEREAS the *Municipal Act, 2001*, c.25, s.426 indicates that no person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power or performing a duty under this by-law and any person who contravenes subsection (1) of s. 426 is guilty of an offence.

NOW THEREFORE the Corporation of the Township of South Stormont enacts as follows.

1. Definitions

“Fence” shall mean a barrier constructed of chain link metal or of wood, stone, metal or material having an equivalent degree of strength.

“Municipal Law Enforcement Officer” shall mean a person appointed by council to enforce township by-laws.

“Self closing gate” shall mean a gate of at least 1.5 meters in height proportionate to the ground level or adjacent floor or step and constructed with a device or spring that returns the gate to its closed position within 30 seconds after it has been opened.

“Self latching device” shall mean a mechanical device or latch which is attached to the gate at a height of at least 1.5 meters, which locks or secures the gate when it is returned.

“Swimming pool” shall mean an open or covered swimming pool which is at least 50 cm in depth and may include a hot tub or a whirlpool.

2. Specifications for a swimming pool fence

a) All fences or attachments must be constructed to a minimum height of 1.5 meters above ground level.

b) Attachments to the pool must be capable of supporting a load similar to that of requirements for guards in the Ontario Building Code.

c) ~~A wall or building may be considered part of the fence provided it is 1.5 meters in height and any doors within the wall or building must have working locks that are installed 1.5 meters from the ground or adjacent floor or step.~~

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- c) A wall or building may be considered part of the fence provided if is 1.5 metres in height and any doors within the wall or building must have working locks that are installed 1.4 metres from the ground or adjacent floor or step.
- d) A wall, building or fence must not have rails or any other horizontal or diagonal support exterior fixtures that might facilitate climbing.
- e) ~~A fence must not have openings that could let in a spherical object with a diameter of 100 mm or more except that chain link fences and lattice fences must be limited to 38 mm openings.~~

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- e) A fence must not have openings that could let in a spherical object with a diameter of 100 mm or more except that chain link fences and lattice fences must be limited to 50 mm openings.
 - f) A fence must not be constructed of barbed wire or any material of which an electric current is being conducted.
 - g) Exemption: A hot tub or whirlpool that is installed completely above ground may not be considered a swimming pool provided it has a cover that is fitted and secured so as to prevent access when the hot tub or whirlpool is not in use.
3. All owners or operators of a swimming pool shall construct and maintain a fence built to the specifications as described in section 2 of this by-law. The fence shall enclose the entire swimming pool.
 4. All owners or operators of a swimming pool shall construct and maintain a self-closing gate as described in the definitions of this by-law.
 5. All owners or operators of a swimming pool shall construct and maintain a self-latching device as described in the definitions of this by-law.
 6. All owners or operators of a swimming pool using a wall or building as part of the fence must have working locks installed on doors in the wall or fence. The working locks must be a minimum height of 1.5 meters from the floor or adjacent step.
 7. All owners or operators of a swimming pool shall secure the swimming pool against the entry of the public other than tenants or their guests and no invitation to the public shall be extended.
 8. All owners or operators of a hot tub must secure the hot tub with a cover that is fitted and secured when the hot tub is not in use.
 9. No person shall hinder, obstruct or deny entrance to a Municipal employee charged with enforcing this by-law.

10. This by-law shall be enforced by the Municipal Law Enforcement officer or other parties appointed by Council.
11. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33 as amended.
12. That any by-law inconsistent to this by-law be repealed.

READ AND PASSED in open Council signed and sealed this 17th day of August, 2005.

Original signed by Jim Bancroft
Mayor

Original signed by Betty de Haan
Clerk