

TOWN OF LAURENTIAN HILLS

BY-LAW NO. 05 /03

Being a by-law to regulate fences around swimming pools in the  
Town of Laurentian Hills

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BEING a by-law to regulate fences around swimming pools;

AND WHEREAS Section 130, of the Municipal Act, Chapter 25, R.S.O. 2001 as amended, authorizes Council to pass by-laws to require fences around swimming pools,

AND WHEREAS it is deemed expedient to enact such a by-law for public safety;

NOW THEREFORE the Council of the Corporation of the Town of Laurentian Hills enacts as follows that:

**DEFINITIONS**

1. (a) "Town" means the Corporation of the Town of Laurentian Hills.
- (b) "Owner" means a person in possession of the property on which the swimming pool is located.
- (c) "Fence" means a barrier constructed of chain link, metal or of wood, stone or material having an equivalent degree of strength.
- (d) "Chief Building Official" means the Chief Building Official appointed by the Council of the Corporation of the Town of Laurentian Hills.
- (e) "Gate" means swinging or sliding barrier used to fill or close an access and includes a door.
- (f) "Enclosure" means a fence, wall or other structure including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access.
- (g) "Privately owned swimming pool" means a privately owned outdoor body of water contained in part or in whole by artificial means, which can hold water in excess of 61 centimetres (24 inches) depth and also includes hot tubs.

**ENFORCEMENT**

2. No person shall construct or cause construction of a fence or gate to enclose a swimming pool area until plans for such fence or gate have been submitted to the building department for a permit.
3. (a) The fee for a fence permit shall be \$25.00.
- (b) The provisions of this by-law shall apply to all new fences constructed around swimming pools after this by-law is enacted by the municipality.
4. No person shall erect, construct, alter or maintain a fence containing barbed wire, electricity or other materials where there is a possibility that any person may be injured thereby.

## **ENCLOSURES**

5. Every private swimming pool or hot tub, shall be protected by a fence according to the terms of this section.
  - (a) No person shall construct, use or maintain or cause construction, use or maintenance of a private pool or hot tub in the municipality unless the area in which the swimming pool or hot tub is located is completely enclosed by fencing in compliance with the requirements of this section.
  - (b) Every fence constructed or used to enclose a private swimming pool including gates therein, shall extend from the ground to a height of not less than 1.5 metres (5 feet).
  - (c) Hot tubs provided with lockable covers do not require a fence, but shall be kept locked at all times when not under the direct supervision of a responsible adult.
6. A fence forming part of such private swimming pool or hot tub enclosure:
  - (a) shall be vertically boarded wood construction, chain link construction, masonry, plastic or metal construction with spacing no greater than 38 millimetres (1.5 inches).
  - (b) shall have no rails or other horizontal dimension greater than 76 millimetres (3 inches).
  - (c) shall have no device for projecting electric current through the fence.

## **ABOVE GROUND SWIMMING POOLS**

7.
  - (a) For the purposes of this by-law above-ground privately owned outdoor swimming pools are considered to be the same as in-ground privately owned outdoor swimming pools, and require the same enclosures around the entire pool.
  - (b) Certain above-ground privately owned outdoor swimming pools which have as an integral part of their construction, a fence around the pool area, 1.5 metres in height (5 feet), may consider the said integrally constructed fence as being a part of the required swimming pool enclosure, provided that a suitable ground constructed enclosure surrounds the entrance ladder, and any other equipment such as a heater, filter, so as to present an inaccessible pool area incapable of being scaled.

## **GATES**

8. Gates forming part of such private swimming pools or hot tubs:
  - (a) shall be of the construction and height to that required for the fence.
  - (b) shall be supported on substantial hinges and be equipped with self-closing and self-latching devices placed at the top and on the poolside of the gate.
9. A fence on the property lines which complies with the provisions of this section shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located.
10. A wall or walls of a building or buildings may form part of such swimming pool or hot tub fence, provided that all doors affording access from a building directly to an enclosed swimming pool or hot tub area other than doors located in a dwelling unit are equipped with a self-closing device and a self-latching device located not less than 1.2 metres (4 feet) above the ground

11. The provisions of this by-law shall apply to all new installations or to alterations of privately owned outdoor swimming pools regardless of the date of construction of such swimming pools.

**PENALTY**

12. Any person convicted of a breach of any provisions of this by-law shall be guilty of an offence and shall pay a fine of not more than One Thousand Dollars (\$1000.00) which shall be recoverable under the Provincial Offences Act R.S.O. 1990.
13. This by-law shall be enforced by the Chief Building Official.
14. By-Law No. 77-15 of the Village of Chalk River, By-Law No. 29-92 of the Townships of Rolph, Buchanan, Wylie & McKay and any other swimming pool fence by-laws are hereby rescinded.

READ a FIRST and SECOND time the 12th day of March, 2003.

READ a THIRD time and finally passed the 12th day of March, 2003.

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**MAYOR**

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**CLERK**