

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2005-109

As Amended by By-law No. 2007-142

BEING A BY-LAW TO REGULATE FENCING AROUND PRIVATE OUTDOOR SWIMMING POOLS WITHIN THE TOWNSHIP OF SEVERN

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 9., confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11., provides that a municipality may pass By-laws respecting structures, including fences and signs;

AND WHEREAS it is deemed expedient to regulate fencing around private outdoor swimming pools in the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

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| "Swimming Pool" | shall mean, an excavation or container designed to hold water, whether in ground or above ground, the purpose of which is for swimming, diving or any recreational water activity, excepting that this does not apply to any container which is placed on ground at grade level and has no depth exceeding one metre and no dimension exceeding three metres. |
| "Privately Owned Outdoor Swimming Pool" | shall mean any swimming pool, constructed, assembled or erected on private property, which is not contained wholly within a building and is not used for gain or profit. |

2. Prohibitions

No person shall:

- a) construct or cause to be constructed a privately owned outdoor swimming pool without obtaining a swimming pool fence permit from the Municipality.
- b) place or allow to be placed, water or allow water to remain in a privately owned outdoor swimming pool unless the fences and gates prescribed in this by-law have been erected and maintained in conformance with provisions of this By-law.
- c) allow the fences and gates, as prescribed in this By-law, to be removed, destroyed or become into a state where they do not perform their intended use.

3. Permits

Applications for permits required in Section 2. of this By-law shall be made on the prescribed form and be accompanied by the following;

- a) A detailed site plan of the property showing the location of all buildings and the proposed swimming pool and fence, drawn to scale.
- b) Approval in writing from the Septic Department, where applicable.
- c) A fee of \$25.00 (twenty-five dollars).

4. Fences and Gates

The fences and gates referred to in Section 2. of this By-law shall be constructed as follows;

- a) **Pool – less than 1.2 metres in depth**
The fence shall be a minimum of 1.2 metres in height measured from anywhere at the grade at the bottom of the fence vertically to the top.
Pool – 1.2 metres or deeper
The fence shall be a minimum of 1.5 metres in height measured from anywhere at the grade at the bottom of the fence vertically to the top.
- b) There shall be no opening in the fence greater than 100mm (4").
- c) The fence shall be constructed of such material and in such a manner as to not facilitate climbing of the fence.
- d) Where the swimming pool is constructed wholly or partly above grade, that portion of the construction above grade may be used in the calculation required for height in Subsection 4.(a) above provided that the remaining requirement is met in a safe manner for pool uses.
- e) The fence shall completely encompass the swimming pool excepting that the wall or walls of a building may be substituted for a portion thereof provided the fence is affixed to the building.
- f) All fences required in this by-law, excepting fences as described in Section 4.(d) of this By-law shall be constructed in such a manner that no portion of the fence is closer than 1.5 metres (5 feet) to the edge of the swimming pool.
- g) Any opening in the fence, provided for passage through the fence shall be protected by a gate.
- h) Gates shall be constructed in a like manner as the fence required in Section 4.(a), (b) and (c) of this By-law.
- i) Gates shall be provided with a lock or locks which require a key or special knowledge to open.
- j) Gates shall be kept closed and locked at all times excepting when the fenced in area is in use by the owner, lessee or tenant of the land, or other authorized responsible person.

5. Offences

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

6. That this By-law shall come into force and effect on the date of passing thereof.
7. That By-law No. 2004-60 be and it is hereby repealed.

By-law read a first and second time this 1st day of September, 2005.

By-law read a third time and finally passed this 1st day of September, 2005.

CORPORATION OF THE TOWNSHIP OF SEVERN

Phil Sled

MAYOR

W. Henry Sander

CLERK-TREASURER