

TOWN OF FORT FRANCES

BY-LAW NO. 25/76

(Being a by-law requiring the fencing of privately-owned outdoor swimming pools.)

WHEREAS Section 354(1)24 of The Municipal Act, R. S. O. 1970, Chapter 284, provides that by-laws may be passed by municipalities for requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for prescribing the height and description of and the manner of erecting and maintaining, such fences and gates;

NOW THEREFORE, the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:-

1. (a) The owner of each privately-owned outdoor swimming pool as defined in Section 10 hereof, shall erect and maintain a fence around each such swimming pool.

(b) Any fence required to be provided and maintained under Sub-Section (a) may include:

- (i) one or more gates which are erected and maintained in accordance with Sub-Section 2(b) of this by-law;
- (ii) any part of a wall of a building if the part used as part of the fence exceeds 48 inches in height.

2. (a) Every fence required to be erected and maintained in accordance with Sub-Section 1(a) shall be:

- (i) not less than 48 inches in height above grade;
- (ii) constructed so that any fence post or other structural member of the fence to which any wire, boards, or other materials are attached, are on the pool side of such wire, boards, or other material;
- (iii) constructed so that it has no openings, rails, or horizontal or diagonal attachments on the outside which would facilitate climbing;
- (iv) constructed so that the only means of ingress to or egress from the area enclosed by the fence shall be through doors or gates constructed in accordance with Sub-Section 2(b) of this by-law;
- (v) where constructed of chain link, the material shall be of not less than 12 gauge with diamond mesh not larger than 2 inches in the case of fences having a height of not less than 72 inches and not less than 1½ inches in the case of fences having a height of less than 72 inches; shall be supported by metal posts set in concrete and spaced not more than 10 feet apart and shall, throughout its length, have a taut wire interwoven through the bottom links to prevent the bottom portion of the fence from being raised;
- (vi) where constructed of wood, the boards shall be placed vertically not more than 1½ inches apart;
- (vii) all fences shall be located not less than 4 feet from the edge of the pool;
- (viii) the bottom of all fences shall be at grade level.

(b) Every gate included in a fence required by Sub-Section 1(a) shall be:

- (i) constructed in accordance with the provisions of Sub-Section 2(a) hereof;
- (ii) equipped with self-closing and self-latching devices so that when not in use, the gate is at all times closed and latched. Such latching device shall be located at the top of the gate on the pool side;
- (iii) when an adult person is not present supervising the pool, the gate or gates are to be kept closed and locked. Such fences and gates shall be erected and maintained so that no access to the swimming pool may be made except through the gate or gates provided. Nothing in this by-law shall prevent the use of any existing or proposed wall or walls or a structure located on the same property as one or more sides of the fence, provided, however, that such wall or walls shall be of greater strength than the required fence and shall be approved by the Building Inspector.

3. Notwithstanding the provisions of Sections 1 and 2 hereof, in the case of a pool constructed entirely above grade and so constructed that it has no openings, rails, or horizontal or diagonal attachments on the outside which would facilitate climbing, only the steps to such pool are required to be fenced and equipped with a gate as hereinbefore provided. The fencing around such steps and the gate shall in all respects, comply with the provisions of the by-law, provided that the height of such pool is not less than 48 inches.

4. Prior to the construction of fences and gates as required hereby, the owner of the swimming pool shall produce and deposit with the Building Inspector, or his delegate, plans showing all fences and gates proposed to be constructed, such plans to show the location of such fences and gates and their manner of construction in sufficient detail to permit the Building Inspector, or his delegate, to ascertain whether or not the proposed fences and gates will comply with the provisions of this by-law.

5. In the event that the proposed fences and gates comply with the provisions of this by-law, the Building Inspector, or his delegate, shall, subject to Section 9 hereof, issue a permit in the form set forth in Schedule "A" hereof certifying that he has approved such plans.

6. A permit may be issued for such fences and gates as may have been constructed prior to the date hereof but which in all respects comply with the provisions of this by-law;

7. No privately-owned outdoor swimming pool may be excavated for or erected without a permit as in heretofore provided.

8. No person shall place water in a privately-owned outdoor swimming pool or allow water to remain therein unless the fences and gates prescribed hereby have been erected.

9. The Building Inspector, or his delegate, is authorized to refuse to issue a permit for any such fence or gate which, if erected, would be contrary to the provisions of any by-law of this Municipality.

10. This by-law shall apply to every privately-owned swimming pool constructed before or after the passing of this by-law which is designed to operate, or operated by attachment to a filtration system and to every privately-owned swimming pool constructed before or after the passing of this by-law having a depth at any part thereof of more than 24 inches.

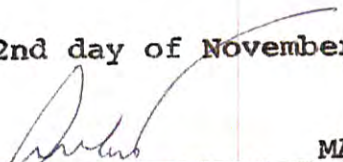
11. This by-law shall be enforced by the Building Inspector. It shall be the duty of every owner of private swimming pools to obtain a certificate from the Building Inspector stating that the fence around such pool has been inspected and has been found satisfactory. It shall further be the duty of an owner of every outdoor swimming pool to ensure that an inspection is made at least every second year and that the certificate is up-dated accordingly.

12. A charge of Five (\$5.00) Dollars shall be paid for the initial permit.

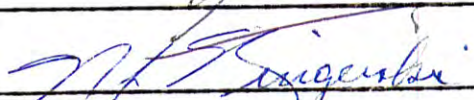
13. Any person convicted of a breach of any of the terms of this by-law shall forfeit and pay, at the discretion of the Convicting Judge, a penalty not exceeding the sum of ONE THOUSAND (\$1,000.00) DOLLARS, exclusive of costs, for each offense, such penalty and costs to be recoverable under the provision of The Summary Convictions Act, as provided by The Municipal Act.

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

READ A FIRST TIME in open Council this 22nd day of November 1976.




MAYOR

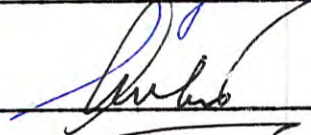


CLERK

READ A SECOND TIME in open Council this 27th day of December 1976.

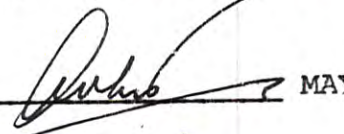


MAYOR

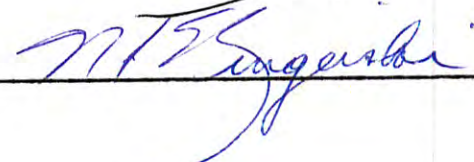


CLERK

READ A THIRD TIME AND FINALLY PASSED in open Council this 27th day of December 1976.



MAYOR



CLERK

SCHEDULE "A"

Fencing Permit for Privately-Owned Outdoor Swimming Pools

Applicant -

Address -

Pool Type (a) above ground
(b) below ground

Maximum Depth -

Pool Size ft. x ft.

Fenced Area ft. x ft.

Minimum Deck Width ft.

Fence Height ft. (minimum 48')

Fence Material (a) chain link
(b) wood
(c) other

Plans approved _____ (date)

_____ (applicant)

Permit Issued: _____ Building
Inspector