

# THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

## BY-LAW NO. 28 - 2001

### BEING A BY-LAW TO REGULATE AND REQUIRE THE ENCLOSURE OF OUTDOOR SWIMMING POOLS.

**WHEREAS** Section 30 of the Municipal Act, Chapter M.45, R.S.O., 1990, provides that the Council of the Municipality may pass a by-law requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such 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 Township of Alnwick/Haldimand enacts as follows:

#### 1. INTERPRETATION


- (a.) Privately owned outdoor swimming pool, hereinafter referred to as a pool in which the depth of water at any point can exceed twenty-four (24) inches and which is used or capable of being used for swimming, diving or bathing.
  - (b.) Owner includes lessee, tenant or person in possession of property on which a privately owned swimming pool is located.
  - (c.) Enclosure means a fence, wall or other structure, including doors and gates, completely surrounding a pool.
2. No person shall fill a pool with water or allow a pool to be filled with water until an enclosure complying with the provisions of this by-law has been erected.
  3. Such enclosure shall extend from the ground level to a height of not less than four feet.
  4. A fence forming part of an enclosure, shall:
    - (a.) be located no closer than four feet to a pool,
    - (b.) have no rails, or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing, nor be located closer than four (4) feet to anything that could be used as an aid to climb over the fence,
    - (c.) in no part consist of barbed or electric wire or other material having similar dangerous characteristics and no device for projecting an electric current through said fence,
    - (d.) if of a chain link construction, be
      - (i) of not greater than one and one half inch diamond mesh
      - (ii) constructed of galvanized wire not less than 13 gauge diameter
      - (iii) supported on substantial posts of wood or steel not more than 10 feet apart at least 24" in depth below ground level.
    - (e.) if of wood construction, be
      - (i) of vertical boarded construction attached to supporting members in such a manner as not to facilitate climbing from the outside.
      - (ii) supported on substantial posts not more than eight feet apart which are embedded at least 36" inches in the ground.
    - (f.) if of any other material and construction, provide an equivalent degree of safety as that of chain link or wood construction.

5. GATES forming part of an enclosure, shall
  - (a.) be of construction and height equivalent to that required for the fence,
  - (b.) be supported on substantial hinges,
  - (c.) be self-closing and equipped with self-latching devices placed at the top and on the inside of said gates.
6. Any door providing access from a building forming part of an enclosure, other than a door located in a dwelling unit or rooming unit, shall be self-enclosed and equipped with a self-latching device located not less than four feet above the bottom of the door.
7. Every gate providing access to a pool shall be kept locked at all times when a responsible person is not present and supervising the pool.
8. Notwithstanding anything contained herein, an enclosure shall not be required where the outside wall of a pool is elevated at least four feet above the grade of the ground abutting such wall and each and every entrance to a pool is protected by a gate at least four feet high and having self-closing, self-latching devices.
9. The provisions of this by-law shall apply to all pools regardless of the date of construction.
10. Any owner not complying with this by-law is required to drain his pool forthwith and keep it drained until such time there is a compliance.
11. Any person who contravenes any provisions of this by-law is guilty of an offence and is liable upon conviction to a fine as provided in the Provincial Offences Act and such fine shall be recoverable under the provisions of the Provincial Offences Act.
12. This by-law shall come into full force and effect upon final reading and passage.
13. By-law number 28-95 of the former Township of Haldimand and by-law number 15-92 of the former Township of Alnwick are hereby repealed in their entirety.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS**

**21<sup>st</sup> DAY OF MARCH, 2001.**

  
MAYOR, WILLIAM FINLEY

  
CLERK/ADMINISTRATOR, TERENCE KOROTKI