

OFFICE CONSOLIDATION

THE CORPORATION OF THE CITY OF BROCKVILLE

BY-LAW 35-83

A BY-LAW FOR REQUIRING THE OWNERS OF PRIVATELY-OWNED OUTDOOR SWIMMING POOLS TO OBTAIN PERMITS TO INSTALL SAID POOLS AND TO ERECT AND MAINTAIN FENCES AND GATES AROUND SUCH POOLS: TO REPEAL BY-LAWS 81-77 AND 128-77 AND TO AMEND BY-LAW 140-73 PARAGRAPH 54.

WHEREAS the Municipal Act, being Chapter 302, R.S.O. 1980, Section 210, Paragraph 23, authorizes the passing of a By-law requiring the owners of privately-owned outdoor swimming pools to obtain a permit for the installation of said pools and to erect and maintain fences and gates around such pools; and

WHEREAS the Council of the Corporation of the City of Brockville had deemed it expedient to enact such a By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. In this By-law:
 - a) **"ENCLOSURE"** means a fence, wall or other structure, including doors and gates surrounding a privately-owned outdoor swimming pool to restrict access thereto;
 - b) **"OWNER"** includes a lessee or tenant in possession of property on which a swimming pool is located;
 - c) **"PERSON"** means an individual, firm, corporation, association or partnership; and
 - d) **"PRIVATELY-OWNED OUTDOOR SWIMMING POOL"** means any artificial body of water which may be used for diving, swimming or bathing. (60-86)
2. THAT the owner of a privately-owned outdoor swimming pool shall erect and maintain completely around each swimming pool a fence in accordance with the provisions of this By-law.

3. THAT no person shall erect or construct a private swimming pool unless and until the required building permit fee has been paid as outlined on Schedule "B" attached to and forming part of this By-law, and a building permit has been issued by the Chief Building Official. A plot plan locating the pool and all pool equipment in relation to all buildings, fences, structures and lot lines shall be submitted to the Chief Building Official at the time of application for a building permit.
4. THAT every private swimming pool shall be secured against entry of the public other than tenants or their guests and no invitation to the public shall be extended.
5. THAT no person shall fill a privately-owned outdoor swimming pool with water, or allow water to remain therein or in an excavation, until the provisions of this By-law have been complied with respecting swimming pool fences.
6. THAT no barbed wire nor device for projecting an electric current shall form part of a fence or gate.
7. THAT where a privately-owned outdoor swimming pool is used at night, or where it is situated in a place where adequate natural illumination is not available, a lighting system shall be provided making the deck and other appurtenances clearly visible. Such illumination shall be directed away from adjacent residential properties.
8. EVERY gate erected in a fence around a privately-owned outdoor swimming pool shall:
 - a) be of construction and height equivalent to that required for the fence;
 - b) be supported on substantial hinges; and
 - c) be self-closing and equipped with a self-latching device at the top, a minimum distance of 1.06 metres (3 feet, 6 inches) above grade.
9. A WALL of building may be used in place of a portion of a required fence, provided it meets the requirements for fences herein. When such a wall is part of a building used for any purpose other than as an accessory to the swimming pool, at least one entrance to such building shall be located outside of the fenced enclosure to the swimming pool.

10. EVERY fence, including every gate therein, erected around a privately-owned outdoor swimming pool, shall have an exterior facing (on the side of fence opposite the pool) extending from within 5 cm. (2 inches) above grade, measured from the grade level on the side of the fence facing away from the pool.
11. A FENCE required by this By-law surrounding a privately-owned outdoor swimming pool shall:
 - a) be constructed in accordance with the specifications for fences as shown in Schedule "A" of this By-law;
 - b) have no attachments or bracing on the exterior facing of the fence within a height of 1.2 metres (4 feet) of the grade level that might facilitate climbing; and
 - c) be located not closer than .91 metres (3 feet) from the edge of any outdoor swimming pool.
12. NOTWITHSTANDING the preceding sections, one or more gates, in accordance with the provisions of this By-law, may be erected in a fence around a privately-owned outdoor swimming pool.
13. WHERE access into the swimming pool enclosure can be gained by a door in a building wall, then such door shall comply with the requirements of this By-law with respect to gates, provided that where such door is in a main residential building the requirements of this section shall not apply and also provided that the self-latching device may be placed at a distance not less than .91metres (3 feet) above grade.
14. THE OWNER of every privately-owned outdoor swimming pool shall ensure that every gate and every door providing access to such swimming pool shall be kept locked at all times when a responsible person is not present and supervising the pool.
15. NO PERSON shall construct or erect a fence around a privately-owned outdoor swimming pool until a permit therefore has been obtained from the Chief Building Official. Plans shall be submitted with an application to construct or erect any such fence, to the Chief Building Official, and shall show the location of the swimming pool in relation to the property lines and to adjoining buildings and shall provide full details of all fencing required to be erected.

16. NO PERSON shall excavate for, or erect, any privately-owned swimming pool until the permit for a fence around such a swimming pool has been obtained from the Chief Building Official.
17. THE CHIEF BUILDING OFFICIAL may refuse to grant a permit for the pool or for a fence around a privately-owned swimming pool if the erection of a fence or pool should be contrary to the provisions of any By-law of the City of Brockville.
18. THAT this By-law shall apply to every fence erected around a privately-owned swimming pool subsequent to the day of passing of this By-law, provided that, where a swimming pool is erected above grade to a minimum height of 1.22 metres (4 feet) above the ground and where all other requirements of this By-law are met, such swimming pool walls shall be deemed to comply with the provisions of this By-law respecting swimming pool fences and also provided that:
 - a) the grade of the ground adjacent to the outside wall of the said above ground swimming pool, for a distance of 1.22 metres (4 feet) therefrom, is at least 1.22 metres (4 feet) below the top of the pool walls;
 - b) no accessory building or pool equipment that could be used to assist in gaining access to the pool is located within 1.22 metres (4 feet) from the pool wall;
 - c) any ladder or gate or other means of access to the pool is designed to be locked and is maintained in a locked position in a like manner as is required for gates in this By-law; and
 - d) the wall of the pool and any deck or other associated construction will provide a degree of security equivalent to a fence required by this By-law.
19. THAT every person who obtains a permit for the erection of a fence around a privately-owned outdoor swimming pool shall pay a fee as set out in Schedule "B" which is attached and forms part of this By-law.
20. THAT should the provisions of any other By-law of the Corporation be inconsistent with this By-law, then the provisions of this By-law shall apply.
21. THAT the following By-laws be and are hereby repealed:
 - a) By-law 77-81, being a By-law requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, passed the 24th day of May 1977; and

- b) By-law 128-77, being a By-law to amend 81-77, passed this 19th day of July, 1977.
- 22. THAT By-law 140-73, being a By-law respecting building and plumbing, passed the 27th day of December, 1973, is hereby amended by deleting paragraph 54, in its entirety.
- 23. THAT any person who contravenes any of the provisions of this By-law shall be liable to a fine of not less than fifty dollars (\$50.00) and not more that two thousand dollars (\$2,000.00) for each and every offence.

**GIVEN UNDER THE SEAL OF THE CORPORATION
OF THE CITY OF BROCKVILLE AND PASSED THIS
8th DAY OF March A.D., 1983**



S.J. Clark

A.J. Miles

MAYOR

CLERK

BROCKVILLE

CITY OF THE 1000 ISLANDS

SCHEDULE "A"

OF

BY-LAW NO. 35-83

SPECIFICATIONS OF FENCES

A fence required by Section 2 of this By-law shall be constructed and maintained as follows:

i) If of Chain Link Construction

- a) be of not greater than 3.8 cm (1 ½ inch) mesh;
- b) be constructed of galvanized wire not less than No. 12 gauge diameter, or of minimum No. 14 gauge steel wire covered with vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;
- c) be supported on substantial steel posts not more than 3 metres (10 feet) apart; and

ii) If of Vertical Board or Metal Picket Construction

- a) be of not less than 2.5 x 7.6 cm (1" x 3") (nominal) vertical wooden boards or metal pickets, spaced not more than 3.8 cm (1 ½ inches) apart, when such boards or pickets are placed on the same side of the fence;
- b) be of not less than 2.5 x 7.6 cm (1" x 3") (nominal) vertical boards or metal pickets placed alternately on either side of the fence spaced not more than the width of such vertical boards apart and attached to horizontal supports spaced vertically at a distance of not more than 106 cm (42 inches) on centre;
- c) be supported on substantial posts placed not more than 2 metres (8 feet) apart and installed in accordance with good construction practice; and

iii) If of Chain Link Construction with Wooden Framework

- a) be of not greater than 3.8 cm (1 ½ inch) mesh;
- b) be constructed of galvanized wire not less than No. 12 gauge diameter or of

minimum No. 14 gauge steel wire covered with vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;

- c) be supported by a horizontal stringer at the top and at the bottom of each being not less than 5 x 10 cm (12 inch x 4 inch) nominal lumber.

iv) **Hedges**

- a) notwithstanding the requirements for fences, a hedge is permitted adjacent to a required fence;
- b) be not less than 1.2 metres (4 feet) in height and not more than 1.8 metres (6 feet) in height; and
- c) with individual trees within the hedge, no more than 30 cm (12 inches) apart.



BROCKVILLE
CITY OF THE 1000 ISLANDS

SCHEDULE “B”

OF

BY-LAW NO. 35-83

Every person who erects or constructs a private swimming pool or fence around said swimming pool shall pay the following fee:

- a) each swimming pool \$30.00.

