

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2007 - 31

BEING A BY-LAW TO REGULATE OUTDOOR SWIMMING POOLS WITHIN THE TOWNSHIP OF BONNECHERE VALLEY

WHEREAS sections 11 (2) (6) and 11 (3) (7) of Municipal Act, 2001 authorize municipalities to pass bylaws with respect to “structures, including fences and signs”, including by-laws to regulate or prohibit respecting such matters, to require persons to do things, to provide for a system of permits and to impose conditions as a requirement of obtaining a permit;

AND WHEREAS: it is deemed appropriate to provide clarification to the definition of “Swimming Pool”

NOW THEREFORE: the Council of the Corporation of the Township of Bonnechere Valley enacts as follows:

1.0 DEFINITIONS

In this Bylaw:

- a. **Bylaw Enforcement Officer:** means the person appointed by the council of the Township of Bonnechere Valley to enforce bylaws.
- b. **Chief Building Official:** Means the person appointed by the council of the Township of Bonnechere Valley to inspect and approve all building projects in the Township.
- c. **Enclosure:** means a fence, wall or other structure, including doors and gates surrounding a privately owned outdoor swimming pool designed and constructed in such a manner as to restrict access thereto:
- d. **Owner:** means a person in possession of the property and includes a lessee or tenant in possession of property on which a swimming pool is located;
- e. **Outdoor Swimming Pool:** means any in ground or above ground privately owned outdoor body of water contained by artificial means in which the depth of the water at any point can exceed 0.45 m (18 inches).

2.0 REGULATIONS

2.1 General

- a. No person shall erect, construct or excavate for any outdoor swimming pool unless and until the Chief Building Official has issued the required permit.
- b. Every outdoor swimming pool where the vertical height of the exterior walls as measured from the inside of the pool is greater than .45 m (18 inches) but less than 1.2 m (48 inches) shall be surrounded on all sides by a fence or other suitable enclosure as detailed in section 2.2 of this bylaw.
- c. Where an “above ground” swimming pool is erected above ground and the exterior vertical walls as measured from the outside of the pool are at least 1.2 m (48 inches) above grade: and they meet the provisions as detailed such pools shall be deemed to have met the requirements for suitable enclosures.

Provisions for above ground pools

- i. There are no attachments or bracing on the exterior facing of the pool which may facilitate climbing the wall of the pool and will provide a degree of security equivalent to enclosure requirements of this by-law;
- ii. Pumps, filters or other ancillary equipment shall not be located closer than 1.2 m (48 inches) from any pool except where such equipment has been enclosed in such a manner as to not facilitate climbing into the pool.
- iii. The grade of the ground adjacent to the outside wall of the pool, for a distance of 1.22 m (4 ft.) is a minimum of 1.22 m (4 ft.) below the top of the pool walls; and
- iv. The grade of any deck adjacent to the outside of the pool for a distance of 1.22 m (4 ft) is a minimum of 1.22m (4 ft) below the top of

the pool walls except where access to such deck is controlled by means of a locked access point or gate.

- v. Any ladder or gate or other means of access to the pool is designed to be locked in a like manner as is required for gates in this by-law
- d. A temporary fence shall be erected during construction of the pool. It is the applicant's responsibility to ensure safety during construction.
- e. No person shall place water in an outdoor swimming pool or allow water to remain therein or allow water to remain in an excavation unless the enclosure prescribed by this by-law has been erected.
- f. Every outdoor 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.
- g. The owner of every outdoor swimming pool shall ensure that enclosures and gates around such pools are constructed and maintained in accordance with the provisions of this by-law.
- h. A swimming pool and associated decks, pumps, etc. shall be located in compliance with the provisions of all by-laws for the Township of Bonnechere Valley, including the Zoning By-law, and shall comply with Part 8 requirements of the Ontario Building Code.

2.2 Enclosure(s)

- a. Every enclosure, or part thereof, shall:
 - i. Be a minimum of 1.2 m (4 feet) in height measured on the outside of the enclosure, the lower extremity being not more than 5 cm (2 inches) above ground level;
 - ii. Be of close-boarded, chain link, metal picket or other approved design, to reasonably deter children from climbing it to gain access to the enclosed area;
 - iii. Be rigidly constructed to prevent entry/access to the enclosed area;
 - iv. Have no attachments or bracing on the exterior facing of the fence within a height of 1.2 m (4 feet) of the grade level which might facilitate climbing;
 - v. Have no barbed wire or similar dangerous characteristics and shall have no device for projecting an electric current;
 - vi. Be located no closer than 1 m (3 feet) from the edge of any outdoor pool; *and*
 - vii. Only have entry or access as permitted and described in this by-law.
 - viii. A wall or walls of a building may form part of such a fence providing that all doors providing access from the building to the pool area, other than doors located in a dwelling unit, are equipped with a self closing, self latching device located not less than forty eight (48) inches above the bottom of the door.
 - ix. Accessory buildings, accessory structures and pool equipment, including pumps and filters, that could be used to assist in gaining access to the pool shall be located a minimum of 1 m (3 feet) from an approved enclosure to reduce access/climbing potential, unless they are located under a deck which has been enclosed in accordance with the provisions of this by-law.
- c. Gates and Access points
 - (1) Every gate or access point erected in a fence/enclosure around an outdoor swimming pool shall:
 - i. Be of construction and height equivalent to that required for the enclosure;
 - ii. Be supported by substantial hinges; *and*
 - iii. Be self-closing and equipped with a self-latching device placed at the top, on the inside, a minimum distance of 1 m (3 feet) above grade.
- d. Accessory buildings, accessory structures and pool equipment, including pumps and filters, that could be used to assist in gaining access to the pool shall be located a

minimum of 1 m (3 feet) from an approved enclosure to reduce access/climbing potential, unless they are located under a deck which has been enclosed in accordance with the provisions of this by-law.

- g. The Owner of every privately-owned outdoor swimming pool shall ensure that every gate, ladder or door providing access to swimming pool shall be kept locked at all times when they are not present and supervising the pool.

3.0 ISSUANCE OF PERMITS

3.1 To obtain a permit for an outdoor swimming pool, the applicant must:

- i. Complete the Application for Swimming Pool Permit required by the municipality;
- ii. Pay a fee, as prescribed from time to time in the Building Permit Fee regulations;
- iii. Submit a plot plan describing the location of buildings, swimming pool, pump, filter, enclosure, decks, distances to lot lines, septic system, etc.; and
- iv. Submit details of pool, gate(s) and fence/enclosure.
- v. The Chief Building Official may refuse to grant a permit for a swimming pool or for a fence/enclosure around an outdoor swimming pool if the plans are contrary to the provisions this or any by-law of the Township of Bonnechere Valley or if the plans are contrary any requirements of the Ontario Building Code.

4.0 PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a fine of up to one thousand (\$1,000.00) dollars, exclusive of costs, for each and every offence.

- a. The provisions of this by-law shall apply to all outdoor swimming pools constructed or in the process of being constructed subsequent to the date hereof, and to all such pools which, as of the date of final passing of this by-law, fail to meet the requirements for such pools as set forth in this by-law irregardless of when they were constructed.

5.0 ENFORCEMENT

The Municipal Bylaw Enforcement Officer and the Chief Building Inspector of the Township of Bonnechere Valley shall enforce this bylaw

6.0 SEVERABILITY

All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall no affect the remaining sections.

7.0 By-Law in force

This By-Law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 1ST DAY OF MAY 2007

READ A THIRD TIME AND FINALLY PASSED THIS 1ST DAY OF MAY 2007

Mayor Zig Mintha

**CORPORATE
SEAL OF
MUNICIPALITY**

CAO Bryan Martin