

THE CORPORATION OF THE VILLAGE OF COBDEN

BY-LAW # 1995-10

A BY-LAW TO REGULATE FENCES AROUND PRIVATELY OWNED SWIMMING POOLS  
IN THE VILLAGE OF COBDEN.

WHEREAS the Council of the Corporation of the Village of Cobden deems it advisable and expedient to enact this By-law;

AND WHEREAS paragraph 23 of Section 210 of The Municipal Act, R.S.O., 1990, Chapter 302, as amended, authorizes the municipality to pass by-laws to require owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of and the manner of erecting and maintaining, such fences and gates for prohibiting persons from placing water in privately owned outdoor swimming pools or allowing water to remain therein until the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fence or gates that if erected would be contrary to the provisions of any by-law of the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Village of Cobden enacts as follows:

1. TITLE

This By-law shall be known and may be cited as "THE SECURITY OF PRIVATELY OWNED SWIMMING POOL BY-LAW".

2. DEFINITIONS

- (a) "BUILDING INSPECTOR" shall mean the Building Inspector appointed by Village Council.
- (b) "VILLAGE" shall mean the Corporation of the Village of Cobden.
- (c) "ENCLOSURE" shall mean a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
- (d) "PERSON" shall include a Firm, Partnership, Company, Corporation, Contractor or Owner.
- (e) "PRIVATELY OWNED SWIMMING POOL" shall mean a privately owned outdoor body of water contained in part or in whole by artificial means, which hold water in excess of eighteen (18) inches in depth.

3. ENCLOSURES

1. No person shall construct a privately owned outdoor swimming pool or erect a fence around same without first acquiring the necessary permit or permits from the Building Inspector. The application for a permit shall include a plot plan satisfactory to the Building Inspector.

2. No person shall have a privately owned outdoor swimming pool in the Village unless the area is completely enclosed by fencing in compliance with the requirements of the By-law:
  - (a) such fencing, including gates therein shall extend from the ground to the height of not less than 5 feet or sixty (60) inches and shall fulfill the intent of prohibiting unauthorized trespass into the pool area.
  - (b) a fence forming part of such enclosure:
    - (i) shall be vertically boarded wood construction, solid wood, masonry, plastic or metal construction;
    - (ii) have no rails or other horizontal or diagonal bracing or attachments on the outside face that may facilitate climbing;
    - (iii) shall have no opening with a horizontal dimension greater than two (2) inches;
    - (iv) shall include no part consisting of barbed wire, or have no similar dangerous characteristics such as a device for projecting electric current through the fence.

#### 4. SECURITY

- (a) Gates shall be of the same construction and height to that required for the fence.
- (b) Gates shall be supported on substantial hinges.
- (c) Gates shall be equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate or equipped with a lock.
- (d) The swimming pool area must be secured at all times except when actually used by the owner, his family or persons authorized by the owner to use the pool.
- (e) A fence erected on the owner's property which complies with the provisions of this by-law shall be deemed a sufficient fence, if it completely fences in the yard in which the swimming pool is located, but in no case shall the fence be closer to the pool than four (4) feet.
- (f) A wall or walls of a building or buildings may form part of such fence provided that all doors affording access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self closing device and a self-latching device located not less than forty-eight (48) inches above the bottom of the door.

#### 5. ADMINISTRATION AND ENFORCEMENT

- (a) The administration and enforcement of the By-law shall be under the authority of the Building Inspector of the Village of Cobden.

The provisions of this By-law shall apply to all installations or alterations of privately owned outdoor swimming pools regardless of the date of construction of such swimming pool.

- (c) Water supply from the municipal water distribution system shall be charged in accordance with the Waterworks By-Law.

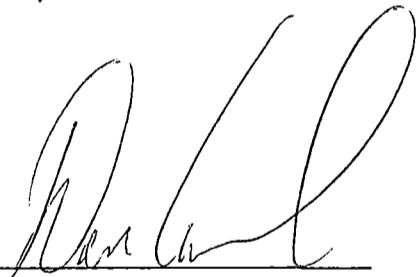
6. PENALTIES

Any person who contravenes any section of this By-law is guilty of an offense and liable upon conviction to a penalty of not more than \$2000.00 exclusive of costs and such penalty shall be recoverable under the provisions of the Provincial Offense Act.

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

READ a first, second and passed on the third reading this 15<sup>th</sup> day of August 1995.

  
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REEVE

  
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CLERK-TREASURER