

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NUMBER 12-1979

A BY-LAW REQUIRING THE OWNERS OF PRIVATELY-OWNED OUTDOOR SWIMMING POOLS TO ERECT AND MAINTAIN FENCES AND GATES AROUND SUCH SWIMMING POOLS.

WHEREAS by Paragraph 24 of Subsection 1 of Section 354 of the Municipal Act, RSO, 1970, and amending acts, By-Laws may be passed 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, and for the placing and maintenance of water in such pools.

NOW THEREFORE the Corporation of the Town of Shelburne by the Municipal Council thereof enacts as follows:

1. In this By-Law,
 - a) “By-Law Enforcement Officer” means the By-Law Enforcement Officer of the Corporation:
 - b) “Corporation” means the Corporation of the Town of Shelburne:
 - c) “Owner of Lands” means the last registered owner as disclosed by the records of the Registrar of Deeds for the Registry Division of the County of Dufferin.
2. Every owner of lands within the Corporation upon which a privately-owned outdoor swimming pool is situated shall be deemed to be the owner of such privately-owned outdoor swimming pool.
3. Every owner of a privately-owned outdoor swimming pool shall erect and maintain completely around such swimming pool a chain link fence or a wooden fence of not less than equivalent strength which provides an equivalent degree of safety, extending from the ground for a height of 5 feet. Such fence shall be so located that entry to the privately-owned outdoor swimming pool area shall only be possible by means of one or more gates in the enclosing fence.
4. Every fence referred to in Section 3 shall be supported by:
 - a) Steel posts set in concrete to a depth of not less than 30 inches and spaced not more than 8 feet apart having a diameter of not less than 1^{3/8} inches: or
 - b) Wooden posts of equivalent strength to the steel posts referred to in subsection (a) of this section set in the ground to a depth of not less than 3 feet and spaced not more than 8 feet apart having a minimum size of 4 inch tops.
5. No part of any fence referred to in section 3 shall consist of barbed wire and any device for projecting an electric current through such fence is prohibited.
6. Every fence referred to in section 3 shall have a gate or gates of chain link fencing or of material of not less than equivalent strength which provides an equivalent degree of safety, and every gate shall be of the same heights as the fence, be supported by substantial hinges, and be equipped with self-closing and self-latching devices placed at the top and on the inside of the gate.
7. The provisions of this By-Law requiring the erection of a fence shall not apply if the outside wall of the swimming pool is elevated at least 5 feet above the grade

of the ground abutting such wall and each entrance to the pool is protected by a gate of at least 5 (five) feet high, supported by substantial hinges, and having self-closing and self-latching devices as provided in section 6.

8. Every gate shall be kept closed at all times when a person 18 years of age or more is not present and supervising the privately-owned outdoor swimming pool.
9. Every owner of a privately-owned outdoor swimming pool shall not place water therein, or allow water to remain therein, unless the prescribed fences and gates specified have been properly erected.
10. Every owner of a privately-owned outdoor swimming pool shall erect and maintain a water filtration system.
11. The By-Law Enforcement Officer or his assistant shall have the right to visit, enter and inspect from time to time and at all reasonable times, any privately-owned outdoor swimming pool, for the purpose of enforcing the provisions of this By-Law.
12. Should any section or subsection of this By-Law or any part or parts thereof be found by law to be illegal or beyond the power of Council to enact, such section or sections thereof shall be deemed to be severable so that all other sections of this by-law are separate and therefore enacted as such.
13. Any person who contravenes any provisions of this By-Law shall be guilty of an offence and shall, upon conviction thereof, forfeit and pay at the discretion of the convicting judge or justice, a penalty not exceeding \$300.00, exclusive of costs, for each offence.
14. By-Law 12-1973 is hereby repealed.