

THE CORPORATION OF
THE TOWNSHIP OF SOUTH-WEST OXFORD
By-Law No. 23-76

A by-law to require the erection and maintenance of fences around privately owned outdoor swimming pools.

WHEREAS Section 354, subsection 1, paragraph 24 of The Municipal Act, R.S.O 1970, provides that a municipality may pass by-laws 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 WHEREAS the Municipal Council of the Township of South-West Oxford deems it advisable to require the erection and maintenance of fences around privately-owned, inground, outdoor swimming pools and the erection and maintenance of fences around the entrance to above-ground outdoor swimming pools;

THEREFORE the Municipal Council of the Corporation of the Township of South-West Oxford enacts as follows:

1. Definitions:

Enclosure means a fence, wall or other structure, including doors and gates, surrounding a privately-owned outdoor swimming pool to restrict access thereto.

Privately-owned Outdoor Swimming Pool means any body of water located or to be located outdoors on privately owned property, contained by artificial means and of a depth at any point in excess of one (1) foot, which is intended or used for the purpose of swimming, diving or bathing.

2. Enclosures:

- (a) The Owner of a privately-owned outdoor swimming pool shall erect and maintain an adequate enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children.
- (b) Clause 2 (a) above notwithstanding, where a privately-owned outdoor swimming pool is above ground, four (4) or more feet in height, and entrance to the pool is by a ladder or steps, only the ladder or steps must be enclosed.
- (c) In cases where only the ladder or steps providing entrance to an above ground privately-owned outdoor swimming pool is enclosed, the enclosure shall be a square with sides of not less than six (6) feet in length.
- (d) All above ground privately-owned outdoor swimming pools less than four (4) feet in height and containing water to a depth of more than one (1) foot must be enclosed.
- (e) No person shall place water in a privately-owned outdoor swimming pool or allow water to remain therein, unless the fences and gates prescribed by this by-law have been erected.
- (f) Except as further provided in clause 2(I)(v), such enclosure, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than forty-eight (48) inches.
- (g) When a wall of a building forms part of such enclosure it may be considered to provide adequate protection for its length when substituted for any portion of a fence when all doors located in this wall are equipped with locks and self-closing and latching devices, and the building is continuously occupied or all doors thereto are to be locked when it is not occupied.

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- (h) Except as provided in (I)(vi)(2) hereof, such enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- (I) A fence or its equivalent forming part of such enclosure:-
- (i) shall be of vertically boarded wood construction, chain link construction or of other materials and construction as provided for in clause (I)(vi);
- (ii) if of chain link construction shall
- (1) be of not greater than $1\frac{1}{2}$ inch (3.81 cm.) diamond mesh;
 - (2) be constructed of galvanized steel wire no less than No. 12 gauge, or of minimum 14 gauge steel wire covered with a vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire;
 - (3) be supported by at least $1\frac{1}{2}$ inch (3.81 cm.) diameter galvanized steel posts each covered by a minimum of two inches of concrete from grade to a minimum of twenty-four inches below grade, such posts to be spaced not more than ten feet apart. Top and bottom horizontal rails shall be provided of $1\frac{1}{4}$ inch (3.18 cm.) minimum diameter galvanized steel, except that a $\frac{1}{4}$ inch (0.63 cm.) minimum diameter galvanized steel tension rod may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating;
- (iii) if of wood construction shall
- (1) have the vertical boarding attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside. Such vertical boards shall be not less than 1 x 4 inch nominal dimensions spaced not more than $1\frac{1}{2}$ inches apart;
 - (2) be supported by a minimum of four inches square or four inch diameter cedar posts, nominal dimensions, spaced not more than eight feet apart on centres securely embedded to a minimum of two feet six inches below grade. That portion of the wooden post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood two inch by four inch minimum nominal dimensions;
- (iv) shall include no part consisting of barbed wire or having similar dangerous characteristics and no devices for projecting an electric current through the fence;
- (v) shall be located no less than four feet from the swimming pool unless
- (1) the required height of said fence, as prescribed in clause 2f, is increased to six feet and
 - (2) a continuous hand hold is available along the edges of the pool for the purpose of providing, in an emergency, support for a person in the pool,

and such fence shall not, regardless of height, be located closer than four feet to any condition that would contribute to the lessening of these minimum safety requirements by facilitating the climbing of the swimming pool fence;

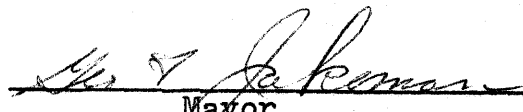
- (vi) may be of construction other than that specified provided an equivalent degree of safety is maintained and shall
 - (1) be constructed so that the rigidity is equal to that specified for those fences described in clauses (I) (ii) or (iii);
 - (2) be permitted to have exposed structural or other members or parts thereof that may facilitate climbing the outside of the enclosure provided the minimum clear vertical distance between any such members or parts thereof, is four feet and, regardless of the location of such members, where this minimum four foot vertical dimension is maintained the least dimension of any opening through such fence may be increased to not more than that required to prevent the passage of a spherical object having a diameter of $3\frac{1}{2}$ inches;

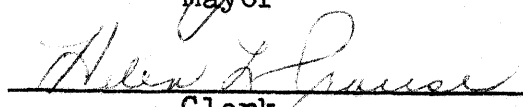
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- (j) Gates forming part of such enclosure shall
 - (i) be of construction and height equivalent to that required for the fence;
 - (ii) be supported on substantial hinges, and
 - (iii) each be self-closing and equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate.
 - (k) The owner of every privately-owned outdoor swimming pool shall ensure that every gate and door required by Clauses 2(g) and 2(j) to be equipped with a locking device shall be kept locked at all times if there is more than one (1) foot of water in the pool and a responsible person is not present and supervising the pool.
3. No person shall erect a fence or gate for a swimming pool until plans for such fence or gate have been submitted to the Building Inspector for approval, which approval may be given at the time when the building permit for the swimming pool is applied for.
4. No person shall fill a privately-owned outdoor swimming pool with water from a public water system operated by the Township of South-West Oxford.
5. No person shall excavate for or erect a privately-owned swimming pool without a certificate that approval of the plans for the fence and gates has been issued.
6. A building permit may be refused if the fences or gates do not comply with any by-law.

7. By-Law No. 1352 of the former Township of West Oxford, By-Laws No. 2396 and 2648 of the former Township of Dereham, and By-Law No. 112 of the former Village of Beachville are hereby repealed.
8. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty not exceeding, exclusive of costs, the sum of one thousand dollars (\$1,000.00) for each offence.
9. Effective Date:
This by-law shall come into force and take effect on the date of the final passing hereof.

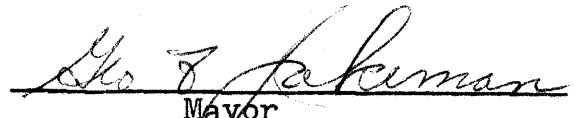
READ a First and Second time this 6th day of April, 1976.

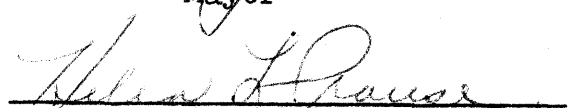


Mayor


Clerk

READ a Third time and finally passed this 6th day of April, 1976.



Mayor


Clerk