

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #476 (1978)

Being a by-law to require the erection
and maintenance of fences and gates
around privately-owned outdoor swimming
pools, and to prescribe the height and
description thereof and the drainage
thereof.

WHEREAS Paragraph 24, 69, 71, 129 of Section 354 (1) of the Municipal Act, being Chapter 288 of the Revised Statutes of Ontario, 1970, as amended, by-laws may be passed for 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 drainage thereof;

AND WHEREAS it is deemed desirable for the protection of the public to so enact;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) For the purposes of this by-law: -----

(a) "OWNER" shall mean a person, firm, corporation, club or unincorporated society, but shall not include any federal, provincial or municipal authority.

(b) "SWIMMING POOL" shall mean any body of water located outdoors on land privately-owned, contained by artificial means and used or maintained for the purpose of swimming, wading, diving or bathing.

(c) "FENCE" shall mean a permanent structure surrounding the outer limits measured not less than 2m horizontally from the waters edge and extending from the ground level not less than 1.5m and not more than 2m, as set out in Schedule "A" attached hereto.

(d) "GATE" shall mean any entry through the fence constructed of material and design similar to the fence, as approved by the Council of the Corporation, and shall be not less than the minimum specifications as set out in Schedule "A" attached hereto.

(e) "DRAINAGE" shall mean any water discharged at any one time from the swimming pool having a volume of more than 400L.

(2) Every owner of a privately-owned outdoor swimming pool shall erect and maintain completely around such pool a chain link fence, or a fence of not less than equivalent strength which provides an excellent degree

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of safety, before the pool is filled with water, and if openings occur in such fence at least one dimension of such openings shall not exceed 50mm to be measured on the horizontal and all supporting structure to be on the interior. The fence shall extend from the ground for a height of not less than 1.5m. Such fence shall be so located that entry to the swimming pool area shall only be possible by means of one or more gates enclosed in the enclosing fence.

(3) All privately-owned pools over 660mm in height measured from the interior floor of the pool shall have a fence as prescribed constructed around them and such fence is to be separate from the super-structure of said pool.

(4) No part of such fence shall consist of barbed wire and any device for projecting an electrical current through such fence is prohibited.

(5) Each gate shall be constructed of a chain link fencing or of material of not less than equivalent strength which provides an equivalent degree of safety; such gates shall be of the same height as the fence, shall not be less than .5m and not more than 1.5m in width, and be supported by substantial hinges, and be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate.

(6) The owner shall maintain said fence and gates in such a manner and to such an extent as to insure at all times maximum security and protection against entry to the swimming pool by unauthorized persons.

(7) All electrical connections to filtering devices shall meet all requirements set out by the "Hydro-Electric Commission of Ontario."

(8) Pools shall not be emptied into any storm sewer or drainage ditch at a rate of flow greater than 300 litres per minute (about twice the flow from a 1/3 H.P. sump pump). No pool shall be emptied onto any highway, street or road, private property other than the lot on which the pool is located or private and/or public open spaces, or sanitary sewer.

(9) If it is impossible to meet the terms of Section 8 of this by-law, the property owner or contractor concerned must make satisfactory alternate arrangements with the Town of Pelham Works Superintendent respecting the use of the sanitary sewer system.

(10) The enforcement of this by-law shall be under the jurisdiction of the By-law Enforcement Officer.

(11) 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 of not more than \$1,000.00 exclusive of costs.

(12) That By-laws #769 of the former Village of Fonthill and By-law #141 (1972) and By-law #189 (1973) of the Town of Pelham are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
17th. DAY OF JULY, 1978 A.D.


MAYOR


CLERK