

THE CORPORATION OF THE TOWNSHIP OF PERTH SOUTH

BY-LAW NO. 53-2006

Amending By-law #40-1999

BEING a by-law to regulate privately owned outdoor swimming pools.

WHEREAS the Council of the Corporation of the Township of Perth South deems it necessary in the public interest to pass a By-law to regulate fences around privately owned outdoor swimming pools;

AND WHEREAS pursuant to the provisions of Section 210 (30) of the Municipal Act, R.S.O. 1990, By-laws may be passed by municipalities for the regulation of privately owned outdoor swimming pools;

NOW THEREFORE the Council of the Corporation of the Township of Perth South enacts as follows:

1. All privately owned outdoor swimming pools on lands in the Corporation of the Township of Perth South must be fenced in accordance with the requirements of this By-law.
2. All fences required by this By-law must meet the following specifications:
 - (i) Have a minimum height of 1.2 metres above the finished grade level.
 - (ii) Type of fence must be one of the following:
 - (a) a chainlink fence, where the opening, hole, or gap size shall not permit a solid spherical object with a diameter greater than 6 centimetres to pass through it.
 - (b) a vertical wooden fence or a vertical metal fence where the opening, hole, or gap between the vertical boards/panels shall not permit a solid spherical object with a diameter greater than 10.25 centimetres to pass through them; or
 - (c) other type of fencing acceptable to the Municipal Council.
 - (iii) Self locking gate required.
 - (iv) Permanent fence must be installed within 60 days of completion of the pool.
 - (v) Buildings and structures such as dwellings and accessory buildings shall be permitted as part of the required fencing under this By-law provided that such buildings and structures have a controlled and secured access (i.e. doors capable of being locked) and provided that such buildings and structures conform to the required yards provisions.
 - (vi) The bottom of the required fence shall not be more than 7.5 centimetres above the finished grade level.
 - (vii) When dealing with above ground swimming pools, the exterior walls of such

swimming pools may serve as the required fence for the purpose of this By-law provided that such walls have a minimum height of 1.2 metres above the finished grade level.

- (viii) Where above ground pools are accessed by ladders, steps, or decks (or other similar structures), such ladders, steps or decks must be enclosed by a fence or gate constructed in accordance with the regulations pertaining to fences in Section 2 above. Where above ground outdoor swimming pools are accessed by ladders or steps that can be raised or detached, the ladders or steps must remain raised or detached when the outdoor swimming pool is not in use.
3. No person shall excavate for or erect a privately owned outdoor swimming pool unless:
- (i) Plans of all fences and gates required pursuant to this By-law are produced and submitted to the Corporation of the Township of Perth South.
 - (ii) The Municipal Council and/or its authorized agent (e.g. building inspector) is satisfied with the type of fencing proposed.
4. Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to the following:
- (i) To a fine of not more than \$500.00, exclusive of costs, for a first offence.
 - (ii) To a fine of not more than \$1,000.00, exclusive of costs, for a second offence and each subsequent offence.
5. This By-law shall come into force on the date of its adoption.

READ A FIRST & SECOND TIME THIS 6 DAY OF June,
2006.

READ A THIRD TIME AND FINALLY PASSED THIS 6 DAY OF June
2006.

Ronald M. Kay
Reeve

[Signature]
Clerk