

TOWN OF WASAGA BEACH

BY-LAW NO. 93-38

A BY-LAW TO REQUIRE FENCING OF PRIVATELY-OWNED  
OUTDOOR SWIMMING POOLS

WHEREAS pursuant to Section 210(30) of The Municipal Act, R.S.O 1990, Chapter 392 (1), and amendments thereto, Municipal Councils are empowered to pass by-laws requiring owners to privately-owned swimming pools to erect and maintain fences and gates around such swimming pools and to prescribe the height and Description of and the manner of erecting and maintaining such fences and gates.

AND WHEREAS the Municipal Council of The Town of Wasaga Beach deems it desirable to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach hereby enacts as follows:

1. No person shall construct, use or have located on property that is owned, occupied or used by such person, a swimming pool unless such swimming pool is completely fenced and enclosed in accordance with the provisions of this by-law.
2. This by-law shall not apply to any privately-owned body of water contained in part or in whole by artificial means, in which the depth of the water at its deepest point is less than 12 inches, or has a surface area of less than 10 square feet nor to an ornamental or reflecting pool.
3. The location of pools must comply with The Town of Wasaga Beach Zoning By-law, as amended.
4. Such enclosure, including gates therein, shall extend from the ground to a height of not less than 4 feet minimum and the maximum as set out in Zoning By-law 75-10 for the Town of Wasaga Beach, as amended.
5. The only types of fences acceptable as pool enclosure are:
  - (i) Vertical board construction. The vertical boards (1" thick X 4" wide or 1" thick X 6" wide) shall have a maximum spacing of 1.5", with the horizontal members minimum 40" apart and located on the pool side of the fence.
  - (ii) Alternate vertical board construction. The vertical boards (1" X 4" or 1" X 6") shall be located on both sides of the fence and shall have a maximum spacing of 3" with the horizontal members being minimum 40" apart.
  - (iii) Wire mesh construction. The chain link fence shall have a maximum 1.5" mesh with a tension wire along the bottom of the fence and a 1.25" minimum galvanized steel top bar.
  - (iv) Vertical metal board. The vertical metal board fence shall be designed and erected in accordance with section 5 (i) and (ii) noted above.
  - (v) Vertical metal bar construction. The vertical metal bars shall be a maximum of 4" apart (not withstanding Section 5 of this section in respect to horizontal dimension) with the horizontal members being a minimum of 40" apart.
  - (vi) Or fences as approved by the Municipal Council.
6. A fence forming part of a pool enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside of the fence that may facilitate climbing and no climbable fence or other object shall be within 48" of the outside of any pool enclosure.
7. A fence or gate forming part of a pool enclosure shall have no opening with a dimension greater than 3" and the bottom of such fence shall be a maximum 2" above finished grade.

8. A fence forming part of a pool enclosure shall include no part consisting of barbed wire or having similar dangerous characteristics and no device for projecting an electric current through the fence.
9. The provisions of this by-law requiring the erection of a fence shall not apply if the outside walls of the swimming pool are elevated at least four feet above the grade of the ground abutting such walls and the exterior surface of the walls of the pool are smooth and vertical and each entrance to the pool is protected with gate(s) complying with the requirements of Section 11 and fencing complying with the requirements of this By-law.
10. A boundary fence constructed along the owner's property lines which complies with the provisions of this by-law shall be deemed a sufficient fence and the gate(s) providing access comply with Section 11.
11. A wall or walls of a building or buildings may form part of such an enclosure provided that all doors affording access to an enclosed swimming pool area, other than doors located in a residential dwelling must comply with the Ontario Building Code.
12. Gates:
  - (i) Shall be of construction and height equivalent to that required for the fence;
  - (ii) Shall be supported on substantial hinges;
  - (iii) Shall be equipped with self-closing and self-latching devices placed at the top or on the pool side of the gate(s)
  - (iv) The owner shall ensure that every gate providing access to the pool shall be kept locked at all times when a responsible person is not present and supervising the pool.
13. A "flip-up" ladder or similar device which allows ingress/egress to pools described in Section 8 must be locked and in an upright position at all times when a responsible person is not present and supervising the pool.
14. This by-law shall be administered by the Chief Building Official or any Building inspector authorized by him to administer this by-law.
15. The provisions of this by-law shall apply to all privately-owned outdoor swimming pools regardless of the date of construction of such swimming pool; however, the owners of existing privately-owned outdoor swimming pools shall be granted two (2) calendar years from the date of passage of this by-law to comply with the provisions hereof.
16. Any person convicted of a breach of any provisions of this by-law shall forfeit and pay a penalty not exceeding One Thousand Dollars (\$1,000.00), exclusive of costs, for each offence.
17. This by-law shall come into force and effect upon the final passing thereof.