

THE CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NO. 92-28

BEING A BY-LAW requiring the owners to fence privately owned swimming pool.

WHEREAS Section 210 (23) Chapter 302 of the Municipal Act, R.S.O. 1980 empowers municipalities to enact a by-law regulating fences around privately owned swimming pools.

WHEREAS the Corporation of the Town of Mattawa deems it expedient to regulate privately owned swimming for the purpose of public protection.

NOW THEREFORE, the Corporation of the Town of Mattawa enacts as follows:

1. In this By-Law:

- a) Chief Building Official: means the Chief Building Official appointed by the Corporation of the Town of Mattawa for the purpose of enforcing the provisions of this By-Law.
- b) Municipal By-Law Enforcement Officer: means the Municipal By-Law Enforcement Officer appointed by the Corporation of the Town of Mattawa.
- c) Town: means the Corporation of the Town of Mattawa.
- d) Gate: means a swinging or sliding barrier used to fill or close an access and includes a door.
- e) Person: means a firm, partnership, company, corporation, contractor or owner.

- f) Private Swimming Pool: means a privately owned indoor or outdoor pool of water other than;
- 1) a bathing beach
 - 11) a natural bathing area
 - 111) a wading or reflecting pool containing water not in excess of eighteen inches (18") in depth.
- g) Zoning By-law: means the Zoning By-law of the Corporation of the Town of Mattawa as amended.
- h) Council: means the Council of the Corporation of the Town of Mattawa.

2. This By-law shall be enforced by the Chief Building Official and the Municipal By-Law Enforcement Officer.
3. No person shall construct, erect or install a privately owned swimming pool without first obtaining a permit from the Corporation of the Town of Mattawa.
4. No person shall maintain a private swimming pool in the Town of Mattawa unless the area in which the swimming pool is located is completely enclosed by fencing in compliance with the requirements of this By-law.
 - (1) Such fencing, including gates therein, shall extend from the ground to the height of not less than five (5) feet. Such fence, gates and enclosures shall be constructed in such a manner as to deter children.
 - (2) A fence forming part of such enclosure:
 - a) shall be of rigid construction;
 - b) shall be vertically boarded construction, solid wood or basketweave construction, chain-link construction, masonry, plastic or metal construction;

- c) shall have no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing, provided that this subsection shall not apply to prevent the construction or maintenance of a fence containing horizontal rails or bracing members which are spaced a minimum of thirty-two inches (32") on centre;
- d) shall have no openings with a horizontal dimension greater than three inches (3");
- e) shall have no device for projecting electric current through the fence;
- f) shall not be constructed with barb wire or snow fence.

5. Gates forming part of such fencing;

- a) shall be of the same construction and height to that required for the fence;
- b) shall be supported on substantial hinges, and
- c) shall be equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate.

6. A fence erected on the property lines which complies with the provisions of this by-law shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located.

7. A wall or walls of a building or buildings may form part of such a fence provided that all doors affording access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self-closing device located not less than five feet (5') above the bottom of the door.

8. The provisions of this by-law shall apply to all private swimming pools regardless of the date of construction of such swimming pool.

9. The fees for the construction of such pool shall be as per Schedule "A" of this by-law.

10. Any persons who contravenes any provisions of this by-law is guilty of an offence and such fines are recoverable under the Provincial Offenses Act.

11. When a person has been convicted of an offence under this by-law, the Divisional Court or competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence.

- 12 That By-Law # 84-30 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 22nd DAY
OF June 19 92


MAYOR


CLERK

Schedule "A"

1. For an above ground swimming pool
\$25.00.
2. For a in ground swimming pool \$50.00

Date: June 22, 1992

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THE CORPORATION OF THE TOWN OF MATTAWA
COMMITTEE: Protection of Person and Property

CHAIRPERSON: Councillor Paul Dupras

DEPT. HEAD: Richard T. Seguin
Chief Building Official
Municipal Law Enforcement Officer
Property Standards Officer

TITLE: Swimming pool By-Law #92-28


 x_DRAFT BY-LAW # 92-28 ITEM POLICY

Mayor and Members of Council:

For some time the Building and By-Law Enforcement Department has been working on a proposed swimming pool replacing the former by-law which dates back since 1984. The problem with By-Law 84-30 being the present by-law is its lack of requirement for above ground ^{Pool} to be fenced in or around. Currently, section 5 provides an exemption for any pools that are above 4 feet, and could pose a danger if the pool is exposed without proper fencing.

RECOMMENDATION:

Therefore, it is recommended that By-law #92-28 be adopted being a By-Law to regulate the erection of privately owned swimming pools within the Town of Mattawa.



Councillor Dupras