

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4843/68/06

BEING A BY-LAW TO REGULATE PRIVATELY OWNED SWIMMING POOLS

WHEREAS, the Municipal Act, 2001, S.O., 2001, c. 25, s. 130, as amended, provides that the municipality may pass by-laws relating to the health, safety, and well being of the inhabitants of the municipality;

AND WHEREAS, the Municipal Act, 2001, S.O. 2001, c. 25, s. 11(1) 7 as amended, provides a municipality has the specific power to regulate structures, including fences.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

SECTION 1 TITLE AND SCOPE

1.1 Short Title

1.1.1 This By-law may be cited as the "Pool By-law"

1.2 Scope

1.2.1 The provisions of this By-law shall regulate the location of privately owned swimming pools, including accessory equipment, and the manner of erecting and maintaining of fencing and gates enclosing private pools.

SECTION 2 DEFINITIONS

2.1 General Definitions

2.1.1 **Fence** - Any structure of posts and boards. Wood, wire, concrete, stone, metal, hedge or combination thereof, approved fencing constructed of a strength that provides an adequate degree of safety.

2.1.2 **Owner** - A person, firm, corporation, club, or incorporated society but shall not include any Federal, Provincial, or Municipal authority.

2.1.3 **Swimming Pool** - 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, and having a depth of 0.60 metres (two feet).

SECTION 3 GENERAL PROVISIONS

3.1 PROHIBITIONS:

No person shall:

3.1.1 Erect, construct, or install any privately owned outdoor swimming pool capable of containing water to a depth of more than 0.60 metres (2') at any point without first obtaining a permit from the City of Port Colborne.

3.1.2 Every application for a permit shall be accompanied by the following information:
i) Two (2) copies of a plot plan showing the location of the proposed pool and all side and rear yard dimensions, pool setbacks from buildings and proposed fencing, hydro electric poles, proposed plumbing and electrical installations.

- ii) Two (2) sets of plans for the construction of proposed decks, accessory buildings (change rooms, storage, etc.)

SECTION 4 INSTALLATION

4.1 LOCATION, FENCING, ELECTRICAL, PLUMBING, SAFETY

4.1.1 Location:

- i) pools shall be located in interior side yards and rear yards.
- ii) an In - ground pool may be located in an exterior side yard.
- iii) no interior wall surface shall be located closer than 1.0 metres (3'.3") to any rear or side lot line.
- iv) no interior wall surface shall be located closer to any street line than the minimum setback required there form.
- v) no water circulating or treatment equipment such as pumps or filters shall be located closer than 3.0 metres (9'.8") to any side lot line or 1.5 metres (4'.9") to any rear lot line.

4.1.2 Fencing:

- i) Every owner of a privately owned outdoor swimming pool shall erect and maintain around such pool, a chain link fence, or a fence of equivalent strength, which provides an excellent degree of safety.
- ii) all fences and gates shall be not less then 1.5 metres (4'.9") nor more then 2.0 metres (6'.6") from the ground.
- iii) the gate shall be equipped with a self - closing gate, having a latch located on the top inside of the gate
- iv) every gate shall be kept locked at all times when pool is unoccupied
- v) where chain linked fence is used , such fence shall be supported by posts set in concrete and spaced not more than 2.4 metres (8') apart. Such chain link fencing shall be at least 14 gauge with a mesh of diameter not more than 0.51 metres (2") measured diagonally together with gates of similar materials and /or equivalent performance and such design as well to reasonably deter any chid or children from climbing over it.
- vi) a dwelling house, building, structure or accessory building may also be used in conjunction with a fence to enclose any pool.
- vii) no part of such fence shall consist of barbed wire and any device for projecting electrical current through such fence is prohibited.
- viii) The provisions of this by-law requiring the erection and maintenance of a fence that shall completely enclose the swimming pool shall not apply if the outside wall of the pool has a height of not less than 1.5 metres (4.9") measured from the ground level at all points on the perimeter of such wall provided that any steps. Ladder or other means of entry to the swimming pool are protected by a fence and gate which comply with all other requirements contained herein..

4.1.3 Electrical:

- i) Lighting shall be arranged so that light is deflected away from adjacent residential properties.
- ii) all electrical work shall be inspected by the Ontario Hydro.

4.1.4 Plumbing:

- i) all connections between the pool and a potable water supply shall be equipped with back flow prevention in accordance with the Ontario Building Code.
- ii) no overflow or drainage discharge from a pool shall be discharged onto abutting properties, open lands or City property or sanitary sewer but shall be discharged to a storm sewer or natural drainage course. If a storm sewer or natural drainage course is not available, the pool shall be drained by mechanical means and transported to a storm sewer outlet or natural drainage course.
- iii) pools shall not be emptied into any storm sewer or natural drainage course at a rate greater than 0.014 cubic metres per second.
- iv) all plumbing shall comply with the Ontario Building Code.

4.1.5 Safety

- 4.2.1 Every pool shall be equipped with a Life Ring with 7.62 metres (25') of 1.27cm (½") rope and / or a Recovery Hook, which shall be kept readily available at all times.

SECTION 5 FEES

5.1 FEES

- 5.1.1 The permit fees to be charged for the approval of the installation and the inspection of the installation shall be as outlined on Schedule "A" to this by-law and shall be payable prior to permit issuance..

SECTION 6 ENFORCEMENT

- 6.1 The Chief Building Official and/or a designated representative shall enforce the provisions of this by-law.
- 6.1.2 Every person who contravenes any provision of the by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

SECTION 7 REPEAL - ENACTMENT

7.1 PREVIOUS BY-LAWS

- 7.1.1 By-law No. 2709 / 26 / 90 and all of its amendments are hereby repealed.

7.2 EFFECTIVE DATE

- 7.2.1 This by-law comes into force on May 23, 2006.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24TH DAY OF MAY, 2006.**



Mayor



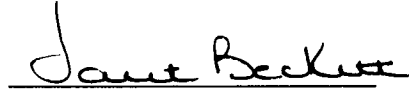
City Clerk

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

23RD DAY OF MAY, 2006.

A stylized, handwritten signature in black ink, appearing to be "B. Beckwith", written over a horizontal line.

Mayor

A handwritten signature in black ink that reads "Jane Beckwith", written over a horizontal line.

City Clerk

SCHEDULE "A" FEES

1. Above Ground Pools ; \$120.00
2. In Ground Pool : \$120.00
3. Inflatable / Portable Pools \$75.00
4. Deposit Refundable: \$500.00

Note: This fee is applicable to all In Ground Pools and Accessory Buildings..