



Corporation of the Town of Ingersoll By-Law No. 07- 4375

Being a By-Law to provide owners of privately- owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools.

WHEREAS pursuant Section 15 (4) of the Municipal Act, S. O. 2001, c.25, as amended provides for the municipality to pass a by-law with respect to fences and signs

AND WHEREAS, Council of the Town of Ingersoll provided for an application form and applicable permit fee to erect or replace a swimming pool fence in accordance with By-Law No. 05-4245;

AND WHEREAS it is expedient to provide for the erection and maintenance of fences and gates around swimming pool(s);

THEREFORE the Municipal Council of The Corporation of the Town of Ingersoll enacts as follows;

Short Title SWIMMING POOL FENCE BY-LAW

Part 1 DEFINITIONS

1.1 Definitions

In this by-law:

Chief Building Official, Building inspector - shall mean the person appointed by the Town Council to such positions pursuant to the Building Code Act.

Gate- shall mean any part of a swimming pool fence which opens on hinges and includes a door located in the wall of an attached or detached garage or carport which forms part of swimming pool fence.

Hydro Massage Pool-shall include those pools commonly referred to as hot tub, whirl pool, a Jacuzzi or a spa.

Lock – shall mean a device used to fasten shut a gate.

Maintain- shall mean to carry out repairs of any part or parts of a swimming pool fence so that it can properly perform the intended function.

Self –closing device- shall mean a mechanical device or spring which returns a swimming pool fence gate to its closed position.

Self-latching device- shall mean a mechanical device or latch which is engaged each time the swimming pool fence gate is secured to its closed position and prevents the gate from opening when pushed on or pulled.

Swimming pool- shall mean any body of water, located on private property and having a depth of 60 centimetres (24 inches) at any point and is designed to be used for swimming or wading. Swimming Pool, excludes hydro massage pools, storm water management ponds, any pond or reservoir used for farming purposes and ponds or reservoir located on government or local board or commissions under any statute or by-law.

Part 2 GENERAL PROVISIONS

2.1 Administration- This by-law shall be administered by the Chief Building Official or persons designated by the Chief Building Official for the Corporation of The Town of Ingersoll..

2.2 Application of by-law- on or after August 14, 2007.

This by-law shall apply to all swimming pools fences constructed or replaced in the Town of Ingersoll on or after August 14, 2007.

2.3 Existing swimming pool fences-constructed.

The provisions of this by-law shall not prevent the use of an existing swimming pool fence if such swimming pool fence was constructed and has enclosed a swimming pool from the date of its construction on or before August 13, 2007, and was built in accordance with the regulations of the by-law existing prior to August 13, 2007.

Part 3 PROHIBITION

3.1 No construction – without permit

No person shall construct or cause to be constructed a swimming pool without having first obtained a swimming pool fence permit from the Chief Building Official.

3.2 Swimming pool- not enclosed by fence

No person shall construct or cause to be constructed a swimming pool which is not completely enclosed by a swimming pool fence, in accordance with this by-law.

Part 4
APPLICATION FOR SWIMMING POOL FENCES

4.1 Application

An application and fees for a permit to erect a new swimming pool fence or for the replacement of an existing swimming pool fence shall be made in accordance with Construction By-Law 05-4245 on such forms as prescribed.

Part 5
SWIMMING POOL FENCE REGULATIONS

5.1 Height- minimum requirements.

Every swimming pool shall be enclosed by a swimming pool fence which shall extend from the ground to a height of not less than 153 centimeters (60 inches).

5.2 Openings- maximum diameter – exceptions - conditional

Every swimming pool fence referred to in section 5.1 of this by-law shall not have any opening that would allow the passage of a spherical object having a diameter greater than 3.8 centimeters (1.5 inches). For other than chain link fences, where the vertical distance between each horizontal rail measured from top of each rail is 1.2 metres (4 feet) or greater, the openings in the fence are permitted to be greater than 3.8 centimetres (1.5 inches) but not greater than that which would allow the passage of a spherical object having a diameter of 10 centimetres (4 inches).

5.3 Ground clearance- maximum

Every swimming pool shall be enclosed by a swimming pool fence which has a clearance from the ground to the under side of the swimming pool fence that would prevent the passage of a spherical object having a diameter of 5 centimeters (2 inches).

5.4 Height- measured –from ground level.

The height of the swimming pool fence shall be measured from the ground level on the outside of the enclosure.

5.5 Gate- self-closing- self latching –locking device.

Every gate on a swimming pool fence shall be equipped with a self –closing device , self latching device and must be locked at all times except when the area is occupied by the owner or authorized agent.

5.6 Construction

Every swimming pool shall be enclosed by a swimming pool fence which is of sturdy construction, capable of preventing unauthorized entry. An adequate enclosure must be designed and approved by the Building Official or designated of the Town of Ingersoll.

**Part 6
ENFORCEMENT**

6.1 Fine-for contravention

Any person who contravenes any portion of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

6.2 Continuation-repetition-prohibited-by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

6.3 Default- not remedied-done at owner's expense

Where anything required to be done in accordance with this by-law is not done, the Chief Building Official or persons designated by the Chief Building Official for the Corporation of the Town of Ingersoll appointed pursuant to the Building Code Act may, upon such notice as deemed suitable, do such thing at the expense of the person required to do it and, in doing, may charge an administrative fee up to 10% of such expense; and both the expense and the fee may be recovered by action or in like manner as municipal taxes.

**Part 7
REPEAL- ENACTMENT**

7.1 By-Law –previous

Any by-law inconsistent with this By-law is hereby repealed in its entirety.

7.2 Effective- date

This by-law comes into force on August 14, 2007.

READ a first and second time in open Council this 13th day of August, 2007.

READ a third time and passed in Open Council this 13th day of August, 2007.

Paul Holbrough, Mayor

Elaine Clark, Clerk Deputy-Administrator