

THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY
BY-LAW NUMBER 32-2002

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

WHEREAS, the Council of the Corporation of the Municipality of Morris-Turnberry deems it necessary to require the fencing of all privately owned outdoor swimming pools;

AND WHEREAS, pursuant to Section 210 p 30 of the Municipal Act R.S.O. 1990 as amended from time to time, By-laws may be enacted by Local Municipal Councils to require owners of private outdoor swimming pools to erect and maintain fences and gates around such swimming pools and for the prescribing of the height, description and manner of erecting such fences and gates.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY ENACTS AS FOLLOWS:

1. SHORT TITLE AND SCOPE

This By-law may be cited as the “Swimming Pool Fence By-law”. The provisions of this By-law shall be applicable to all property in the Municipality of Morris-Turnberry.

2. APPLICATION

This By-law shall be applicable to all privately owned outdoor swimming pools in the Municipality of Morris-Turnberry constructed after the final date of passing of this By-law that are more than twenty four inches (24”) in depth.

3. ADMINISTRATION

This By-law shall be administered and enforced by the Chief Building Official of the Municipality of Morris-Turnberry.

4. INSPECTION

The Chief Building Official of the Municipality of Morris-Turnberry, acting under the direction of the Council of the Corporation, or any peace officer having jurisdiction in the Municipality is hereby authorized to enter, with prior notification between the hours of 8:00 AM and 6:00 PM on any day except Sunday, upon any property or premises or structure for the purpose of discharging his duties under this By-law, or if there is reason to believe that the provisions of this By-law are not being complied with in whole or in part.

5. APPLICATION FOR A PERMIT

No person shall erect or alter any private outdoor swimming pool or part thereof within the limits of the Municipality of Morris-Turnberry, unless a permit has been issued, therefore by the Chief Building Official. Every applicant for a permit for a swimming pool shall file with the application a plan, drawn to scale showing the following:

- 1) The dimensions of the lot to be built on or otherwise used,
- 2) The proposed type, location, and size of pool proposed,
- 3) The proposed type, location, and height of the safety fence and gates,
- 4) The location of all buildings or structures within 400ft.

GENERAL PROVISIONS

6. "Swimming Pool" means any structure, basin, chamber or tank containing any artificial body of water for swimming, diving or recreational bathing:
 - a) has a depth of more than 24 inches at any point, and;
 - b) has a surface area of more than 10.8 square feet, and;
 - c) is not under the jurisdiction of the Building Code, and;
 - d) is not completely inside a building, and;
 - e) is not owned by government or a local board or commission constituted under any statute or by-law, and;
 - f) is not a pond or reservoir to be utilized for farming purposes;
 - g) but excludes hydro massage pools, and;
 - h) excludes storm water management ponds.
7. It is the intent of this By-law to provide for fences that eliminate or deter easy climbing by children or others. Fences that can be used similar to a ladder shall be unacceptable.
8. The owner of every private outdoor swimming pool in the Municipality of Morris-Turnberry shall, prior to the filling of such pool, erect and maintain a fence completely enclosing the pool. The fence shall conform to the following specifications:
 - a) Chain link type of 9 gauge or heavier wire with a maximum opening size of two (2) inches in any direction,
 - b) Solid fences of wood or Metal,
 - c) Vertical picket type fences provided the openings between boards does not exceed two (2) inches,
 - d) Fences of a type approved by the Chief Building Official,
 - e) Every fence shall be not less than sixty (60) inches in height,
 - f) Every fence shall be so constructed that all horizontal or diagonal structural members of the fence shall be located on the inside or pool side of the fence,

- g) A dwelling, house, building or accessory building may be used to effectively enclose a pool,
 - h) Every fence shall be so constructed so as to have as its only means of entry by gates or doors. All gates or doors shall be equipped with self closing and self latching devices on the pool side at the top of the gate or door to the intent that all gates and doors remain securely closed when not in use. All gates and doors shall comply with the height and construction requirements for fences in this By-law. Self closing and self latching devices are not required on a door of any dwelling which forms part of the enclosure,
 - i) A boundary fence may be used provided it meets all requirements of this By-law,
 - j) The use of barbed wire in any manner or the use of any device to project electric current shall be prohibited.
9. It shall be the duty of every owner of a private outdoor swimming pool in the Municipality of Morris-Turnberry to obtain a certificate of approval from the Chief Building Official of the Municipality of Morris-Turnberry within two (2) days of completion of the construction of the pool stating that the fence around the pool has been inspected and is satisfactory.
10. No owner of a privately owned outdoor swimming pool shall release or permit to remain any water in such swimming pool until a fence has been erected in accordance with this By-law.
11. It shall be the duty of every owner of a private swimming pool in the Municipality of Morris-Turnberry which could be filled with water to contain a depth greater than twenty four (24) inches and has not been fenced in accordance with the provisions of this By-law shall upon demand made orally or in writing by the Chief Building Official of the Municipality of Morris-Turnberry immediately construct the required fence or drain the pool, and if the fence is not constructed or the pool is not drained within 8 hrs after delivery of said notice, the Chief Building Official for the Municipality of Morris-Turnberry may enter onto the owners land with whatever person or persons and equipment necessary and drain the water from the pool at the owners expense.

EXCEPTION:

If a portable pool and fence are removed for storage, after receiving an initial Building permit and paying the required fee, and the pool is erected in the same location the following year and every year thereafter, no further building permit or fee is required.

This section only applies if the same size pool is erected in the original location and the perimeter fencing conforms to Section 8 of the General Provisions of this By-law.

PENALTY:

1. Any owner of a private outdoor swimming pool in the Municipality of Morris-Turnberry who neglects or refuses to enclose an outdoor swimming pool in accordance with the terms of this By-law is guilty of an offence and upon conviction thereof, shall be liable to a penalty not to exceed five hundred (\$500.00) exclusive of costs for each day that the contravention continued.
2. Any person who obstructs or interferes with the Chief Building Official the performance of his duties under this By-law is guilty of an offence and upon conviction thereof, is liable to a penalty not to exceed five hundred (\$500.00) exclusive of costs.

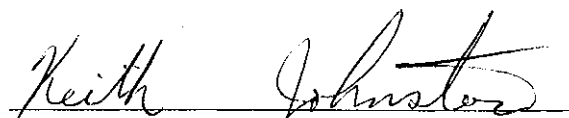
REPEAL:

1. All By-laws previous and inconsistent to this By-law are hereby repealed.

ADOPTION:

1. The Council of the Municipality of Morris-Turnberry hereby enact that this By-law may be cited as the Swimming Pool By-law for the Municipality of Morris-Turnberry.
2. The Mayor and Clerk are hereby empowered to sign and execute this by-law.

THIS BY-LAW IS HEREBY READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF July, 2002



Mayor, Keith Johnston



Clerk, Nancy Michie