

The Corporation of the  
Town of Arnprior

By-Law No. 4551-97, as amended by By-Law No. 5525-07

### **Providing for the Regulation of Private Swimming Pools**

**Whereas** Section 210(30) of the *Municipal Act, R.S.O. 1990, Chapter M. 45* (as amended), permits every council to pass by-laws for requiring owners of privately-owned swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to the provisions of any by-law of the municipality.

**And Whereas** it is deemed necessary to pass such a by-law.

**Now Therefore the Municipal Council of the Corporation of the Town of Arnprior enacts as follows:**

#### **1. Interpretation**

For the purposes of this by-law the following definitions shall apply:

- a) "Pool" means a privately owned outdoor container of water for swimming, bathing, wading or reflecting which is capable of retaining water equal to or greater than 600mm (24") at any point, but shall not include "Hot Tubs" equipped with a lockable hard cover capable of supporting 40 lbs/sq. Ft., facilities for the purpose of providing water to livestock, or for irrigation of crops which are associated with and located on land devoted to the practice of farming.
- b) "Enclosure" shall mean a fence, wall or other structure, including doors and gates, completely surrounding a pool.
- c) "Fence" shall mean a barrier constructed of chain link metal or of wood, stone, metal or material having an equivalent degree of strength.
- d) "Gate" shall mean a swinging or sliding barrier used to fill or close an access and includes a door.

## 2. Fences

- a) No privately owned swimming pool shall be constructed or maintained unless there is erected and maintained entirely around such pool an approved fence, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of a fence when all doors located in this wall are equipped with locks and self closing and latching devices located a minimum 1.5 metres (5 feet) above the bottom of the door and the building is continuously occupied or all doors thereto are to be locked when it is not occupied.
- b) Every fence enclosing a privately owned swimming pool shall be a minimum 1.5 metres (5 feet) in height and shall be of a close boarded, chain link having a mesh size of 50mm (2 inches) or less, or other approved design such that it will reasonably deter children from climbing it to gain access to the fenced in area.

Close boarded fences shall be supported by wood posts at least 89 mm x 89 mm (4 inches x 4 inches) spaced not more than 2.4 metres (8 feet) apart. Such posts shall extend a minimum of 600 mm (2 feet) below grade and be encased in concrete at least 50 mm (2 inches) all around. The portion of the post below ground shall be treated with wood preservative.

Chain link fences shall be supported by a minimum 38 mm (1.5 inches) diameter galvanized steel posts spaced not more than 3.0 metres (10 feet) apart. Such posts shall extend a minimum of 600 mm (2 feet) below grade and be encased in concrete at least 50 mm (2 inches) all around.

Every fence or fence bottom rail shall not be more than 50 mm (2 inches) above finished grade. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices and a lock, located at the top and inside gate. Every privately owned swimming pool shall be secured against entry of the public other than tenants or their guests and no invitation to the public shall be extended. Every gate shall be locked except when the fenced in area is actually being used and supervised by the owner of the premises or other adult person authorized by the owner to supervise the use of the pool.

- c) No barbed wire, nor device producing electric current shall form part of a fence or gate.
- d) A boundary fence on the lot line may be used as a portion of the fence around a pool area provided such parts of the boundary fence used as fencing, around the pool complies in all respects to the requirements of clauses 2(a) to 2(c) inclusive.

3. No person shall place water in a privately owned swimming pool or allow water to remain in such swimming pool unless a fence complying with the provisions of this by-law has been erected, completely around such swimming pool.

#### **4. Above Ground Swimming Pools**

- a) For the purposes of this by-law above-ground privately owned outdoor swimming pools are considered to be the same as in-ground privately owned outdoor swimming pools, and require the same enclosures around the entire pool.
  - b) Certain above-ground privately owned outdoor swimming pools which have as an integral part of their construction a fence around the pool area, 1.5 metres (5 feet) in height, may consider the said integrally constructed fence as being a part of the required swimming pool enclosure, provided that a suitable ground constructed enclosure surrounds the entrance ladder, and any other equipment such as a heater, filter, so as to present an inaccessible pool area incapable of being scaled.
5. A privately owned swimming pool and structures in conjunction with such a swimming pool may be erected and used in the interior side yard or rear yard provided:
    - a) No part of such swimming pool shall be constructed closer than 1.22 metres (4 feet) to any lot line. For the purpose of the foregoing, the distance to a lot line shall be measured from the nearest outside edge of the pool.
    - b) No part of such swimming pool, including the associated apron or platform shall be constructed closer to a street line than the minimum requirements as provided in the Town of Arnprior Zoning By-law.
    - c) No water circulating or treatment equipment such as pumps or filters shall be located closer than 1.22 metres (4 feet) to any rear or side lot lines unless enclosed in an accessory building.

#### **6. Severability**

Any section or part of a section of this by-law which may subsequently be held to be invalid, shall be severable from the remainder of the by-law and the invalidity thereof shall not affect the remaining part of this by-law.

#### **7. Enforcement**

This By-law shall be enforced by the Chief Building Official.

**8. Penalty**

Every person who contravenes any of the provisions of this by-law shall upon conviction thereof, be liable to a fine not exceeding \$1,000.00, exclusive of costs.

**9. Repealed**

That by-law 3413-84 as amended and 3997-91 are hereby repealed.

10. That this by-law shall come into force immediately on the passing thereof.

**Enacted and Passed in Open Council this 14th day of April, 1997.**

Original Signed

Mayor Kevin MacDonald, C.A.

Original Signed

Diane Labelle, Clerk