

BY-LAW NUMBER 2004-78

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING By-Law prescribing the height and description of and the manner of erecting and maintaining fences and gates around privately owned outdoor swimming pools.

WHEREAS the Municipal Act, Chapter M.45, R.S.O. 1990, Section 210, paragraph 30, authorizes the passing of a By-Law requiring the owners of privately owned outdoor swimming pools to obtain a permit for the installation of pools and to erect and to maintain fences and gates around such pools;

AND WHEREAS the Council of The Corporation of the Township of Rideau Lakes has deemed it expedient to enact such a By-Law;

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. DEFINITIONS

- a) "ENCLOSURE" means a fence wall or other structure, including doors and gates surrounding a privately owned outdoor swimming pool to restrict access thereto;
- b) "OWNER" includes a lessee or tenant in possession of property on which a swimming pool is located;
- c) "SWIMMING POOL" means any privately owned outdoor body of water contained by artificial means and is capable and intended of being used for swimming, wading, diving or bathing.

2. REGULATIONS

- a) The owner of a privately owned outdoor swimming pool shall ensure that an enclosure around such a pool is constructed and maintained to the provisions of this By-Law.
- b) No person shall erect or construct a private swimming pool unless and until the required permit has been issued by the Chief Building Official.
- c) Every private swimming pool shall be secured against entry of the public other than tenants or their guests.

- d) A temporary fence shall be erected during construction of the pool. It is the applicant's responsibility to ensure safety during construction.
- e) No barbed wire nor device for projecting an electric current shall form part of a fence or gate.
- f) Every gate erected in a fence around a privately owned outdoor swimming pool shall:
 - 1) be of construction and height equivalent to that required for the fence;
 - 2) be supported by substantial hinges; and
 - 3) be self-closing and equipped with a self-latching device placed at the top, a minimum distance of three (3) feet six (6) inches above grade.
- g) Where a wall of a building is used as part of the enclosure, all doors located in the wall of the building shall be equipped with self-closing, self-latching and locking devices.
- h) Every swimming pool shall have an enclosure erected in accordance with the following provisions:
 - 1) **Chain Link:**
 - I. not greater than (1 ½ inch mesh, 38 millimeters) 12 gauge steel wire or 14 gauge steel wire covered with vinyl or other approved plastic.
 - II. Galvanized steel posts: spaced (9 feet apart, 2.7 m) 4 feet below grade or to solid rock encased in concrete.
 - III. End Posts: (1 7/8" inch diameter, 50 millimeters) 4 feet below grade or to solid rock encased in concrete.
 - IV. Top and Bottom Rail: (1 ¼ inch diameter, 32 millimeters) or 12 gauge steel wire or 14 gauge steel wire plastic covered for bottom rail.

2) Wood:

- I. 1x4 or 1x6 boards spaced not more than 1” apart
- II. Fastened on 2x4-top and bottom rail spaced not more than 36” apart, fastened 2 – 3 ½” nails on each post.
- III. Fastened to 4x4 posts spaced 8 feet on center, 4 feet below grade or to solid rock, encased in concrete end of post, to have preservative.

3) Solid Metal:

- I. 28 gauge solid steel panels screwed to top and bottom rails.
- II. Rails: 1x4 or 2x4 fastened 2 nails each post
- III. Posts: 4x4 spaced 8 feet center 4 feet below grade or to solid rock encased in concrete end of post, to have preservative

- i) Where a swimming pool is erected above grade, it shall be completely enclosed with a fence of the same specifications as in ground pools as set out in this By-Law, or shall project a minimum of forty-eight (48) inches above grade and have no attachments or bracing on the exterior facing of the pool which may facilitate climbing and shall be secured against entry by a self closing, self latching gate.

3. ISSUANCE OF PERMITS

- a) To obtain a permit for an outdoor swimming pool, the applicant must:
 - 1) fill out a Pool Permit Application;
 - 2) pay a fee as set out in Schedule “A” of By-Law 2004-78;
 - 3) submit a plot plan describing the location of buildings, pool, enclosure, decks, distances from lot lines, septic system, etc.;
 - 4) submit details of pool and enclosure installation.

- b) The Chief Building Official may refuse to grant a permit for the pool or for a fence around a privately owned outdoor pool if the erection of a fence is contrary to the provisions of any By-Law of the Township of Rideau Lakes.

4. PENALTIES

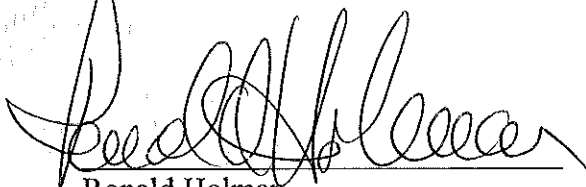
Any person who contravenes any provision of this By-Law is guilty of an offence and shall be liable to a fine not more than one thousand (\$1,000.00) dollars, exclusive of costs.

5. EFFECTIVE DATE

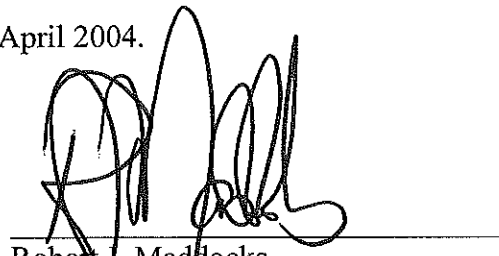
- a) The provisions of this By-Law shall apply to all privately owned outdoor swimming pools constructed or in construction subsequent to the date hereof, and to all such pools which, as of the date of final passing of this By-Law, fail to meet the requirements for such pools as set forth in this By-Law.

AND FURTHER that By-Law 98-66 be hereby repealed.

Read a first and second time this 5th day of April 2004.

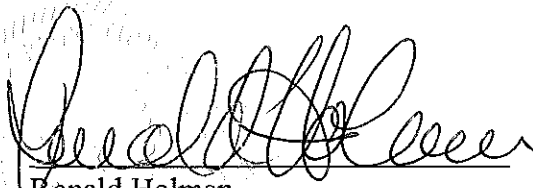


Ronald Holman
Mayor

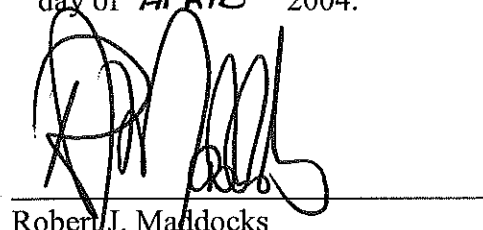


Robert J. Maddocks
Deputy Clerk

Read a third time and finally passed this 5th day of APRIL 2004.



Ronald Holman
Mayor



Robert J. Maddocks
Deputy Clerk

SCHEDULE "A"

BY-LAW NUMBER 2004-78

Application for Building Permit to construct an outdoor swimming pool

Fee	\$10.00 / \$1,000.00 of value
	minimum of \$75.00

NOTE: The above fees have been up-dated pursuant to By-Law 2002-206,
Schedule "B-1"

SCHEDULE "B"

BY-LAW NUMBER 2004-78

Township of Rideau Lakes
This Application cannot be considered
Unless All Relevant Questions are Answered Fully

FOR OFFICE USE ONLY

Permit No.

Value.....

Fee Paid.....

Roll No.

**APPLICATION
FOR A POOL PERMIT**

Location Lot Concession

Owner's NameAddress Tel.

Contractor's Name.....Address Tel.

Type of Pool

Size of Pool

Fence Type

Estimated Cost

Work to StartWork to be Completed.....

Corner Lot Block Plan Interior Lot
 Lot Line

Mark Location of all buildings on
the plan, and indicate North by
use of an arrow.

Street Line
..... Avenue
 Street

All of the statements and representations contained in the attached documents filed in support of this application shall be deemed part of this application for all purposes. Sufficient information shall be submitted with each application to enable the Chief Building Official to determine whether or not the proposed work will conform with the Building Code Act and regulations thereunder and any other applicable law, By-Law 2004-78.

DECLARATION

I, the undersigned am the authorized owner/agent of owner named in the above application and I certify the truth of all the statements or representations contained therein.

I, understand that the issuance of a permit shall not be deemed a waiver of any of the provisions of any by-laws or requirements of the Building Code Act or regulations made thereunder, notwithstanding anything included in or omitted from the plans or other material filed in support of or in connection with the above application.

I, acknowledge that in the event a permit is issued, any departure from plans, specifications or building locations proposed in the above application is prohibited and such could result in the permit being revoked.

I, further acknowledge that in the event the permit is revoked for any cause or irregularity or nonconformity with by-laws or requirements of the Building Code Act, or regulations made thereunder, there shall be no right of claim whatsoever against the municipal corporation or any official thereof and any such claim is hereby expressly waived.

....., Ontario.....

....., 20.....

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Witness
(Employee, Office or Building Inspector)

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Signature of Owner
or Authorized Agent