

**BYLAW NO. 06/2019**

**THE PRIVATE SWIMMING POOLS BYLAW**

**The Council of the Town of Vonda enacts:**

**Short Title**

1. This Bylaw may be cited as The Private Swimming Pool Bylaw No. 06/2019

**Purpose**

2. The purpose of this Bylaw is:
  - (a) to control and regulate the construction, erection, maintenance, repair and demolition of private swimming pools; and
  - (b) to specify, regulate and enforce the use of safety measures in connection with private swimming pools.

**Definitions**

3. In this Bylaw,
  - (a) Town means Town of Vonda
  - (b) “municipal inspector” means an employee or agent of the Town appointed to act as a municipal inspector for the purposes of this Bylaw.
  - (c) “occupant” includes a person residing at a property upon which a private swimming pool is situated.
  - (d) “owner” means a person who has any right, title, estate or interest in a property upon which a private swimming pool is situated;
  - (e) “private swimming pool” means an artificially created basin intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is at least 600 millimetres (2 feet) in depth, and includes pools situated on top of the ground.
  - (f) “public” means all persons other than the owner or occupant

**Permit**

4. (1) A person must obtain swimming pool construction approval from the Town prior to the construction, erection or demolition of a private swimming pool.

**Application**

5. Except as otherwise provided, this Bylaw applies to all private swimming pools, including those in existence prior to the passage of the Bylaw.

## Enclosure

6. (1) Every private swimming pool must be enclosed in accordance with this Section.
- (2) The enclosure must be built prior to the swimming pool being filled with water.
- (3) The enclosure must be properly maintained to comply with this Bylaw at all times.
- (4) The enclosure must be constructed so as to minimize the risk of unauthorized entry into the pool area by a member of the public by crawling under, climbing over, or climbing through. The enclosure must meet the following minimum standards:
  - (a) the enclosure must have a minimum height of 1.5 metres measured on the exterior, or non-pool, side from the top of the enclosure to the nearest platform, deck or grade;
  - (b) where an enclosure is a chain link fence, the mesh size must not exceed 50 millimetres and the wire core must not be less than 11 gauge;
  - (c) where an enclosure fence is constructed of any material other than chain link:
    - (i) horizontal structural members or other climbable members located on or accessible from the outside or non-pool side of the fence must be placed so that there is one continuous vertical separation of a minimum of 1,100 millimetres maintained between such members, as illustrated in Schedule "B", along any portion of the fence which is accessible to the public; and
    - (ii) there is no prescribed minimum separation required between horizontal structural members or other climbable members located on the inside or pool side of the fence;
  - (d) the gap or space between grade and the bottom of the enclosure must not exceed 100 millimetres;
  - (e) maximum permissible gaps or openings between vertical members of an enclosure are as follows:
    - (i) gaps or openings of up to 100 millimetres are permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of 1,100 millimetres is maintained between horizontal structural members or other climbable members along the entirety of the fence, as illustrated in Schedule "B";

- (ii) gaps or openings of up to 20 millimetres are permitted if horizontal structural members or other climbable members are located less than 1,100 millimetres apart along any portion of the enclosure; and
- (iii) notwithstanding subclause 6(4)(e)(i) and (ii), there is no prescribed limit to the size of gaps or openings in that portion of the enclosure having an elevation of greater than 1.5 metres above grade.

### **Gates and Self-Closing Devices**

- 7. (1) A gate which forms part of an enclosure must comply with the following:
  - (a) a gate must comply with the requirements for fences in Section 6(4) of this Bylaw;
  - (b) all gates must be installed to swing outward in the direction away from the swimming pool;
  - (c) all gates must be equipped with a self-closing device designed to return the gate to the closed position after each use, a self-latching device designed to hold the gate in the closed position after each use, and a locking device;
  - (d) the self-closing device, the self-latching device and the locking device must be maintained in working order at all times; and
  - (e) all gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.
- (2) The requirement in Section 7(1)(b) does not apply to swimming pools constructed before the passage of this Bylaw.

### **Securing of Swimming Pool**

- 8. When a swimming pool is not attended by the owner or occupant, gates, doors and other entrances to the swimming pool area must be locked.

## Inspections

9. (1) The inspection of property by the Town to determine whether this Bylaw is being complied with is hereby authorized.
- (2) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this Section, or a person who is assisting a municipal inspector.

## Order to Remedy Contravention

10. (1) If a municipal inspector finds that a person is contravening this Bylaw, the municipal inspector may require the owner or occupant of the property to which the contravention relates to remedy the contravention.

## Adding Amounts to Tax Roll

11. The Town may, add any unpaid expenses and cost incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

## Offences and Penalties

12. Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a minimum fine \$100.00 and a maximum fine of \$1000.00.

## Coming into Force

13. This Bylaw comes into force on the day of its final passing.

Read a first time this 13<sup>th</sup> day of May, 2019.

Read a second time this 13<sup>th</sup> day of May, 2019.

Read third time and passed this 13<sup>th</sup> day of May, 2019.

  
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Mayor

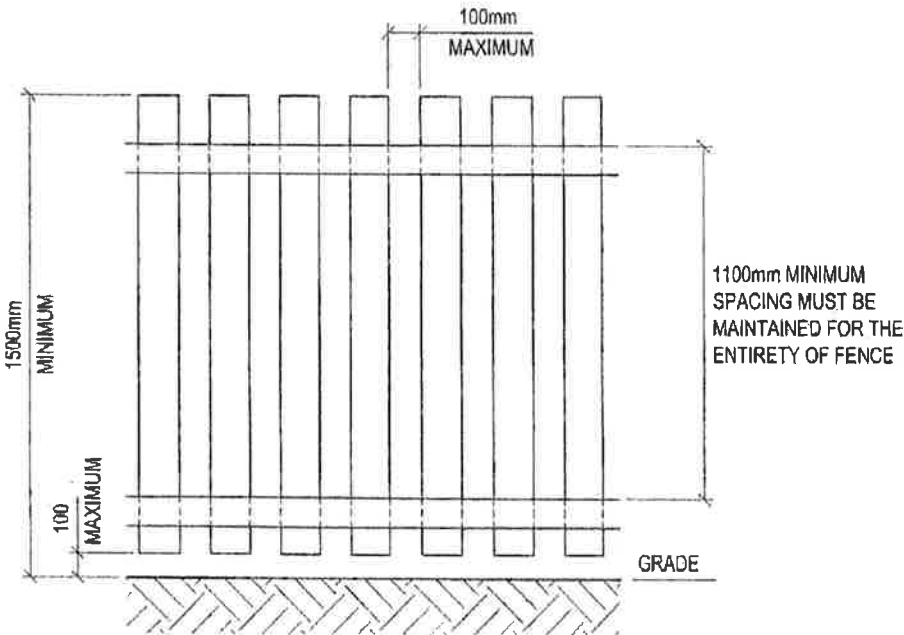
Seal



  
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Administrator

### Schedule "B"

CLIMBABLE MEMBERS ON NON-POOL SIDE OF FENCE



CLIMBABLE MEMBERS ON POOL SIDE OF FENCE

