

POOL FENCING BY-LAW

BY-LAW NUMBER 2007-07 BEING A BY-LAW TO REQUIRE OWNERS TO FENCE PRIVATELY OWNED OUTDOOR SWIMMING POOLS

WHEREAS the Council of The Town of Herbert deems it expedient and in the best interest of its ratepayers to regulate fences regarding privately owned outdoor swimming pools;

NOW THEREFORE BE IT ENACTED as a by-law of The Town of Herbert as follows:

1. (a) **"Privately owned outdoor swimming pool"** means any swimming pool located on private property under control of the owner or occupant the use of which is limited to swimming or bathing by members of their family or visitors.

(b) **"Swimming Pool"** means any structure, basin, chamber or tank containing or capable of containing an artificial body of water for swimming, diving or recreational bathing.

2. No person shall maintain a privately owned outdoor swimming pool in the Town of Herbert unless such pool or the land or a part of the land on which such pool is located is effectively fenced and/or enclosed in accordance with the following provisions:

a) Every fence shall be not less than 1.85m (72 inches) in height.

b) Every fence shall be so constructed as not to have openings, holes or gaps larger than four inches in its horizontal dimension, except lattice-type and chain link fences, which openings shall not exceed four square inches.

c) 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 a minimum of 0.76m (30 inches) apart.

d) Every fence shall be so constructed that it cannot be used in a manner similar to a ladder.

e) A dwelling, house, building or accessory building may be utilized to effectively enclose any pool.

f) Every fence shall be so constructed so as to have as the only means of entry by gates or doors.

i) All gates or doors shall be equipped with a self-closing device and a self-latching device on the pool side at the top of the gate to the intent that all gates or doors will remain securely closed when not in actual use.

ii) All gates shall comply with sections (a), (b), (c) and (d).

iii) Part (i) shall not apply to the door of any dwelling house which forms a part of the enclosure.

g) A boundary fence which complies with the provisions of this section shall be deemed a sufficient fence.

3. Except for outdoor swimming pools that contain 24 inches of water or less, the provisions of this by-law shall apply to all privately owned outdoor swimming pools regardless of the date of construction of such swimming pool.

4. Pools shall be fenced in accordance with the above regulations within seven days of being filled with water.

5. The provisions of this by-law shall not apply to farm ponds.

6. Any owner of a privately owned outdoor swimming pool in the Town of Herbert who neglects or refuses to enclose the said privately owned swimming pool in accordance with the terms of this by-law, shall be guilty of an offence and upon conviction thereof, shall be liable to a penalty not exceeding \$2,000 exclusive of costs, such penalty and costs to be recoverable under the provisions of the Provincial Offences Act.

7. All other by-laws contrary to the provisions of this by-law are hereby appealed.

8. This by-law comes into effect and full force on third and final reading.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 13th day
of August 2007.

{Mayor}

{Administrator}

