

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 48-72

BEING A BY-LAW REQUIRING THE OWNERS TO
FENCE PRIVATELY OWNED SWIMMING POOLS.

WHEREAS the Council of the Corporation of the City of North Bay deems itadvisable and expedient to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) "Building Inspector" shall mean the Chief Building Inspector or the Deputy Chief Building Inspector or the Building Inspector for the time being of the Corporation of the City of North Bay.
 - (b) "City" shall mean the Corporation of the City of North Bay.
 - (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.
 - (e) "Person" shall include a firm, partnership, company, corporation, contractor or owner.
 - (f) "Private Swimming Pool" shall mean a privately owned indoor or outdoor pool of water, other than:
 - (i) a bathing beach
 - (ii) a natural bathing area
 - (iii) a wading or reflecting pool containing water not in excess of eighteen inches (18") in depth.
2. This By-law shall be enforced by the Building Inspector
3. (1) No person shall maintain a private swimming pool in the City unless the area in which the swimming pool is located is completely enclosed by fencing in compliance with the requirements of this by-law.
 - a) Such fencing, including gates therein, shall extend from the ground to the height of not less than forty-eight inches (48")
 - b) A fence forming part of such enclosure:
 - (i) shall be vertically boarded wood construction, solid wood or basketweave construction, chain-link construction, masonry, plastic or metal construction;
 - (ii) shall have no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing, provided that this subsection shall not apply to prevent the construction or maintenance of a fence containing horizontal rails or bracing members which are spaced a minimum of thirty-two inches (32") on centre;
 - (iii) shall have no opening with a horizontal dimension greater than three inches (3");

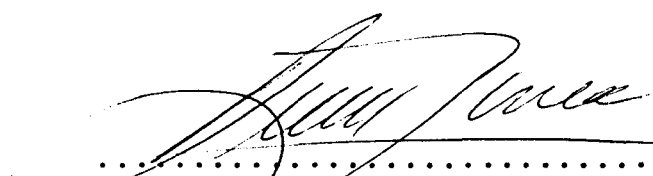
(iv) shall have no device for projecting electric current through the fence.

- 4. Gates forming part of such fencing:
 - a) shall be of the same construction and height to that required for the fence;
 - b) shall be supported on substantial hinges, and
 - c) shall be equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate.
- 5. The provisions of the by-law requiring the erection of a fence shall not apply if the outside walls of the swimming pool are elevated at least four feet above the grade of the ground abutting such walls provided that the exterior surface of the walls are so constructed so as not to facilitate climbing and each entrance to the pool is protected with a gate complying with the requirements of Section 4.
- 6. A fence erected on the property lines which complies with the provisions of this by-law shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located.
- 7. A wall or walls of a building or buildings may form part of such a fence provided that all doors affording access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self-closing device and a self-latching device located not less than forty-eight inches (48") above the bottom of the door.
- 8. The provisions of this by-law shall apply to all private swimming pools regardless of the date of construction of such swimming pool.
- 9. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty of not more than \$300.00 exclusive of costs, and the same shall be recoverable under the provisions of The Summary Convictions Act as provided by The Municipal Act.

READ A FIRST TIME IN OPEN COUNCIL THIS 17TH DAY OF APRIL, 1972

READ A SECOND TIME IN OPEN COUNCIL THIS 1ST DAY OF MAY , 1972

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 1ST DAY OF MAY 1972.



 MAYOR



 CITY CLERK