



The SWIMMING POOL FENCE BY-LAW* states:

(* Officially known as Chapter 821 of the Thunder Bay Municipal Code)

1.1 Fence Required - The owner of each privately-owned outdoor swimming pool shall erect and maintain a fence around each such swimming pool that has a depth at any part thereof of more than twentyfour inches, and to every pool that is designed to operate by attachment to a filtration system.

1.2 Gate/s Permitted - Any fence required to be provided and maintained under Section 1.1 may include:

- (a) one or more gates which are erected and maintained in accordance with Sections 1.11 through 1.13 inclusive; and
- (b) any part of a wall of a building if the part used as part of the fence exceeds sixty inches in height.

1.3 Minimum Height Requirement - Every fence required to be erected and maintained in accordance with Section 1.1 shall be not less than fortyeight inches in height above grade.

1.4 General Construction Requirements - Every fence required to be erected and maintained in accordance with Section 1.1 shall be constructed so that any fence post or other structural member of the fence to which any wire, boards or other materials are attached, are on the pool side of such wire, boards or other material, provided that this Section shall not apply to any fence used in common by abutting owners to separate pools situate upon their respective properties.

1.5 Construction to Prevent Climbing - Every fence required to be erected and maintained in accordance with Section 1.1 shall be constructed so that it has no openings, rails or horizontal or diagonal attachments on the outside which would facilitate climbing.

1.6 Ingress/Egress - Every fence required to be erected and maintained in accordance with Section 1.1 shall be constructed so that the only means of ingress to or egress from the area enclosed by the fence shall be through doors or gates constructed in accordance with Sections 1.11 through 1.13 inclusive.

1.7 Chain Link Construction - Where constructed of chain link, the material of every fence required to be erected and maintained in accordance with Section 1.1 shall be of not less than twelvegauge with diamond mesh not larger than two inches in the case of fences having a height of not less than seventytwo inches and not larger than 1½ inches in the case of fences having a height of less than seventy-two inches; shall be supported by metal psts set in concrete and spaced not more than ten feet apart, and shall, throughout its length, have a taut wire interwoven through the bottom links to prevent the bottom portion of the fence from being raised.

1.8 Wood Construction - Where constructed of wood, the boards of every fence required to be erected and maintained in accordance with Section 1.1 shall be placed vertically not more than 1½ inches apart.

1.9 Minimum Distance from Pool - Every fence required to be erected and maintained in accordance with Section 1.1 shall be located not less than four feet from the edge of the pool. CAUTION - A 5 foot clearance may be required. See excerpt from Zoning Bylaw on page 4.

1.10 Bottom of Fence - The bottom of every fence required to be erected and maintained in accordance with Section 1.1 shall be at grade level.

1.11 Gate Construction - Every gate included in a fence required to be erected and maintained in accordance with Section 1.1 shall be constructed in accordance with the provisions of Sections 1.3 through 1.10 inclusive.

1.12 Gate Closures and Latches - Every gate included in a fence required to be erected and maintained in accordance with Section 1.1 shall be equipped with self-closing and self-latching devices so that when not in use, the gate is at all times closed and latched.

1.13 Self Latching Device Location - The latching device set out in Section 1.12 shall be located at the top of the gate on the pool side.

1.14 Above Ground Pool - Fencing Requirements - Despite the provisions of Sections 1.1 through 1.13 inclusive, in the case of a pool constructed entirely above grade and so constructed that it has no openings, rails or horizontal or diagonal attachments on the outside which would facilitate climbing, only the steps to such pool are required to be fenced and equipped with a gate as hereinbefore provided. The fencing around such steps and the gate shall in all respects comply with the provisions of the Chapter.

1.15 Water Placement Prohibited - No person shall place water in a privately owned outdoor swimming pool or allow water to remain therein unless the fences and gates prescribed in this Article have been erected.

1.16 Compliance - This Chapter shall apply to every privately-owned swimming pool constructed before or after the passing of the enabling bylaw which:

- (a) is designed to operate by attachment to a filtration system; and
- (b) to every pool that has a depth at any part thereof of more than twenty-four inches.

2.1 Permit Required - No privately-owned outdoor swimming pool may be excavated for or erected without a permit as is provided for in this Article.

2.2 Plans Required - Prior to the construction of fences and gates as required in this Chapter, the owner of the swimming pool shall produce and deposit with the Building Inspector, or his or her delegate, plans showing all fences and gates proposed to be constructed, such plans to show the location of such fences and gates and their manner of construction in sufficient detail to permit the Building Inspector or delegate to ascertain whether or not the proposed fences and gates will comply with the provisions of this Chapter.

2.3 Permit Issuance - In the event that the proposed fences and gates comply with the provisions of this Chapter, the Building Inspector or delegate shall, subject to Section 2.5, issue a permit certifying that he or she has approved such plans.

2.4 Permit Issuance for Existing Fence - A permit may be issued for fences and gates as may have been constructed prior to the date of passing of the enabling by-law but which in all respects comply with the provisions of this Chapter.

2.5 Refusal To Issue Permit - The Building Inspector or delegate is authorized to refuse to issue a permit for any fence or gate which, if erected, would be contrary to the provisions of any bylaw of the municipality. By-law 254-1974, 13 November, 1974.

3.1 Fine - Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act. Bylaw 226-1996, 28 October, 1996.

4.1 Effective date of By-law - This Chapter shall come into force and take effect upon the final passing of the enabling bylaw. By-law 254-1974, Nov 13/74.

See also Zoning Bylaw Regulations on reverse side of this page that may affect the location of your pool.

Also note: a private pool having a depth of more than 3.5 metres (11 feet 6 inches) requires a *building permit* (in addition to a pool fence permit).

ZONING BYLAW REQUIREMENTS - POOLS

Please read carefully to determine if this affects the location of your pool.

In addition to the regulations pertaining to Swimming Pool Fences, there are also Zoning Regulations which must be met, as indicated below. The applicant/owner should pay particular attention to the zoning requirement for a 1.5 M (5 feet) side yard setback and rear yard setback.

5.21.1 Below Finished Grade Unenclosed

Swimming pools with the walls of the pool completely below finished grade and not located within a building or structure may be allowed in an interior side yard or a rear yard provided that the walls of the pool are a minimum of 1.5 metres from the interior side or rear lot line and that any filters, pumps or similar operating machines, whether open or enclosed or in an accessory structure, are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 metres from any main building on the lot.

5.21.1 Enclosed and/or Above Finished Grade

- a) Swimming pools located within a building or enclosed structure detached from the main building shall conform to the General Regulations of this (Zoning) By-law relating to "Accessory Uses"; and
- b) Swimming pools located within a building or structure attached to the main building shall be considered part of the main building and shall conform to all regulations of the zone in which it is located

5.213 Above Finished Grade

Swimming pools with any portion of the walls of the pool above finished grade may be located in an interior side yard or a rear yard, provided the walls of the pool are a minimum of 1.5 metres from the interior side or rear lot line and that any filters, pumps or similar operating machines, whether open or enclosed or in an accessory structure, are a minimum distance of 0.6 metres from any lot line and a minimum distance of 3.0 metres from any main building on the lot.

Disclaimer

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