

BY-LAW 63-2008

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO PROVIDE REGULATIONS FOR THE ERECTION, MAINTENANCE, LOCATION, USE AND SAFETY OF SWIMMING POOLS WITHIN THE MUNICIPALITY OF THE CORPORATION OF THE TOWN OF CARLETON PLACE

WHEREAS it is deemed expedient and necessary to regulate the location, erection, construction, maintenance, use of swimming pools and to provide for the general safety and health of the inhabitants within the Town of Carleton Place;

AND WHEREAS authority is vested within the Council of the Town of Carleton Place to exercise such regulations pursuant to *The Municipal Act, R.S.O. 2001, c.25, Section 130*;

AND WHEREAS Section 391 (1) authorizes municipalities to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE, the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. DEFINITIONS

- 1.1 **Approved Closure** means a closure having a self-closing and latching devices and lock, which shall be located at the top and inside of the closure. The closure shall be of such construction and material as to inhibit entrance or exit while the closure is locked.
- 1.2 **Approved Fence** means a fence at least 1.5 metres (5.0 feet) in height and shall be of a close boarded, chain link or other approved design, to reasonably deter children from climbing it to gain access to the swimming pool. No fence may be more than 0.1 metres (4 inches) above finished grade.
- 1.3 **By-law Enforcement Officer** means a By-law Enforcement Officer for the Corporation of the Town of Carleton Place.
- 1.4 **Chief Building Official** means the Chief Building Official for the Corporation of the Town of Carleton Place.
- 1.5 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.6 **Designate** means the designate appointed by the Chief Building Official to enforce the regulations prescribed in this by-law.
- 1.7 **Exterior Side Yard** means a side yard immediately adjacent to a public street extending from the projection of the front wall of the main building or structure on the lot to the rear yard and from the side lot line adjacent to the street to the nearest part of the main building.
- 1.8 **Front Yard** means the space extending across the full width of a lot between the front lot line and the nearest part of any main wall of any building or structure on the lot.
- 1.9 **Gates** shall be such that they provide protection equivalent to the approved fence and shall be equipped with a self-closing and self-latching device and lock located at the top and inside of the gate.

- 1.10 **Inspector** means the Chief Building Official for the Corporation of the Town of Carleton Place, By-law Enforcement Officer or designate approved by the Corporation.
- 1.11 **Interior Side Yard** means a yard extending from the projection of the front wall of the main building or structure on the lot to the rear yard, and from the side lot line to the nearest part of the main building, and providing that such yard is not immediately adjoining a public street.
- 1.12 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.13 **Landscaping Pond** means any privately owned body of water not used for swimming or wading, permanently located outdoors on private property that is capable of containing either in whole or in part, by natural or artificial means said water that has a depth exceeding 0.6 metres (2 feet).
- 1.14 **Lot** means any parcel of land described in a registered deed or shown on a registered plan of subdivision, which is capable of being legally conveyed from one party to another and including any parts of the parcel which is subject to right of easement.
- 1.15 **Lot Line** means the boundary lines of a lot dividing one from another.
- 1.16 **Rear Yard** means a yard extending across the full width of the lot line between the rear lot line of the lot and to the nearest part of the main building or structure on the lot.
- 1.17 **Swimming Pool** means any privately owned body of water permanently located outdoors on private property that is capable of containing, either in whole or in part, by artificial means said water and that has a depth exceeding 0.6m(2ft) at any point; this includes in-ground pools, above-ground pools and ponds but shall not include hot tubs.
- 1.18 **Workmanlike** means to take care and attention to ensure that an object, structure, pool or deck is build to meet *The Ontario Building Code* and has the health, safety and welfare of the users in mind.

2. GENERAL PROVISIONS

- 2.1 Every swimming pool shall be secured against entry by the public as herein after provided.
- 2.2 No person shall construct or maintain an outdoor swimming pool unless there is erected and maintained entirely around such pool an approved fence, except that a wall of a building may be considered to provide adequate protection if all doors located on the wall are able to safely deter access to the pool area.
- 2.3 Every fence enclosing a swimming pool shall be an approved fence as defined in Section 1.2 and shall have approved closures as defined in Section 1.1
- 2.4 A boundary fence on a lot line may be used as a portion of the fence around the pool area providing such parts of the fence comply in all respects to the requirements prescribed in Section 1.2.
- 2.5 No person shall permit or use barbed wire or fencing which carries an electrical current, sharp projections or any other dangerous characteristics either on the outside or the inside, as part of their pool enclosure.
- 2.6 No person shall fill or partially fill, place or allow to remain, water in a swimming pool unless or until the swimming pool has been inspected and approved by the Chief Building Official or designate.

- 2.7 Every indoor swimming pool shall be designed and constructed in accordance with *The Ontario Building Code* and *Ontario Regulation 403/97*.
- 2.8 All entrances and exits to and from an indoor swimming pool shall be provided with doors or other approved closures.
- 2.9 No fencing shall be required around that portion of a swimming pool where the top of the outside wall of the pool is 1.2 metres (4 feet) or more in height above the level of the ground and where such wall is so constructed as to provide for access only by the approved closures.
- 2.10 No person shall permit any part of a swimming pool, including the wall line, to be located closer than 1 metre (3.3 feet) to any rear or side lot line, and may not be permitted in any front yard within the Town of Carleton Place.
- 2.11 No person shall locate a landscaping pond closer than 1 metre (3.3 feet) to any rear lot line or interior side lot line and 3 metres (10 feet) to any front yard lot line.
- 2.12 No person shall locate a swimming pool or landscaping pond closer than 3 metres (10 feet) to any exterior side yard lot line.
 - 2.12.1 Except for a swimming pool located at 31 Lorne Street, the minimum exterior side yard setback shall be 2.5 metres (8.2 feet) provided the pool and/or fencing meets all other requirements of this by-law.
 - 2.12.2 Except for a swimming pool located at 99 Dunham Street, the minimum exterior side yard setback shall be 1.68 metres (5.5 feet) provided the pool and/or fencing meets all other requirements of this by-law.
- 2.13 No person shall permit water circulating or treatment equipment such as pumps or filters to be located closer than 3 metres (10 feet) to any rear or side lot line unless contained within an approved building. (Structure subject to the Development Permit By-law requirements and The Ontario Building Code)
- 2.14 A swimming pool shall not be considered part of the lot coverage provided no part of the pool or its deck/railing protrudes more than 1.5 metres (5 feet) above the finished grade.
- 2.15 No person shall permit any part of a swimming pool within an easement.

3. CONSTRUCTION OF SWIMMING POOL

- 3.1 An indoor or outdoor swimming pool shall be constructed so that:
 - 3.1.1 It is done in a workmanlike manner.
 - 3.1.2 Has a uniform slope not exceeding 1.3 metres (4.3 feet) in 5 metres (16 feet) where the water depth is 1.4 metres (4.6 feet) or less.
 - 3.1.3 It is provided with at least one exit ladder from the deepest end of the pool, where the pool area does not exceed 55 square metres (592 square feet). Where the pool area does exceed 55 square metres (592 square feet), an additional ladder must be provided.
 - 3.1.4 Diving board or diving platform shall be designed and constructed in accordance with *The Ontario Building Code* and *Ontario Regulation 903/97*.

- 3.1.5 When a swimming pool is used at night or is in a place where there is not adequate natural illumination, a lighting system shall be provided to allow clear vision and all lighting must be directed away from the adjacent residential properties.

4. PERMIT FOR CONSTRUCTION OF SWIMMING POOLS

- 4.1 No person shall commence the construction or erection of any new swimming pool or alterations of any existing pool if the costs of said alterations exceed \$500.00, unless and until the person has obtained a permit to do so from the Municipality.
- 4.2 No person shall receive a pool permit without first submitting a completed application, the application fee and the deposit fee prescribed in Schedule AA@.
- 4.3 All applications shall include the plans and specifications of such construction or alteration for a swimming pool to the Chief Building Official. This includes all decking plans, all specifications for guards, joists, footings and other details must be included.
- 4.4 Applications for a swimming pool that do not comply with this by-law may be submitted for consideration for a site-specific by-law amendment, which shall be accompanied by the prescribed fee in accordance with Schedule "A".
- 4.5 The Chief Building Official or designate, at their discretion may add additional requirements for the strength or stability of any pool, or for the safety of the inhabitants, not specifically covered by this By-law.
- 4.6 All electrical work for swimming pools requires a certificate of inspection by the Electrical Safety Authority before a swimming pool may be finally approved and passed by the Chief Building Official.

5. ENFORCEMENT

- 5.1 This By-law shall be enforced by the Chief Building Official, By-law Enforcement Officer or designate.
- 5.2 The Chief Building Official shall review all applications received, allocate all permits, collect fees for the permit, keep a registry of all permits issued and regulate all construction and erection of swimming pools for the general safety and protections of the inhabitants thereof.
- 5.3 The Chief Building Official or designate shall determine and pass on every questions relating to methods of construction and material used in the construction, erection, alteration, or repair of pools and the appendages thereto.
- 5.4 If the Chief Building Official at any point deems the construction of a swimming pool improper, unsafe, unworkmanlike or in contravention of this By-law or any other applicable law, an order to demolish or a stop work order shall be given.
- 5.5 No person shall continue to work on a swimming pool after an order referred to in Section 5.4 has been given unless or until the Chief Building Official has given permission for work to resume.
- 5.6 The serving of an order referred to in Section 5.4 may be carried out by attaching a Notice of Demolition or Stop Work on the premises containing the swimming pool.

5.7 Any person who contravenes any of the provisions of this By-law and the procedure with respect thereto is guilty of an offence and the enforcement and penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act, R.S.O. 1990, Chap. P53* and amendments thereto, and the penalty for the commission of such offence shall be provided for in the *Provincial Offences Act*.

6. VALIDITY

6.1 If any section of this By-law for any reason is deemed invalid, the remaining parts of the By-law shall remain in effect until repealed.

6.2 Where provisions of this By-law conflicts with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevail.

6.3 This By-law shall come into force and take effect upon its passing.

7. SHORT TITLE

7.1 This By-law may be referred to as the Swimming Pool By-law.

8. REPEAL OF BY-LAW

8.1 That By-law No. 32-2005 and amendments thereto governing the location, erection, construction, maintenance and use of swimming pools be and is hereby repealed in its entirety.

READ A FIRST TIME, A SECOND TIME, A THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF OCTOBER 2008

P. Dulmage, Mayor

D.H. Rogers, Clerk

SCHEDULE "A"

By-law 63-2008

PERMIT FEE

Minimum Fee \$100.00

DEPOSIT FEE

Indoor/Outdoor Swimming Pools \$200.00

1.1 Full refund of the deposit will be given if completion of the swimming pool and approval by the Chief Building Official has been given within 12 months of the issuance of the permit.

In the event of the completion of the swimming pool and approval by the Chief Building Official exceeds the 12 month period, the deposit will be retained by the Town.

BY-LAW AMENDMENT FEE

Site-specific By-law amendment \$350.00