

# THE CORPORATION OF THE TOWN OF ESSEX

## BY-LAW # 314

A BY-LAW FOR REQUIRING OWNERS OF PRIVATELY OWNED OUTDOOR SWIMMING POOLS TO ERECT AND MAINTAIN FENCES AND GATES AROUND SUCH SWIMMING POOLS AND FOR PRESCRIBING THE HEIGHT AND DESCRIPTION OF, AND THE MANNER OF ERECTING AND MAINTAINING SUCH FENCES AND GATES.

WHEREAS the Municipal Council of the Corporation of the Town of Essex has deemed it advisable to pass this By-Law pursuant to the provisions of the Municipal Act, R.S.O. 1990, Chapter 302, Section 210, Paragraph 30, and all amendments thereto;

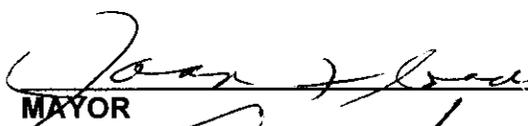
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

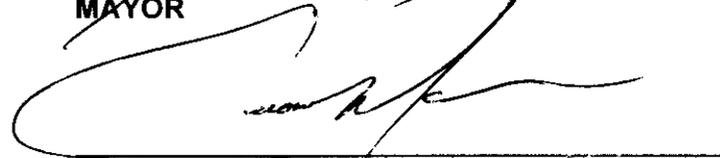
1. In this by-law "SWIMMING POOL" shall mean any artificially constructed pool designed for bathing purposes and without limiting the generality of the foregoing, shall mean pool above or below ground level, or partly above and partly below ground level capable of being filled with water to a depth of sixty centimeters (60 cm) or more.
2. No person shall maintain a privately owned outdoor swimming pool within the Corporate limits of the Town of Essex 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 one hundred and twenty centimeters (120 cm) in height.
  - b) Every fence shall be so constructed that all horizontal or diagonal structural members of the fence shall be located on the inside or poolside of the fence.
  - c) Every fence shall be so constructed that it cannot be used in a manner similar to a ladder.
  - d) A dwelling, house, building or accessory building may be utilized to effectively enclose any pool.
  - e) Every fence shall be so constructed so as to have the only means of access to the pool by gates and/or doors provided that:
    - (i) All gates and doors shall be equipped with a self-closing device and a self-latching device on the side nearest the pool at the top of the gate to the intent that all gates or doors will remain securely closed when the pool is not in use.
    - (ii) Each gate must be equipped with a lock and each gate must be locked when the pool is not in use.
    - (iii) Part (i) shall not apply to the door of any dwelling house which forms part of the enclosure.

- (iv) Where a swimming pool is located above the ground and has sides of 1.2 metres (4 feet) in height or greater, a fence of the above specifications shall not be required except to enclose any appurtenances to the pool such as filter arrangement, decks, stairs or entrance ladders.
  - f) The use of barbed wire in any manner, or any device for projecting an electric current in connection with or through any such perimeter fence is prohibited.
3. No person shall erect or maintain, or cause to be erected or maintained within nine metres (9m) of any roadway intersection, any fence more than seventy centimeters (70cm) in height above the grade level of the roadway, unless the portion exceeding seventy centimeters (70cm) in height is built of wire only and does not obstruct the view of persons approaching such intersection.
  4. 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.
  5. Every person who contravenes any provisions of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.
  6. By-Law #188 is hereby repealed.
  7. This By-Law shall come into force and take effect on the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 4<sup>TH</sup> DAY OF JUNE, 2001.

READ A THIRD TIME AND FINALLY PASSED THIS 4<sup>TH</sup> DAY OF JUNE, 2001.

  
MAYOR

  
CLERK

TOWN OF ESSEX BY-LAW # 314

A BY-LAW FOR REQUIRING THE OWNERS OF PRIVATELY OWNED SWIMMING POOLS IN THE TOWN OF ESSEX TO  
ERECT AND MAINTAIN FENCES AND GATES AROUND SUCH SWIMMING POOLS.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (Including costs)
1.	Fail to properly fence/enclose privately owned swimming pool	2	\$105.00
2.	Erect/cause to be erected improper fence within 9 metres of roadway intersection	3	\$105.00
3.	Maintain/caused to be maintained improper fence within 9 metres of roadway intersection	3	\$105.00

NOTE: The penalty provision(s) for the offences indicated above is Section 5 of By-Law # 314, as Amended, a certified copy of which has been filed.



**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 314 of The Town of Essex, attached hereto is the set fine including costs, for those offences. This Order is to take effect June 29, 2001.

Dated at London this 29<sup>th</sup> day of June, 2001.



Donald Ebbs  
Regional Senior Justice  
West Region

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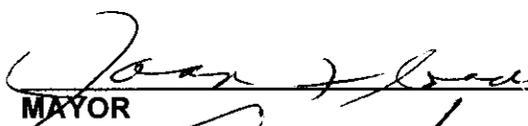
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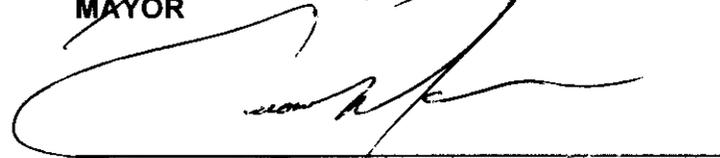
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