

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 33-88

BEING A BY-LAW TO REGULATE FENCES AND TO
REQUIRE FENCES AROUND SWIMMING POOLS.

WHEREAS Section 210 (23) of the Municipal Act authorizes Council to pass
by-laws to require fences around swimming pools.

AND WHEREAS Section 210, subsections 21, 16 and 33 authorizes the Council
to pass by-laws to regulate the construction of fences.

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) "City" shall mean the City of North Bay
 - (b) "Chief Building Official" means the Chief Building Official appointed by the council of 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) "Front Yard" means a yard extending across the full width of the lot between the street line and the face of the building and includes the entire flankage on corner lots;
 - (e) "Gate" shall mean a swinging or sliding barrier used to fill or close an access and includes a door;
 - (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. (1) No person shall construct or maintain or cause construction or maintenance of a fence without a permit from the Chief Building Official.
- (2) The fee for a fence permit shall be \$10.00.
3. No person shall erect, construct, alter or maintain a fence containing barbed wire, electricity or any other material where there is a possibility that any person may be injured thereby.
4. A fence shall be erected in compliance with regulations as set forth by the zoning by-laws and/or any other by-law which applies to a fence or fences.
5. No fence in a residential area:
 - (a) shall exceed four feet (4') in height when located in a front yard;
 - (b) shall exceed six feet (6') in height when located in the side yard or rear yard;
6. Every fence shall be so constructed as to permit at least 25% passage of light and air.

7. Where commercial or industrial areas abut on residential zones, the fence shall be constructed in accordance with the requirements of Section 5 hereof.
8. (1) No fence in a commercial or industrial area shall exceed:
 - (a) a maximum of six feet (6') in height in the front yard, and
 - (b) a maximum of eight feet (8') in height in the rear yard.
- (2) Every fence shall be so constructed as to permit at least 25% passage of light and air.
9. (1) Every private swimming pool shall be protected by a fence according to the terms of this section.
- (2) No person shall construct, use or maintain or cause construction, use or maintenance of 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 section.
- (3) Every fence constructed or used to enclose a private swimming pool including gates therein, shall extend from the ground to a height of not less than forty-eight inches (48").
- (4) A fence forming part of such private swimming pool enclosure:
 - (i) shall be vertically boarded wood 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.
- (5) Gates forming part of such private swimming pool
 - (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.
- (6) The provisions of this 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 (4') above the grade of the ground abutting such walls provided that the exterior surface of the walls are so constructed as not to facilitate climbing and each entrance to the pool is protected with a gate complying with the requirements of subsection (5).

- (7) A fence erected on the property lines which complies with the provisions of this section shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located.
- (8) A wall or walls of a building or buildings may form part of such swimming pool 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.
- (9) The provisions of this section shall apply to all private swimming pools regardless of the date of construction of such swimming pool.
- (10) Where,
 - (a) the owner of the land upon which a private swimming pool is constructed, used or maintained has not constructed or maintained a fence according to the terms of this section, and
 - (b) the owner has been given 24 hours notice in writing by personal delivery or 5 days notice by registered mail of the default in compliance with the terms of this section;

then the Director of Planning and Development may at the expense of the landowner undertake such work as is required to remedy the default on an emergency basis.

- (11) The municipal corporation may recover the expense incurred under subsection 10 hereof by action or in like manner as municipal taxes.

- 10. Any person convicted of a breach of any provision of this by-law shall be guilty of an offence and shall pay a fine of not more than Five Hundred Dollars (\$500.00) which shall be recoverable under the Provincial Offences Act.
- 11. This by-law shall be enforced by the Chief Building Official.
- 12. By-law No. 48-72 and section 16 of By-law ³²~~38~~-72 are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 14TH DAY OF MARCH , 1988.

READ A SECOND TIME IN OPEN COUNCIL THE 28th DAY OF MARCH , 1988.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 28th DAY OF MARCH , 1988.


MAYOR


CITY CLERK