

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

By-Law No. 2022-37

Being a By-Law to amend the Township of Chapleau's
Approved Zoning By-law 2013-11, as amended, to Regulate Pools

WHEREAS authority is granted under Section 34 of the Planning Act, Chapter P.13, R.S.O. 1990;

AND WHEREAS the Council of the Township of Chapleau deems it necessary and expedient to amend By-law 2013-11 with respect to fences and gates around swimming pools;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Chapleau enacts as follows:

1. Section 4 DEFINITIONS be amended by adding the following new definitions and same be inserted in alphabetical order:

“Fence shall mean a fence, wall or other like structure and includes Gates:

Gate shall mean the part of a Fence which provides access through the Fence line;

Ground Level shall mean the highest level of the ground at any point around the exterior of a Swimming Pool or around the exterior side of a Fence;

Lock shall mean a keyed or combination lock and "Locked" has a corresponding meaning.

Owner shall mean the owner, tenant, lessee or other person in care and control of the property;”

2. That Paragraph 2 of Section 6.3 be deleted in its entirety.
3. That the following be inserted after Section 6.3 and before Section 6.4 and that all subsequent sections be renumbered accordingly:

6.4 Swimming Pools and Hot Tubs

6.4.1 No Person shall excavate for, install, construct or erect a Swimming Pool in the Township of Chapleau without a permit to do so issued by the Township.

6.4.2 No Swimming Pool permit shall be issued unless the Site Plan for such Swimming Pool and any change made thereto is approved by the Chief Building Official.

6.4.3 Permit Application

Every Person applying for a Swimming Pool permit shall provide to the Chief Building Official:

- a) A Site Plan for the proposed construction of the Swimming Pool and Fence
- b) A completed application form as provided by the Chief Building Official;
and
- c) The applicable permit fee.

6.4.4 Water in Swimming Pools

No Person shall place water in or allow water to remain in a Swimming Pool when the Swimming Pool is not surrounded by a Fence which is in full compliance with all provisions of this By-law.

6.4.5 Fence

Every Swimming Pool shall ensure that a Fence is erected and maintained surrounding such Swimming Pool and in every case the Fence shall:

- a) Where the Swimming Pool is located on the property of a single-detached or semi-detached dwelling, have a height of not less than 1.5m (4 feet, 11 inches) measured from Ground Level to the top of the Fence; or
- b) Where the Swimming Pool is located on property other than that of a single-detached or semi-detached dwelling, have a height of not less than 1.8m (5 feet, 11 inches) measured from Ground Level to the top of the Fence. Notwithstanding the above, a Fence surrounding a Swimming Pool is not required where the Swimming Pool is an above-ground Swimming Pool and where:
 - i) The vertical sides of the Swimming Pool and any deck or other assembly forming part of the Swimming Pool are the same minimum height as the Fence height.
 - ii) Is located at least 0.5m (1 foot, 8 inches) away from any other Fence or other permanent object that may facilitate climbing of the Swimming Pool Fence;
 - iii) Is erected and maintained in a structurally sound condition so as to prevent access to the Swimming Pool when the Swimming Pool is not in use;
 - iv) Has a maximum opening of 0.1m (4 inches) between the bottom of the Fence and the ground at any point directly below the Fence;
 - v) Where such Fence is chain link, does not have diamond mesh greater than 5 cm (2 inches) per link;
 - vi) Does not have any barbed wire forming any part of the Fence or forming any appurtenance thereto;
 - vii) Is not capable of projecting electric current through any portion of the Fence or any appurtenance thereto;
 - viii) Where such Fence is constructed with vertical members, the maximum opening between each vertical member is 0.1m (4 inches); and
 - ix) Is constructed and maintained in such a manner so as to prevent the climbing thereof.

Notwithstanding the above, the Swimming Pool Fence may be constructed within 5m (1 foot, 8 inches) of another Fence or other permanent object provided that the height of the Swimming Pool Fence is authorized by the Chief Building Official and such authorization is entered on the Site Plan or on the permit issued by the Township.

Where any horizontal members of the Swimming Pool Fence are less than 1.2m (3 feet, 11 inches) apart, the maximum opening between the vertical members of the Fence shall be 5 cm (2 inches).

6.4.6 Requirements pursuant to Sections 6.4.5

- a) Such vertical sides and assemblies are constructed and maintained in such a manner to prevent the climbing thereof; and
- b) Any ladder or stair assembly providing access to the Swimming Pool or to any deck or other assembly forming part of the Swimming Pool is hinged and constructed in a manner so as to be latched in an upright position thereby preventing entry to the Swimming Pool.

6.4.7 Hot Tubs

Notwithstanding Section 6.4 of this By-Law, when any Swimming Pool is a hot tub, the Owner of such Swimming Pool shall ensure that:

- a) All Fence provisions of this By-law are complied with; or
- b) Such hot tub is fitted with a lid or cover that withstands human weight without collapse and such lid or cover is Locked in place at all times when the hot tub is not in use.

6.4.8 Gates and Ladders

Every Owner of a Swimming Pool shall ensure that:

- a) Every Gate is equipped with a self-closing mechanism and a self-latching device and such mechanisms and devices are in proper working order at all times;
- b) Every self-latching device is installed on the Swimming Pool side of each Gate near the top of the Gate and such device is at least 1200mm (3 feet, 11 inches) above Ground Level;
- c) Every Gate is Locked at all times when the Swimming Pool or pool area is not being used; and
- d) Where the Swimming Pool is an above-ground Swimming Pool, every ladder or other stair assembly providing access to the Swimming Pool is Locked in the upright position at all times when the Swimming Pool is not being used.
- e) Notwithstanding the above, a self-closing mechanism shall not be required on a Gate where such mechanism is deemed by the Chief Building Official as not practical for the type of Fence and Gate being used; however in all such cases, every Owner of a Swimming Pool shall install and maintain comparable hardware as indicated by the Chief Building Official on the Site Plan or the permit issued by the Township.

6.4.9 Exemption

A permit shall not be required under this By-law for any Swimming Pool for which a permit has been issued by the Township prior to the passing of this By-Law provided that the Swimming Pool Fence was constructed in compliance with the By-Law under which such permit was issued and continues to be maintained in a safe and sound condition.”

- 4. That all other provisions of By-Law 2013-11 shall remain in full force and effect.
- 5. That this by-law shall come into force and take effect the 30th day of May 2022.

Read a FIRST, SECOND and THIRD time and FINALLY passed this 30th day of May, 2022

Mayor



Clerk

