



## **THE CORPORATION OF THE TOWN OF GODERICH**

### **BY-LAW NO. 5 OF 2009**

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#### **BEING A BY-LAW TO AMEND BY-LAW 36 of 1994**

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**WHEREAS** By-Law 36 of 1994 is a By-Law to prescribe the height and description of fences within the Town of Goderich including fences enclosing privately owned outdoor swimming pools;

**AND WHEREAS** section C. 1 Pool Fence Certificates reads as follows;

It shall be the duty of every owner of a privately owned outdoor swimming pool to obtain a certificate, within 30 days of construction of the fence, from the Building Inspector stating that the fence around such pool has been inspected and has been found satisfactory. It shall further be the duty of an owner of every privately owned outdoor swimming pool to ensure that an inspection is made every even year, i.e. 1994, 1996, 1998, etc, by the Building Inspector or his agent and that the certificate is updated accordingly.

**AND WHEREAS** Council authorized that the last line in Section C.1 be removed;

**NOW THEREFORE** the new Section C. 1 Pool Fence Certificates, will read as follows;

It shall be the duty of every owner of a privately owned outdoor swimming pool to obtain a certificate, within 30 days of construction of the fence, from the Building Inspector stating that the fence around such pool has been inspected and has been found satisfactory.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12<sup>TH</sup> DAY OF JANUARY, 2008.**

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**MAYOR, Deb Shewfelt**

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**CLERK, Larry J. McCabe**

**THE CORPORATION OF THE TOWN OF GODEICH**  
**BY-LAW 36 OF 1994**

A by-law to prescribe the height and description of fences within the Town of Goderich including fences enclosing privately owned outdoor swimming pools.

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**WHEREAS** pursuant to the Provisions of the Municipal Act R.S.O. 1990, Chapter M45, Section 210 (30) by-laws may be passed by Councils of local municipalities prescribing the height and description of lawful fences.

**AND WHEREAS** it is deemed expedient to enact such a by-law.

**NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:**

A. DEFINITIONS:

1. For the purpose of this by-law a fence is defined as any structure of posts and board, wood, wire, plastic, concrete, stone, metal or any combination thereof along any street, or separating or purporting to separate any parcel of land from the parcel of land immediately adjacent thereto.
2. For the purpose of this by-law a privately owned outdoor swimming pool shall mean any privately owned, constructed, or fabricated pool used for swimming, wading, diving, or bathing, which would, when filled contain a depth of 60 cm. or more of water and whether or not the same is constructed above, at, or below ground level.

B. PROVISIONS:

1. The maximum height of a fence in the front yard shall not exceed 1.30 m.
2. Barbed wire may only be used on the top and to the inside of fences enclosing commercial or industrial uses.
3. On a corner lot, no fence or hedge shall be constructed or maintained which obstructs the view of a driver of a vehicle approaching the intersection and which is located within 9 metres of the intersection of the intersecting property lines of the corner lot.
4. No fence or hedge be erected closer than one metre to a public sidewalk.
5. In the case of a fence enclosing a privately owned outdoor swimming pool, the following shall apply:
  - a) That the owner, of any lands on which a privately owned outdoor swimming pool is located or erected in the Town of Goderich shall, within 30 days of construction or prior to filling the pool with water, whichever occurs first, install and maintain in good order, a fence around the entire swimming pool area, the purpose of such fence being to render the pool area inaccessible to small children acting on their own.
  - b) The fence referred to in Subsection 5 (a) shall have no attachments on the exterior face such as horizontal or diagonal bracing, horizontal rails or other members which would facilitate climbing and the said fence shall honour the following specifications;
    - i. The said fence shall have a minimum height of 1.50 metres with a maximum clearance between the bottom of the fence and grade of 8 cm.
    - ii. That the proposed fence shall be approved by the Building Inspector. This approval shall be obtained by the owner before a Building Permit to install the desired pool may be issued.

- iii. That the use of barbed wire in any manner connected with such fence or any device for projecting electric current through such fence is prohibited.
- iv. That gate or gates be equipped with a lock or latch, which is inaccessible to small children, and shall be locked or latched at all times except when fenced area is being used by the owner of the land on which it is located or by his duly authorized agent.
- v. In the event that a pool is filled before the same is permanently fenced, a temporary fence, properly supported may be accepted for a period of time not to exceed 30 days. Such fence to be inspected and approved by Building Inspector prior to filling of pool.

C. POOL FENCE CERTIFICATES:

1. It shall be the duty of every owner of a privately owned outdoor swimming pool to obtain a certificate, within 30 days of construction of the fence, from the Building Inspector stating that the fence around such pool has been inspected and has been found satisfactory. It shall further be the duty of an owner of every privately owned outdoor swimming pool to ensure that an inspection is made every even year, i.e. 1994, 1996, 1998, etc. by the Building Inspector or his agent and that the certificate is updated accordingly.
2. That the owner of any privately owned outdoor swimming pool which has not been fenced in accordance with the provisions of this by-law shall upon demand made whether orally or in writing by the Building Inspector of the Town of Goderich forthwith drain the said pool and, if the said pool has not been drained within twelve hours after delivery of said notice, the servants or agents of the Corporation of the Town of Goderich may enter upon the said land and drain the said pool at the owner's expense.
3. That the provisions of this by-law shall be applicable to all privately owned swimming pools constructed in the Town of Goderich, whether before or after the date of the final passing of this by-law and in the case of all privately owned swimming pools constructed before the passing of this by-law, the owner thereof shall, within thirty days of the final passing of this said by-law, comply with the provisions thereof. Provided, however, that in the case of any privately owned outdoor swimming pool constructed prior to the final passing of this by-law, if such fence is found to be adequate for the protection of small children by the Building Inspector it shall be permitted to remain or if such fence be found inadequate for such protection of small children, the owner thereof shall within thirty days of demand made on him by the Building Inspector, make such necessary changes as are necessary to insure the safety of small children.

D. OFFENSE:

No person shall construct, install or maintain, within the Town of Goderich, any fence or hedge in contravention of the provisions of this by-law.

E. PENALTIES:

Any person who contravenes a portion of this by-law is guilty of an offence and on conviction is liable for a fine as provided in Section 61 of the Provincial Offences Act.

F. GENERAL:

This by-law shall take effect as of the day of its final passing and By-Law #70 of 1984 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS TWENTY-SEVENTH DAY OF JUNE, 1994.**

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MAYOR

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CLERK