

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW NO. 2012-10

A BY-LAW TO AMEND BY-LAW NO. 98-47 BEING A BY-LAW REQUIRING OWNERS TO FENCE PRIVATELY OWNED SWIMMING POOLS

WHEREAS Section 7 of the Building Code Act, R.S.O. 1990, c.B.13, as amended, empowers municipalities to pass by-laws respecting building permits and the issuance thereof;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction including but not limited to structures, including fences and signs;

AND WHEREAS it is deemed necessary to require fencing of above ground pools in certain circumstances;

NOW THEREFORE the Municipal Council of the Municipality of West Elgin ENACTS AS FOLLOWS:

1. That By-law 98-47 be amended by adding the following section:

SECTION 5A – ABOVE-GROUND SWIMMING POOLS

Section 5 does not apply to an above-ground pool if the pool complies with the following standards:

- (i) The pool wall shall be equal or greater than 1.2 metres above grade;
- (ii) A guard not less than one metre high is provided around any platform or deck;
- (iii) The outside of the swimming pool structure and any guard is free of any element or attachment that may facilitate climbing;
- (iv) No part of the swimming pool structure is closer than 1.2 metres to any lot line; and
- (v) The point where a user of the above-ground pool gains access to the pool is protected by a gated enclosure which complies with the requirements for swimming pool fences as set out in Section 5 inclusive.

2. That Schedule "A" of By-law 98-47 is hereby deleted.
3. That Schedule "A", "Application for Swimming Pool Enclosure Permit", attached hereto and forming parting of this by-law, is hereby adopted.
4. That fees for swimming pool enclosure permit shall be in accordance with the Fees and Charges By-law – Building, as amended from time to time.
5. That this by-law shall come into force and effect upon final passing thereof.

READ A FIRST AND SECOND TIME THIS 9th DAY OF FEBRUARY, 2012

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF FEBRUARY, 2012.

"Bernie Wiehle"
MAYOR

"Norma I. Bryant"
CLERK

SCHEDULE 'A' TO BY-LAW NO. 2012-10

MUNICIPALITY OF WEST ELGIN

APPLICATION FOR SWIMMING POOL ENCLOSURE PERMIT

Location of Site: _____

Owner: _____

Address: _____

Telephone: _____ (Home) _____ (Work)

Zoning _____ Corner Lot (Yes/No) _____ Pool Size _____

Distance from lot lines: Rear _____ Side _____ Side _____

Pool Type: In Ground _____ Above Ground _____ Type of Fence _____

Damage Deposit _____ Lot Grading Deposit _____

DECLARATION

I, _____ of the _____ of _____

MAKE OATH AND SAY THAT: I am (the owner/authorized agent of the owner) of the above named property; that I have personal knowledge of the particulars above stated; and that all the information and statements given on this Application, and on the drawings and specifications are to the best of my knowledge and belief true.

- 1) I understand that the issuance of a permit shall not be deemed a waiver of any of the provisions of any By-laws of the Municipality of West Elgin, or other legal requirements notwithstanding anything included or omitted from this Application or supporting documents.
- 2) I have read and understood By-law 98-47 as amended and how it pertains to the pool fence by-law.
- 3) I acknowledge that the Permit may be revoked if it was issued on mistaken or false information, or if there is any deviation, without approval from this application, or if other legal requirements are subsequently no fulfilled.
- 4) I further acknowledge that if the permit is legally revoked there shall be no right of claim against the Municipality of West Elgin and any other such claim is hereby expressly waived.
- 5) I further understand that issuance of a permit or subsequent inspection and approval does not commit the Municipality of West Elgin to guaranteeing compliance or to relieve the owner of any duty or obligation legally required in this matter.

Signature of Applicant

Date _____ C.B.O. _____ PERMIT NO. _____