

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2014-12

BUILDING: (B1) A by-law to regulate private swimming pools, the plumbing therein, and their surrounding fences within The Corporation of the City of Sault Ste. Marie.

WHEREAS Section 10(2)(10) of the *Municipal Act, 2001*, S.O. 2001, C. 25 allows for the Council of a municipality to pass a by-law prescribing the standards for any structures, including fences and signs;

AND WHEREAS on May 31, 1976, the Council of The City of Sault Ste. Marie enacted By-law 76-185 which, among other building matters, prescribed standards for private swimming pools, the plumbing therein, and their surrounding fences;

AND WHEREAS on January 9, 2012, the Council of The City of Sault Ste. Marie repealed By-law 76-185;

AND WHEREAS the Council of The City of Sault Ste. Marie is desirous of prescribing standards for private swimming pools, the plumbing therein, and their surrounding fences;

NOW THEREFORE the Council of The City of Sault Ste. Marie hereby **ENACTS** the following:

1. DEFINITIONS

In this by-law:

“Backflow Preventer” means a device used in a water supply pipe which:

- (a) incorporates two (2) or more check valves to prohibit the reverse flow of water, irrespective of pressure differentials, where the maximum working pressure is not exceeded; and
- (b) contains integral safeguards to make it fail-safe in the event of a malfunction of one (1) or more check valves;

“Chief Building Official” means the Chief Building Official for The Corporation of the City of Sault Ste. Marie, or his/her designate;

“City” means the Corporation of the City of Sault Ste. Marie;

“Fence” means a barrier constructed of chain-link metal, wood, stone, metal, or any material having an equivalent degree of strength;

“Gate” means a swinging or sliding barrier used to fill or close a means of access, and includes a door;

“Owner” means a person or persons who are the owner(s) and/or lessee(s) of premise that contains a Private Swimming Pool;

“Private Swimming Pool” means a privately owned outdoor pool of water contained in whole or in part by artificial means, other than:

- (a) a bathing beach;
- (b) a natural bathing area; or
- (c) any outdoor body of water contained in whole or in part by artificial means in which the depth of the water at its deepest point is no more than 0.61 metres;

“Private Swimming Pool Area” means an area on a single piece of property that contains a Private Swimming Pool; and

“Public Utilities Commission” means PUC Services Inc. (PUC).

2. FENCE REQUIREMENTS

- (a) No person shall construct or maintain a Private Swimming Pool in the City, unless:
 - i. the entire Private Swimming Pool Area is enclosed by a Fence in compliance with the requirements of this by-law;
 - ii. a Building Permit for a Fence has been issued by the Chief Building Official; and
 - iii. a Building Permit for the Private Swimming Pool has been issued by the Chief Building Official.
- (b) A Building Permit for a Private Swimming Pool shall not be issued until a Building Permit for a Fence as described in Section 2(a) of this by-law has been issued.
- (c) A Fence enclosing a Private Swimming Pool Area, including any Gate(s) therein, shall extend from the ground to a height of not less than 1.5 metres, and shall not exceed the maximum height permitted for fences under the Zoning By-law 2005-150. For the purpose of this Section, “height” means the distance between the grade at any particular location and the highest part of the Fence at that location.
- (d) A wall or walls of a building or buildings may form part of such a Fence enclosing a Private Swimming Pool Area provided that all doors affording access from the building directly into the enclosure for the Private Swimming Pool, except doors providing access directly out of a dwelling unit, are equipped with a self-closing and self-latching mechanism located at least 1.5 metres above the bottom of the door.
- (e) A Fence as described in Section 2(a) of this by-law:
 - i. shall be of vertically boarded wood construction, solid wood construction, 3.8 centimetre chain-link construction, masonry, plastic or metal construction or any other materials of an equivalent degree of strength and safety, as permitted by the Chief Building Official, excepting horizontal basket weave fencing;
 - ii. shall have no rails or other horizontal or diagonal bracing or attachments that may facilitate climbing, other than on the inside of the Private Swimming Pool Area enclosed by the Fence. This Section shall not apply to prevent the construction or maintenance of a Fence containing horizontal rails or bracing members which are spaced a minimum of 0.81 metres apart;
 - iii. shall be so constructed that all horizontal or diagonal structural members of the Fence are located on the Private Swimming Pool side of the Fence;
 - iv. shall have no opening with a horizontal dimension greater than 3.8 centimetres;
 - v. shall be so constructed that it cannot be used in a manner similar to a ladder on the exterior side of the Fence that encloses the Private Swimming Pool Area;

- vi. shall contain no barbed wire;
 - vii. shall contain no device for projecting electric current through the Fence;
 - viii. shall be constructed to have the only means of entry be by Gate(s), constructed in compliance with this by-law;
 - ix. shall not be located closer than 1.2 metres to any structure that facilitates climbing; and
 - x. shall not be located closer than 1.2 metres to the Private Swimming Pool's edge.
- (f) A Gate as described in Section 2(e)viii of this by-law:
- i. shall be of construction and height equivalent to that required for the Fence;
 - ii. shall be supported by substantial hinges;
 - iii. shall be equipped with a self-closing and self-latching mechanism placed at the top and on the Private Swimming Pool side of the Gate; and
 - iv. shall be locked except when the Private Swimming Pool Area is being used or supervised by the Owner or other adult person authorized by the Owner to supervise the use of the Private Swimming Pool.
- (g) During construction of the Private Swimming Pool or of the Fence required under this by-law, if access to the Private Swimming Pool Area is not restricted in accordance with this by-law, snow fencing shall be erected around the future Private Swimming Pool Area until completion.
- (h) Foliage or a vegetative barrier of any kind shall not be sufficient to meet the requirements of Section 2(a) of this by-law.

3. **EXCEPTION**

The provisions of this by-law requiring the erection of a Fence shall not apply if:

- (a) the outside walls of the Private Swimming Pool are elevated at least 1.2 metres above grade, with such grade extending level or away from the Private Swimming Pool in all directions a minimum distance of 60 centimetres;
- (b) the exterior surface of the walls of the Private Swimming Pool are smooth and vertical;
- (c) each entrance to the Private Swimming Pool Area is protected by a Gate complying with the requirements of this by-law; and
- (d) any ladder/stairs providing access to the Private Swimming Pool shall be removed or locked in a position so that the ladder/stairs cannot be used, any time when the Owner or other adult person authorized by the Owner to supervise the use of the Private Swimming Pool is not present.

4. EQUIPMENT

No mechanical equipment used in the operation of any Private Swimming Pool shall be installed or operated in such a manner as to become obnoxious, offensive or dangerous by reason of the emission of any odour, noise, gas fumes or refuse water.

5. PLUMBING REQUIREMENTS

- (a) Where the orifice of a faucet, spout or distribution pipe supplies water to a Private Swimming Pool, an operational Backflow Preventer shall be connected to such an orifice.
- (b) Where a Private Swimming Pool is supplied, either directly or indirectly through devices, with water from a permanent potable water supply line, such permanent potable water supply line shall be equipped with an operational Backflow Preventer.
- (c) All water discharged from a Private Swimming Pool shall be discharged into a City approved drainage ditch, curb and gutter, or storm sewer. In no event shall any water so discharged be discharged in a way that could result in flood damage to any private property or property owned by the City.

6. POWER LINES

If the Private Swimming Pool Area is beneath any overhead power lines, the Owner shall obtain written approval for the overhead clearance of the Private Swimming Pool from the PUC and provide same to the Chief Building Official prior to the issuance of a Building Permit for the Private Swimming Pool.

7. APPLICATION

- (a) This by-law applies to all Private Swimming Pools regardless of the date of construction of the same.
- (b) Notwithstanding Section 7(a), Fences and Gates which are constructed around a Private Swimming Pool, where the Fences, Gates and Private Swimming Pool all existed on or before June 16, 1975, which are less than 1.5 metres in height, but more than 1.2 metres in height, shall be deemed to meet the requirements of Section 2(c) of this By-law.

8. ENFORCEMENT

This by-law shall be enforced by the Chief Building Official.

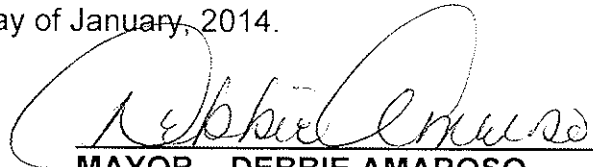
9. PENALTY


Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

10. Effective Date

This by-law takes effect on the day of its final passing.

PASSED in open Council this 6th day of January, 2014.


MAYOR – DEBBIE AMAROSO


~~CITY CLERK – MALCOLM WHITE~~
Deputy City Clerk - Rachel Tyczinski