

THE CORPORATION OF THE  
TOWNSHIP OF BLANDFORD-BLENHEIM

BY-LAW NUMBER 1705-2011

Being a By-law to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools and to provide for the issuance of a permit therefore.

**WHEREAS**, pursuant to paragraph 30 of Section 210 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, a By-law may be passed to issue permits for swimming pool fences and to prescribe safety standards for privately owned outdoor swimming pools.

**NOW THEREFORE** the Council of the Corporation of the Township of Blandford-Blenheim enacts as follows:

1. That no person shall construct, erect, maintain or keep within the Township of Blandford-Blenheim any fence in contravention of the provisions of this by-law unless such fence was erected in compliance with the predecessor of this by-law and is not moved, altered, or enlarged in any way.
2. Definitions
  - a. Building Line shall mean the regulatory or established building line as defined by the applicable zoning by-law affecting this property.
  - b. Building Envelope means that area of a lot within which a principal building could be constructed in compliance with the site development specifications as outlined in the applicable zoning by-law.
  - c. Farm Fence shall mean a fence erected for the purpose of containing livestock, enclosing crops, water areas, woodlots, buildings, fields or laneways for the operation of agriculture.
  - d. Fence shall mean a structure of vertical, horizontal, or diagonal members or any combination thereof, erected as a barrier, enclosure or demarcation outside the building envelope. A hedge shall not be used as a fence for the purpose of this by-law.
  - e. Fence Height shall mean the measurement from the base of the fence at grade of the highest adjacent ground to the finished top of the fence.
  - f. Front Lot Line shall mean the lot line that divides the lot from the street.

- g. Inflatable Pool shall mean a pool, as defined in this By-law, consisting of an air supported structure that contains or is capable of containing water with a depth of 76.2 cm (2'-6") or more at any point.
- h. Privately-Owned Outdoor Swimming Pool shall mean a swimming pool having a water depth of 76.2 cm (2'-6") or more at any point and is located on private property under the control of the owner or occupant, which has been designed for swimming, wading, diving, or bathing, but shall not include an existing natural body of water or watercourse in the areas zoned agricultural, rural residential, residential existing development, recreational or open space in the applicable zoning by-law, but shall include an inflatable pool.
- i. Shadow Fence shall mean a fence consisting of alternating vertical boards on both sides of a top and bottom rail.
- j. Snow Fencing shall mean a fence commonly used for the control of snow.

3. Fencing of Privately-Owned Outdoor Swimming Pools

No person shall construct or maintain a privately-owned outdoor swimming pool unless the pool or the land on which such pool is located is properly fenced or enclosed in accordance with the following provisions and Schedule "A":

- a. Every such fence shall not be less than 1.52 m (5'-0") in height;
- b. Every such fence shall be so constructed that all horizontal or diagonal members shall be located on the pool side of the fence;
- c. Every such fence shall be composed of:
  - i. Chain link construction 50 mm x 50 mm (2" x 2") maximum mesh; or
  - ii. Vertical members where the spacing between such vertical members is greater than 25 mm (1") but no greater than 50 mm (2") and the horizontal rails are a minimum of 1.1 m (3'-6") apart;
  - iii. Vertical members where the spacing between such vertical members is no greater than 25 mm (1");
  - iv. Shadow fencing where the spacing between the vertical members does not exceed the width of the member being used and the horizontal rails are a minimum of 1.1 m (3'-6") apart;

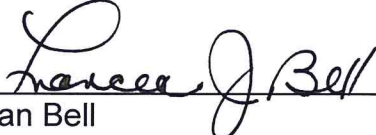
- v. The use of wood lattice is permitted for the top portion of any of the fence types mentioned in Section 3 (c) (ii), (iii) and (iv) of this By-law, as follows:
  - a. Where the fence is a maximum height of 1.52 m (5'-0"), wood lattice for the top portion shall not exceed 300 mm (1'-0");
  - b. Where the fence is a maximum height of 1.8 m (5'-11"), wood lattice for the top portion shall not exceed 600 mm (2'-0").
- vi. Above Ground Pools and In-ground Pools
  - a. Above Ground Pools – A vertical iron bar / PVC / wood fence shall be permitted for protection on the upper portion of an above ground pool provided the sides of the pool are a minimum of 1.1 m (3'-6") above grade and the spacing of the bars do not exceed 100 mm (4"), centre to centre. Refer to Schedule "B".
  - b. In-ground Pools – A vertical iron bar fence shall be permitted for protection of in-ground pools provided the spacing of the bars does not exceed 100 mm (4"), centre to centre, and all horizontal rails are a minimum 1.1 m (3'-6") apart. Refer to Schedule "B".
- d. Where the fence required for a privately-owned outdoor swimming pool will abut an existing embankment, retaining wall, fence or structure, or thing such that the protection provided by the separation is negated, the minimum separation of 1.52 m (5'-0") is required as shown in Schedule "B".
- e. Every such fence shall be constructed so that the only means of entry is by gates of not less than 1.52 m (5'-0") in height and such gate shall be equipped with a self-closing and self-latching device.
- f. Every self-latching device shall be located on the pool side of the fence at the top of the gate and shall work with the self-closing device to keep the gate securely closed.
- g. A dwelling, or accessory building, or part thereof, may be used to enclose a pool, providing the dwelling, or accessory building, or part thereof, is located 1.52 m (5'-0") away from the pool. Where a wall of a building forms part of an enclosure it may be considered to provide adequate protection for its length when substituted for any portion of a fence. All doors located in such wall shall be equipped with locks and self closing and latching devices, and the building is continuously occupied or all doors are locked when it is not occupied.

- h. In the case of an above ground privately-owned swimming pool; where the walls of the pool satisfy all of the requirements otherwise requires for fences which enclosed swimming pools, no other fence is required. The above ground privately-owned swimming pool shall be equipped with a self storing ladder and the pool pump shall be a minimum of 1.52 metres (5'-0") from the above ground privately-owned swimming pool.
    - i. Where two pools have been installed on adjacent lots, the fence separating such pools shall be a minimum of 1.52 m (5'-0") in height.
4. No person shall excavate for, erect or construct a privately-owned outdoor swimming pool without first submitting the following plans and obtaining a permit:
  - a. A plot plan showing the location of such pool and all other structures on the lot and within 1.52 m (5'-0") of any adjacent lot;
  - b. The types of materials to be used for fencing and gates as well as the height and construction design.
5. All pools, including pool accessories such as sheds, etc. shall comply with the appropriate zoning provision of the Township of Blandford-Blenheim Zoning By-law 1360-2002, as amended.
6. The use of any device for projecting an electric current through or in conjunction with a fence is prohibited except on farm fences in any agricultural zone as defined by the applicable zoning by-law.
7. That this By-law shall come into force and effect on the final passing thereof.
8. By-law Number 413-81 enacted the 13th day of July, 1981, is hereby repealed.

By-law **READ** a **FIRST** and **SECOND** time this 7<sup>th</sup> day of December, 2011.

By-law **READ** a **THIRD** time and **ENACTED** in Open Council this 7<sup>th</sup> day of December, 2011.

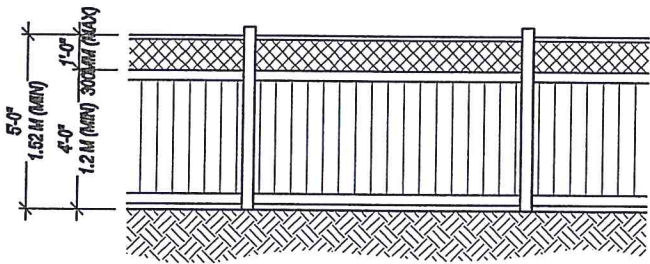
  
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Marion Wearn  
Mayor, Township of Blandford-Blenheim

  
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Fran Bell  
Chief Administrative Officer

(SEAL)



# SCHEDULE "A"

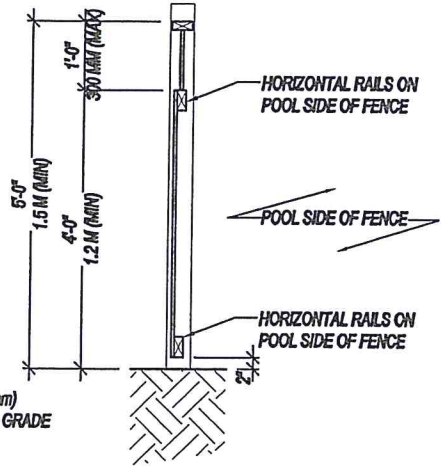


HORIZONTAL RAILS ON POOL SIDE OF FENCE

NOTE:  
NO OPENING GREATER THAN 2" (50mm)  
BETWEEN THE BOTTOM OF FENCE & GRADE

## WOOD LATTICE FENCE TYPE (12" LATTICE)

SECTION 3 (c) (v) (a)  
SCALE = 3/16" = 1'-0"



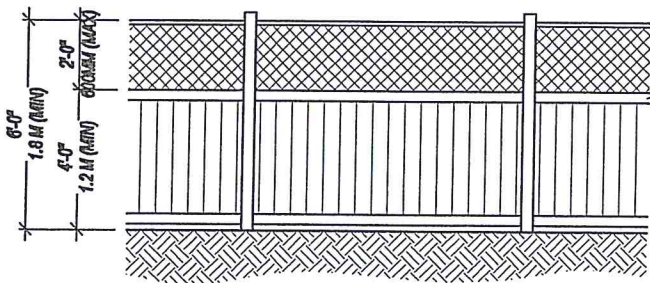
HORIZONTAL RAILS ON POOL SIDE OF FENCE

POOL SIDE OF FENCE

HORIZONTAL RAILS ON POOL SIDE OF FENCE

## SECTION

SCALE = 3/8" = 1'-0"

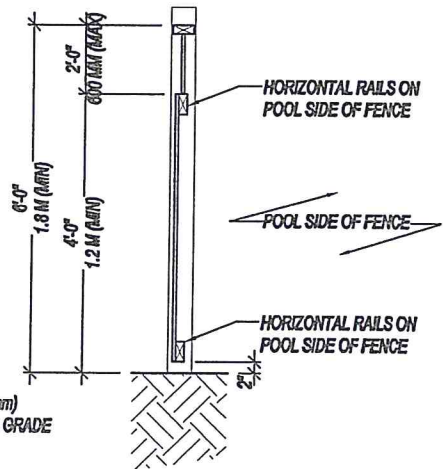


HORIZONTAL RAILS ON POOL SIDE OF FENCE

NOTE:  
NO OPENING GREATER THAN 2" (50mm)  
BETWEEN THE BOTTOM OF FENCE & GRADE

## WOOD LATTICE FENCE TYPE (24" LATTICE)

SECTION 3 (c) (v) (b)  
SCALE = 3/16" = 1'-0"



HORIZONTAL RAILS ON POOL SIDE OF FENCE

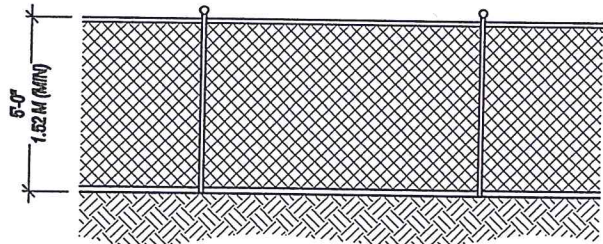
POOL SIDE OF FENCE

HORIZONTAL RAILS ON POOL SIDE OF FENCE

## SECTION

SCALE = 3/8" = 1'-0"

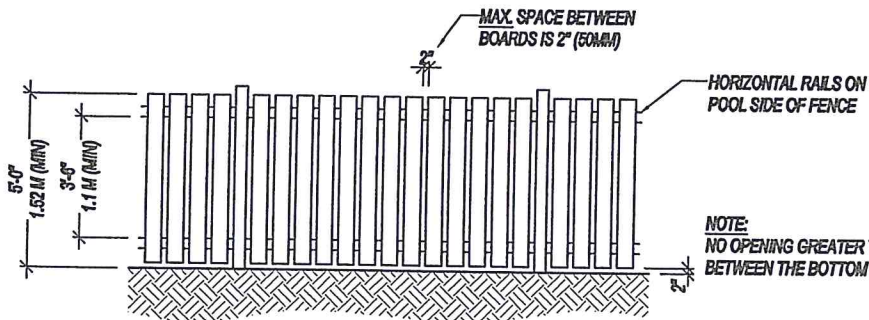
## SCHEDULE "A"



**NOTE:**  
NO OPENING GREATER THAN 2" (50mm)  
BETWEEN THE BOTTOM OF FENCE & GRADE

### CHAIN LINK FENCE

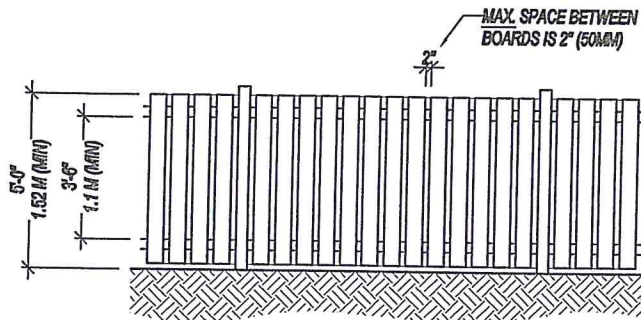
SECTION 3 (c) (i)  
SCALE = 3/16" = 1'-0"



**NOTE:**  
NO OPENING GREATER THAN 2" (50mm)  
BETWEEN THE BOTTOM OF FENCE & GRADE

### SOLID BOARD FENCE

SECTION 3 (c) (ii) (iii)  
SCALE = 3/16" = 1'-0"



BOARD SPACING LESS THAN  
1" (25MM) NO VERTICAL MEMBER  
SPACING REQUIREMENT

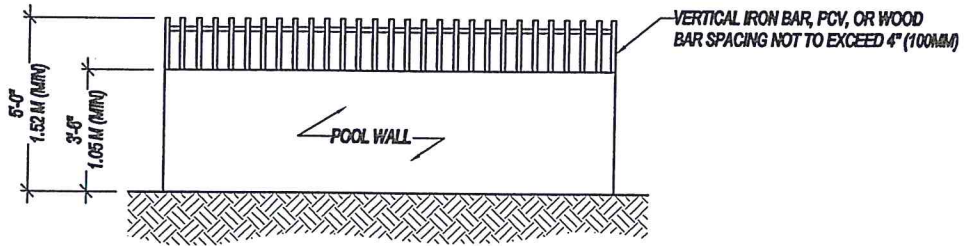
**NOTE:**  
NO OPENING GREATER THAN 2" (50mm)  
BETWEEN THE BOTTOM OF FENCE & GRADE

### SHADOW FENCE

SECTION 3 (c) (iv)  
SCALE = 3/16" = 1'-0"

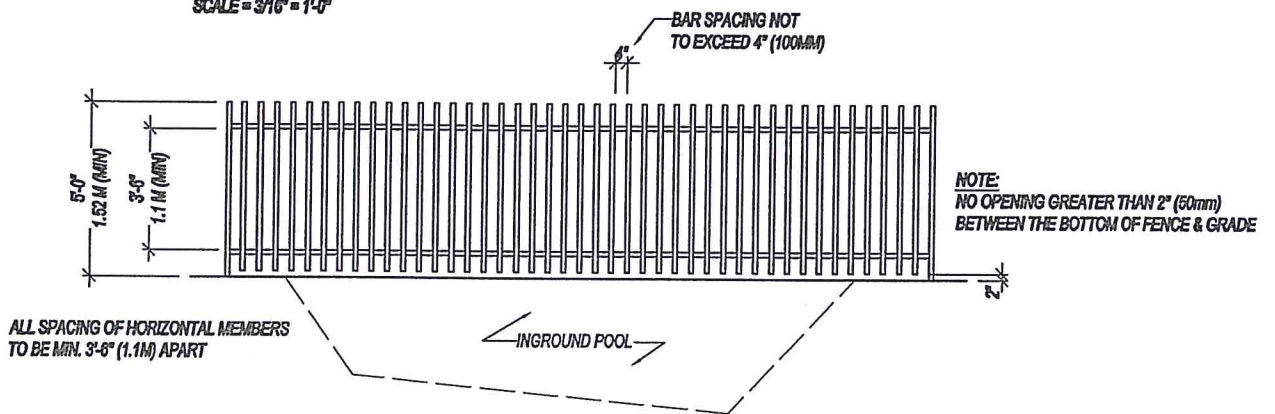
SHADOW FENCE IS THE SAME AS SOLID  
BOARD FENCE ONLY WITH BOARDS  
STAGGERED ON EACH SIDE OF FENCE.

# SCHEDULE "B"



## ABOVE GROUND POOLS

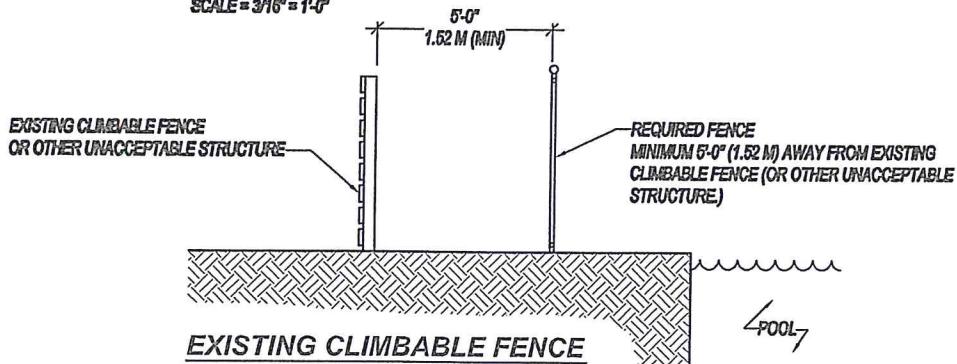
SECTION 3 (c) (v) (a)  
SCALE = 3/16" = 1'-0"



ALL SPACING OF HORIZONTAL MEMBERS TO BE MIN. 3'-6" (1.1M) APART

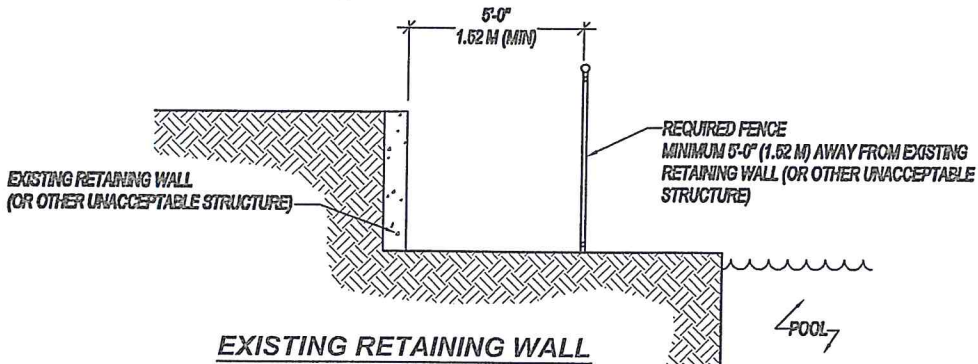
## INGROUND POOLS

SECTION 3 (c) (v) (b)  
SCALE = 3/16" = 1'-0"



## EXISTING CLIMBABLE FENCE

SECTION 3 (c)  
SCALE = 3/16" = 1'-0"



## EXISTING RETAINING WALL

SECTION 3 (d)  
SCALE = 3/16" = 1'-0"