

## **TOWN OF BERWICK BYLAW**

### **SWIMMING POOL BYLAW**

154. A Bylaw to require the owners of privately owned swimming pools to erect and maintain fences and gates around such swimming pools.

WHEREAS by Section 221, Sub-section 26A of Chapter 209 of the Revised Statutes, 1967, "The Towns Act" as amended Bylaws, may be passed for requiring owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, and for prescribing the height and description of, and the manner of erecting and maintaining such fences and gates.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BERWICK HEREBY ENACTS AS FOLLOWS:

1. For the purpose of this bylaw "swimming pool" means a tank or body of water maintained or used or which may be used for swimming purposes whether above or in ground and which has a maximum depth of water greater than twenty-four inches, other than an existing natural body of water of stream. It shall also include privately owned pools belonging to or connected with any type of multiple housing development, motel, hotel, or similar establishment.
2. Every owner or a privately-owned outdoor swimming pool whether above or in ground shall erect and maintain around such pool a chain link fence, with links not exceeding two inches, or fence of vertically louvered or staggered vertical pickets or a vertical board fence, or approved equivalent, such that no opening between pickets or board is greater than one and one half inches. Such fence shall extend from the ground for a height of not less than five feet and be so located that entry to the swimming pool area shall only be accessible by means of one or more gates in the enclosing fence.

A wrought iron or other approved metal type fence or fence of vertically louvered or staggered pickets or vertical board fence with no opening between rods or pickets or boards greater than three inches is deemed to be an approved equivalent provided that such fence is at least five feet in height above grade and provided that horizontal rails are spaced at least four feet apart measured vertically.

3. Every fence shall have a gate or gates of chain link fencing or of material of not less than equivalent strength which provides an equivalent degree of safety; and every gate shall be of at least the same height as the fence, be supported by substantial hinges, and be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate.

4. Every gate shall be kept closed and locked at all times when the pool is not under competent supervision.
5. The fence enclosing any privately-owned outdoor swimming pool whether above or in ground may have a wall or a wall of a building as part of such fence, provided the said wall is at least five feet in height, and that if the wall contains any openings which could provide a means of ingress and egress to the pool, that such openings be kept locked or blocked at all times when such pool is not under competent supervision.
6. Any device for projecting an electric current through such fence is prohibited.
7. This Bylaw shall come into effect;
  - (1) in respect of all new swimming pools, on the date it was passed, and
  - (2) in respect of all swimming pools, including above the ground and portable types capable of holding more than a twenty-four inch depth of water, on the sixtieth day after the date it was passed.
8. Where a swimming pool has been installed prior to passing of this bylaw and is fenced in such a way as to provide adequate safety and complies with the existing bylaws, it shall be deemed to comply with this bylaw.
9. Any person convicted of a breach of any of the provisions of this bylaw shall forfeit and pay at the discretion of the convicting Judge, a penalty of not more than \$100.00 exclusive of costs.

History of this Bylaw:

Enacted - January 14, 1975

Amended - April 11, 1978  
September 10, 1991