

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. _____

A BY-LAW TO AMEND BY-LAW 5155-19 BEING A BY-LAW TO REGULATE PRIVATE OUTDOOR SWIMMING POOLS, HOT TUBS AND SWIMMING POOL ENCLOSURES IN THE MUNICIPALITY AND TO RESCIND BY-LAW 803-77

WHEREAS, Subsection 11 of the Municipal Act, 2001 S.O. 2006, c.32, as amended provides that the municipality may pass By-laws relating to the health, safety and well-being of the inhabitants of the municipality, and to pass By-laws respecting structures, including fences and to provide for a system of permits.

WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake adopted By-law 5155-19 being a by-law to regulate private outdoor swimming pools, hot tubs and swimming pool enclosures in the municipality.

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. THAT By-law 5155-19, being a by-law to regulate private outdoor swimming pools, hot tubs and swimming pool enclosures in the municipality, by amending Section 4.1.2(3) and 4.1.2(4) as follows:
 - 4.1.2(3) doors providing direct access to a swimming pool area from an attached or detached garage, but excluding doors from a dwelling unit, are to be equipped with a self-closing device, a self-latching device, and a locking device. The locking device shall be located not less than 1.52 metres (5 feet) above the bottom of the door and kept securely locked when the swimming pool is not under competent and immediate supervision;
 - 4.1.2(4) where any dwelling unit door providing access to a swimming pool area occurs within the area of the wall forming part of the swimming pool enclosure, such door or doors are to be equipped with a self-latching device and locking device. The locking device shall be located not less than 1.52 metres (5 feet) above the bottom of the door and kept securely locked when the swimming pool is not under competent and immediate supervision; and

2. THAT said By-law 5155-19, be further amended with the addition of the following to form Section 4.4.4 thereof:

4.4.4 where there is a secondary gate or double gate used occasionally to allow for the passage of vehicles or equipment, such gate shall be constructed and maintained with a lock located on the inside of the enclosure. Every owner and every adult in control of a pool shall ensure all gates to an enclosure: (a) that are not secondary gates under section 4.4.4, are closed and locked at all times except when the owner or person with the owner's permission is entering, leaving or using the pool; and (b) that secondary gates under section 4.4.4, are closed and locked at all times except when in use to allow for the passage of vehicles or equipment.

3. THAT the Lord Mayor and Clerk be authorized to affix their hands and the Corporate Seal; and

4. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28TH DAY OF MAY, 2024.

LORD MAYOR

TOWN CLERK