



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

95-92

Number _____

Being a by-law to require the erection and maintenance of fences and gates around private outdoor swimming pools sufficient to make such pools not readily accessible to small children and to repeal By-law 142-77

DEFINITIONS

1. "Commissioner" means the Commissioner of Public Works and Building for the City of Brampton or such person as he may designate to carry out his duties under this by-law;

"enclosure" means a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.

"owner" includes a person in possession of the property on which the swimming pool is located.

"privately owned outdoor swimming pool" means any body of water located outdoors on privately owned property, contained in whole by artificial means, in which the depth of the water at any point can exceed sixty (60) centimetres (24 inches), and used, or capable of being used for swimming and shall include spas or hot tubs.

"service entrance" means that entrance into a building which would normally be used by persons entering such building for the purpose of delivering goods or rendering maintenance service.
2. No person shall erect a fence or gate for a privately owned outdoor swimming pool until plans for such fences and gates have been submitted to the Commissioner of Public Works and Building for the City of Brampton and a permit certifying approval of such plans has been issued.
3. No person shall excavate for or erect a privately owned swimming pool without a permit.
4. No person shall place water in a privately owned outdoor swimming pool, or allow water to remain therein, unless the enclosure prescribed by this by-law has been erected.
5. Every owner of a privately owned outdoor swimming pool shall ensure that any enclosure complies with every requirement of this by-law.

ENCLOSURES

6. (1) Every enclosure shall be erected and maintained to surround the entire swimming pool area and shall be sufficient to make such body of water not readily accessible to small children.
- (2) The enclosure, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than 1.2 metres (4 feet).
- (3) The enclosure shall be constructed to prevent a spherical object having a diameter of ten (10) centimetres (4 inches) from passing through or under such enclosure.
- (4) When a wall of a building forms part of such enclosure, no main or service entrance to the building shall be located within the swimming pool area enclosure, except that this requirement shall not apply when the main entrance and all exterior service meters and intakes are located outside the enclosure and a sign is erected and maintained directing all service personnel to use the main entrance.
- (5) The enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- (6) A fence or its equivalent forming part of such enclosure shall be of vertically boarded wood construction, chain link construction, or of other materials and construction as provided for.
 - (a) If of chain link construction shall:
 - (i) be of not greater than five (5) centimetre (2 inch) diamond mesh;
 - (ii) be constructed of galvanized steel wire not less than No. 12 gauge, or of minimum No. 14 gauge steel wire covered with a vinyl or other approved coating, forming a total thickness equivalent to No. 12 gauge galvanized wire;
 - (iii) be supported by at least 3.8 centimetres (1 1/2 inch) diameter galvanized steel posts each embedded in concrete to a minimum depth of 1.2 metres (4 feet) below grade, such posts to be spaced no more than three (3) metres (10 feet) apart. Top and bottom horizontal rails shall be provided of 3.8 centimetres (1 1/2 inch) minimum diameter galvanized steel, except that a minimum No. 9 gauge galvanized steel wire may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating.

- (b) If of wood construction shall:
- (i) have vertical boarding attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside. Such vertical boards shall be not less than 2.5 centimetres (1 inch) by 10 centimetres (4 inches) nominal dimensions spaced not more than 5 centimetres (2 inches) apart; and
 - (ii) be supported by minimum of ten (10) centimetres (4 inch) square or 10 centimetres (4 inch) diameter cedar posts, nominal dimensions, spaced not more than 2.4 metres (8 feet) on centres embedded in concrete to a minimum of 1.2 metres (4 feet) below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and Bottom horizontal rails shall be provided of wood, five (5) centimetres (2 inch) by ten (10) centimetres (4 inch) minimum nominal dimensions.
- (c) Shall not include barbed wire, devices for projecting an electric current through the fence, or devices having similar dangerous characteristics.
- (d) Shall be located not less than 1.2 metres (4 feet) from the swimming pool unless:
- (i) the required height of said fence as prescribed in paragraph (2) of Section 6, is increased to 1.8 metres (6 feet) and a continuous hand hold is available along the edges of the pool for the purpose of providing, in an emergency, support for a person in the pool; and
 - (ii) such fence shall not, regardless of height, be located closer than 1.2 metres (4 feet) to any condition on the property that would contribute to the lessening of these minimum safety requirements by facilitating the climbing of the swimming pool fence.
- (e) May be of construction other than that specified providing that an equivalent degree of safety is maintained and shall be constructed so that the rigidity is equal to that specified for those fences described in paragraph (6) (a) and (b) to prevent a spherical object having a diameter of ten (10) centimetres (4 inches) from passing through or under such enclosure.

- (7) Gates forming part of such enclosure shall:
 - (a) be of construction and height equivalent to that required for the fence;
 - (b) be supported on substantial hinges; and
 - (c) be self closing and equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate so that the device latches when the gate is in the closed position.

- (8) Subject to the provisions of paragraph (4), doors providing access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit or a rooming unit, shall each be self-closing and equipped with a locking device and with a self-latching device located not less than 1.2 metres (4 feet) above the bottom of the door.

- (9) The owner of every privately owned outdoor swimming pool shall ensure that every gate and door required by paragraphs (7) and (8) be equipped with a locking device and kept locked at all times if a responsible person is not present.

7. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs.

8. By-law 142-77 is hereby repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED IN OPEN COUNCIL,
 this 25th day of May, 1992.

Peter Robertson

 PETER ROBERTSON - MAYOR

L. Mikulich

 LEONARD J. MIKULICH - CLERK

APPROVED
 AS TO FORM
 LAW DEPT
 BRAMPTON

 DATE 12/4/92