

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW #142-77

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.

1. DEFINITIONS:

- a) ENCLOSURE means a fence, wall or other structure, including doors and gates, surrounding a privately owned outdoor swimming pool to restrict access thereto.
 - b) OWNER includes a person in possession of the property on which the swimming pool is located.
 - c) PERSON means any firm, corporation, partnership, individual or association.
 - d) 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 24 inches, and used, or capable of being used for swimming.
 - e) 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 swimming pool until plans for such fences and gates have been submitted to the Building and Zoning Co-ordinator 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 certificate that approval of the plans for the fence and gates has been issued.
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. ENCLOSURES
- a) The owner of a privately owned outdoor swimming pool shall erect and maintain an adequate enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children.
 - b) The enclosure, including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than 4 feet. Where steps or ladder, fixed or moveable, are installed, such facility shall be fenced at grade with fencing meeting the regulations in paragraph e) of this section.

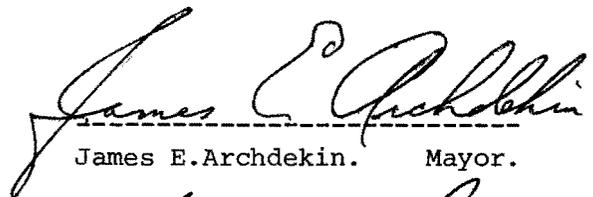
- c) When a wall of a building forms part of such enclosure, no main or service entrance to the building shall be located within the swimming pool area enclosure, except that this requirement shall not apply when the main entrance and all exterior service meters and intakes are located outside the enclosure and a sign is erected and maintained directing all service personnel to use the main entrance.
- d) The enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- e) 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.
 - 1. If of chain link construction shall:
 - (i) be of not greater than 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 1½ inch diameter galvanized steel posts each embedded in concrete to a minimum depth of 2 feet below grade, such posts to be spaced no more than 10 feet apart, Top and bottom horizontal rails shall be provided of 1½ 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.
 - 2. 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 1 inch by 4 inches nominal dimensions spaced not more than 2 inches apart.
 - (ii) be supported by minimum of 4 inch square or 4 inch diameter cedar posts, nominal dimensions, spaced not more than 8 feet on centres embedded in concrete to a minimum of 2 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, 2 inch by 4 inch minimum nominal dimensions.

3. Shall not include barbed wire, devices for projecting an electric current through the fence, or devices having similar dangerous characteristics.
4. Shall be located not less than 4 feet from the swimming pool unless;
 - (i) the required height of said fence as prescribed in paragraph b) of Section 5, is increased to 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.
 - (ii) Such fence shall not, regardless of height, be located closer than 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.
5. 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 e)
 - (1) or (2) and the least dimension of any opening through such fence may be increased to not more than that required to prevent the passage of a spherical object having a diameter of 4 inches.
- f) Gates forming part of such enclosure shall;
 - (1) be of construction and height equivalent to that required for the fence.
 - (2) be supported on substantial hinges, and
 - (3) 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.
- g) Subject to the provisions of paragraph (c), 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 4 feet above the bottom of the door.
- h) The owner of every privately owned outdoor swimming pool shall ensure that every gate and door required by paragraphs (f) and (g) be equipped with a locking device and kept locked at all times if there is more than 24 inches of water in the pool and a responsible person is not present.
6. Above ground pools with a deck of a minimum of 4 feet in height above ground level will not be required to be fenced, provided that above the deck there is a railing 32 inches in height with vertical standards with a maximum spacing of 4" and, further

providing, that all structure below the deck is smooth faced and steps are provided to swing up to close the top railing with a locking device to secure them in a stationary position as a gate.

7. Every person who contravenes this By-law is guilty of an offence and liable upon summary conviction to a penalty not exceeding One Thousand Dollars (\$1,000.00) exclusive of costs for each and every such offence and every fine is recoverable under The Summary Convictions Act. A Provincial Court Judge or a Justice of the Peace is hereby authorized to hear and determine prosecutions under this By-law.
8. By-law 43-74 is hereby repealed.

READ a FIRST, SECOND and THIRD time and passed in OPEN
COUNCIL this **27th** day of **June,** 1977.


James E. Archdekin. Mayor.


Kenneth R. Richardson. Clerk.