

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. PB-2013-0066**

**FOR THE CONSIDERATION OF  
COUNCIL**

**JUNE 24, 2013**

**SUBJECT: REVIEW OF POOL ENCLOSURE BY-LAW NO. 2008-0079 (BU-1)**

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**1. RECOMMENDATION:**

- A. THAT REPORT NO. PB-2013-0066 PREPARED BY THE PLANNING AND BUILDING DEPARTMENT, RESPECTING THE REVIEW AND PROPOSED AMENDMENTS TO THE TOWN'S POOL ENCLOSURE BY-LAW NO. 2008-0079 (BU-1), BE RECEIVED.**
- B. THAT COUNCIL ENDORSE REPORT NO. PB-2013-0066 AND CONSIDER ADOPTION OF BY-LAW NO. 2013-0102 (BU-1), ATTACHED AS SCHEDULE '1', TO SAID REPORT.**

**2. BACKGROUND:**

On June 23, 2008, By-law No. 2008-0079 (BU-1) was passed by Council to regulate enclosures around privately owned outdoor swimming pools. By-law 2008-0079 is known as the Pool Enclosure By-law and replaced the previous Pool Enclosure By-law No. 92-70.

A privately owned outdoor swimming pool is regulated by the Pool Enclosure By-law and is required to be enclosed with an enclosure of a specified height and with certain physical characteristics depending on the nature of the pool and the type of enclosure.

The purpose of a municipal Pool Enclosure By-law is to reduce preventable injury by minimizing the possibility of young children being able to climb into a space that has a pool.

**3. DISCUSSION:**

The present Pool Enclosure By-law is generally prescriptive in its application to regulate enclosures around privately owned outdoor swimming pools that are intended for swimming, are artificially made (constructed) and have a depth greater than 0.6 metres (24in). There are also objective requirements that allow the Chief Building Official to consider equivalent solutions.

The Pool Enclosure By-law requires permits, inspections and approvals prior to the construction of a swimming pool, the construction of a pool enclosure and the placement or holding of water in a pool.

There are a number of technical provisions that prescribe the construction of acceptable pool enclosures. These provisions regulate the height, climbability, location and other properties of a pool enclosure. A pool enclosure by-law is generally intended to limit access to small children who do not understand the dangers of a pool and are not strong enough to climb a 4 foot high fence/enclosure. It is generally understood that no enclosure will keep all people out if they are determined to access the pool space.

Generally, a pool enclosure that is a fence is required to be 1.2 metres in height above grade and be non-climbable as set out in By-law 2008-0079.

The By-law allows for an exemption where an above ground pool with a minimum height above grade of 1.5 metres has smooth, unclimbable pool walls. In these cases, the access area to the pool (deck, leader, etc.) must still be protected from unauthorized access with a 1.2 metre high enclosure.

Staff have reviewed Pool Enclosure By-laws of all other York Region municipalities and neighbouring municipalities of the Township of Brock, Township of Uxbridge and Town of Bradford West Gwillimbury. Of these 11 other municipalities, the current minimum height of an above ground pool wall that is also a pool enclosure is as follows:

<u>Municipality</u>	<u>Min. Fence Height</u>	<u>Min. Pool Wall Height</u>
Georgina	1.2 m	1.5m
Aurora	1.2 m	1.5 m
East Gwillimbury	1.2 m	1.2 m
King	1.22 m	No provision
Markham	4 ft	6 ft
Newmarket	1.2 m	1.2 m
Richmond Hill	1.2 m	1.8 m
Vaughan	1.22 m	No provision
Whitchurch Stouffville	1.2 m	1.2 m
Bradford West Gwillimbury	1.21 m	1.21 m
Brock	1.2 m	1.2 m
Uxbridge	1.2 m	1.2 m

In addition to the above data, a private organization called Parachute Canada was also researched. Parachute Canada has long been involved in heightening

awareness to reduce preventable injury through a number of organizations that merged to form this new organization in 2008. Parachute Canada has published a model pool enclosure by-law and a Frequently Asked Questions documents that supports the need for pool enclosures, including fences and above ground pool walls, to have a minimum height above grade of 1.22 metres (4ft).

**4. FINANCIAL IMPLICATIONS:**

There are no financial implications to the Town.

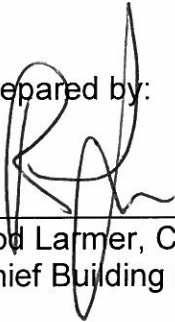
**5. OTHER DEPARTMENT IMPACTS:**

No other Departments are impacted.

**6. CONCLUSION:**

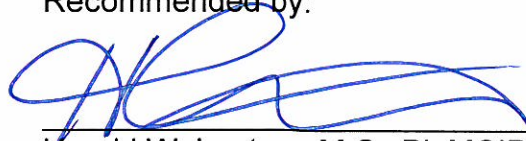
Staff recommends that Council endorse this report and adopt By-law No. 2013-0102 (BU-1), attached hereto as Schedule 1, to amend the Pool Enclosure By-law No. 2008-0079 (BU-1) to reduce the minimum required height of an above ground pool wall that forms a part of the required pool enclosure from 1.5 metres to 1.2 metres.

Prepared by:



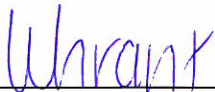
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Rod Larmer, C.B.C.O.  
Chief Building Official

Recommended by:



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Harold W. Lenters, M.Sc.PI, MCIP, RPP  
Director of Planning and Building

Approved by:



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Winanne Grant, B.A., AMCT, CEMC  
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK

**BY-LAW NO. 2013-0102 (BU-1)**

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BEING A BY-LAW TO AMEND BY-LAW 2008-0079 (BU-1), BEING  
A BY-LAW UNDER THE MUNICIPAL ACT RESPECTING  
ENCLOSURES AROUND PRIVATELY OWNED OUTDOOR  
SWIMMING POOLS

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WHEREAS THE Municipal Act 2001, S.O.2001, c.25, as amended, authorizes a lower-tier municipality to pass by-laws respecting health, safety and well being of persons;

AND WHEREAS the Municipal Act, 2001, as amended, authorizes a lower tier municipality to pass by-laws respecting structures, including fences;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA ENACTS AS FOLLOWS:**

1. That Section 3.9 of By-law No. 2008-0079 (BU-1) is amended as follows:

3.9 Above ground pools of a minimum wall height of 1.2 metres above ground level will not be required to be surrounded by an enclosure, provided the sides of the pool are smooth faced and non-climbable and areas intended as access to the pool is enclosed by a fence and gate as per Section 3.8 of this By-law.

READ a first, second and third time and finally passed this 24<sup>th</sup> day of June, 2013.

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Robert Grossi, Mayor

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Yvonne Aubichon, Town Clerk