

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 1991-20

A by-law respecting swimming pool enclosures

THE COUNCIL ENACTS AS FOLLOWS:

PART 1 - DEFINITIONS

- (1) CHIEF BUILDING OFFICIAL - means the Director of Buildings of the Town of Oakville or his designated representative.
- (2) OWNER - includes a lessee, tenant, mortgagor in possession and a person occupying or in charge of any property.
- (3) SWIMMING POOL - For the purpose of this By-law means any body of water any part of which is contained by artificial means and located outdoors on privately owned property, and which is capable of holding water in excess of .6 m (24 inches) deep.
- (4) SWIMMING POOL ENCLOSURE - means a fence, wall or other structure, including doors and gates, surrounding a swimming pool restricting access thereto.
- (5) TEMPORARY ENCLOSURE - means an enclosure approved by the Chief Building Official or his representative, used for the purpose of enclosing a swimming pool or excavation in the course of construction of a swimming pool to effectively prevent access thereto,

and to prevent any accident or injury to any person in or on a property.

- (6) SUBSTANTIAL - means capable of holding 200 lbs (90.72kg) body weight.

PART 2 PROHIBITIONS

- (1) No owner of a swimming pool shall erect a swimming pool enclosure or fail to maintain a swimming pool enclosure other than in accordance with the provisions of this By-Law.
- (2) No person shall erect or install a swimming pool until a swimming pool enclosure permit therefor has been obtained from the Chief Building Official.
- (3) Every application for a swimming pool enclosure permit shall be accompanied by:
- a) plans (2 sets) showing the location of the swimming pool in relation to property lines, buildings and any easements;
 - b) complete details of the swimming pool enclosure; and,
 - c) a permit fee in the amount of one hundred dollars (\$100.00).
- (4) No person shall fill a newly constructed swimming pool with water, or allow water to remain in a newly constructed swimming pool, until:
- a) the Building Department has been notified and an inspection has been made, and
 - b) the provisions of this By-Law have been fully complied with or a temporary enclosure has been erected.

PART 3 ACCESS TO SWIMMING POOL AREA

- (1) The owner of every swimming pool shall ensure that any access points forming part of the swimming pool enclosure are kept locked, except when the enclosed area is in use.

- (2) At least one entrance into the main building shall be located outside the swimming pool enclosure.

- (3) When a wall or portion thereof of any building located on the same property as a swimming pool enclosure forms part of such enclosure, no entrances to the swimming pool area shall be permitted through such wall, unless:
 - a) all doors at such entrance way are equipped with a bolt or a chain latch at a minimum height of 1.5 m (5 ft) above the inside floor level;
 - b) the care, control and maintenance of any entrance way, door, and safety latch described in clause (a) of this sub-section is provided by the owner; and,
 - c) such wall is located no closer than 1.2 m (3.93 ft) from the edge of the water contained in the swimming pool.

- (4) Every gate in a swimming pool enclosure shall:
 - a) be supported on substantial hinges and constructed in accordance with the requirements of Part 4;
 - b) be self-closing, self-latching, equipped with a lock, and otherwise meet the same requirements as for a swimming pool enclosure; and,

- c) not have any member or attachment on the exterior face of the gate that would facilitate the climbing of the gate.

PART 4 SWIMMING POOL ENCLOSURE

(1) The owner of every swimming pool shall ensure that it is enclosed by a swimming pool enclosure that satisfies the following requirements:

- a) Height - Minimum 1.2 m (3.93 ft).
- b) Type
 - i) vertical louvre, picket or staggered picket having, regardless of type, no vertical separation exceeding 3.81 cm (1.5 inches); or
 - ii) horizontal louvre, provided that the louvres have separations not exceeding 2.54 cm (1 inch) measured at right angles to the two surfaces, are set at an angle of not less than forty-five degrees to the horizontal and slope upward toward the inside or swimming pool side of the enclosure; or
 - iii) solid; or
 - iv) chain link wire held taut at top and bottom and with links not exceeding 3.81 cm square (1.5 inches square) unless the enclosure is at least 1.82 m (5.97 ft) in height, in which case with links not exceeding 5.08 cm square (2.0 inches square).
- c) Material - (other than wire) wood, metal, masonry or plastic.
- d) Framing and braces - must be on the inside or swimming pool side of the enclosure.
- e) Ground clearance - space at any point under the enclosure must not exceed 5.08 cm (2.0

inches) and for the purposes of this requirement, the ground beneath the enclosure cannot be of loose gravel or other material which can be easily removed so as to afford access under the enclosure.

f) Location - not less than 0.91 m (2.98 ft) from the swimming pool or less than 0.6 m (1.96 ft) from any enclosure that does not meet the requirements of this By-law and, in the case of a swimming pool intended to be used by persons other than those who might together legally occupy a detached dwelling under Oakville Zoning By-Law 1984-63, enclosed separately from the balance of the lot upon which it is located and the enclosure shall enclose only the swimming pool and any related deck area.

g) Strength - sufficient to withstand all loads to which it may reasonably be subject.

(2) The requirement that framing and braces must be on the inside or swimming pool side of the swimming pool enclosure and the requirement that horizontal louvres must slope upward toward the inside or swimming pool side of the swimming pool enclosure need not be complied with as regards a swimming pool enclosure required by this By-law which separates two properties both of which contain swimming pools.

(3) The wall of a house or other building may be treated as part of a swimming pool enclosure required by this By-law if it meets the height requirements for such a swimming pool enclosure and has no features which would make it simpler to surmount, by-pass or otherwise gain access than such a swimming pool enclosure.

PART 6 PROPERTIES ABUTTING LAKE ONTARIO

Where a swimming pool is installed on a property that abuts Lake Ontario and such property has riparian rights, such property need not be enclosed along the Lake provided that land access cannot be gained from any point and the remaining lands surrounding the swimming pool are enclosed in accordance with the requirements of this By-law.

PART 7 GENERAL

(1) No owner of a swimming pool which was enclosed prior to November 31, 1990, in accordance with all by-laws in force in the Town when the enclosure was erected shall be required to replace the enclosure if, in the opinion of the Chief Building Inspector, it affords adequate protection, but nothing in this sub-section affects the obligation of such an owner to keep the enclosure in good repair.

(2) Notwithstanding the provisions of any other by-law, the minimum standards set out in this By-law shall prevail in cases of conflict.

PART 8 PENALTY

1) Every person convicted of an offence under this By-law shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00) exclusive of costs.

PART 9 BY-LAW #1972-96 AS AMENDED BY BY-LAW 1976-20 IS
HEREBY REPEALED.

PASSED by the Council, this 21st day of January , 1991.

[Signature]
MAYOR

[Signature]
CLERK

AMENDED
By-law 1991-205

PART 5 ABOVE GROUND SWIMMING POOLS, HOT TUBS, WHIRLPOOLS
AND SPA'S

- (1) The owner of above ground swimming pools need not comply with Part 4 of this By-Law, provided:
- a) the exterior sides of the swimming pool structure and the outside face of any guard are constructed in a manner that will not facilitate climbing;
 - b) a guard of not less than 1 m (3.3 ft) in height is provided around any platform or deck (or an approved alternative);
 - c) a deck or platform with a minimum width of 0.6m (1.96 ft) is provided around the swimming pool area;
 - d) the combined height of the exterior sides of the swimming pool structure and any guard attached thereto is a minimum of 1.8 m (5.90 ft) and a maximum of 2.5 m (8.2 ft) in height above the adjacent grade; and,
 - e) the outside face of a swimming pool structure shall be located at least 0.91 m (2.98 ft) from any lot line.
- (2) Notwithstanding sub-section 5(1), any entrance or opening to a swimming pool area shall be protected in accordance with Part 3 and Part 4.
- (3) Structures known as "hot tubs", "whirlpools" and "Spa's" when installed above ground need not comply with Part 3 and Part 4 of this By-Law provided that a substantial cover is permanently fixed to the structure and is locked to prevent access when the structure is not in use.