

Authority: Licensing and Standards Committee Item 13.3,
as adopted by City of Toronto Council on May 26 and 27, 2008
Enacted by Council: May 27, 2008

CITY OF TORONTO

BY-LAW No. 512-2008

To amend City of Toronto Municipal Code Chapter 447, Fences, to amend certain provisions relating to swimming pool enclosures.

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the “Act”), the City may pass by-laws respecting structures, including fences and signs, and the health, safety and well-being of persons; and

WHEREAS City Council wishes to amend Municipal Code Chapter 447, Fences, to amend certain provisions relating to swimming pool enclosures;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 447, Fences, of The City of Toronto Municipal Code is amended as follows:
 - A. The first line of § 447-3C(3)(b) is amended by inserting “ground” after “above”.
 - B. Subsection 447-3C(3.1) is deleted and the following substituted:

“(3.1) Subsection C(3)(a) applies to pool enclosures for which a pool enclosure permit was issued more than 30 calendar days after the enactment of that subsection, and to any existing fence if a substantial portion of it is demolished or removed, or if it is in such a state of disrepair that it is not practical to repair it.”
 - C. Subsection 447-3E(3) is deleted and the following substituted:
 - “(3) Every fence and gate used as part of a swimming pool enclosure which forms the part of the enclosure that separates the pool from any residential building on the same property, shall be constructed of open mesh chain-link fence or equivalent open fence construction that does not restrict visibility of the pool from any door or window that is located on the access level of the building, and which has a line of sight to the pool, and the materials used must comply with the provisions of this Chapter.
 - (4) Nothing shall be erected, planted or otherwise placed in such a way that the visibility of the pool is restricted from any door or window that is located on the access level of a residential building on the same property, and which has a line of sight to the pool.
 - (5) Subsection E(4) applies only to fences and gates used as part of a swimming pool enclosure which forms the part of the enclosure that separates the pool from any residential building on the same property, as described in Subsection E(3).”

D. Subsection 447-3F is amended by adding the following:

- “(3) Subsections C(3), E(3), E(4) and E(5) may apply conditionally to a swimming pool enclosure for which an exemption has been granted by Community Council, and such an exemption shall only be granted if:
- (a) the reason for seeking the exemption is because one or more of the standards in Subsections C(3), E(3), E(4) and E(5) are not practicable because of a disability, as defined in the *Ontarians with Disabilities Act, 2001*, of an occupant of the building; and
 - (b) the applicant for the exemption agrees to comply with any other conditions imposed by Community Council to prevent a young child from gaining access to the pool area.
- (4) Despite Subsection F(3), when the need for which the exemption was sought ceases to exist, the pool enclosure shall be reinstated to comply fully with the provisions in Subsections C(3), E(3), E(4) and E(5).”

ENACTED AND PASSED this 27th day of May, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)