

Authority: Licensing and Standards Committee Item 32.2,  
as adopted by City of Toronto Council on August 25, 26 and 27, 2010  
Enacted by Council: August 27, 2010

## **CITY OF TORONTO**

### **BY-LAW No. 994-2010**

**To amend City of Toronto Municipal Code Chapter 447, Fences, to allow for the use of tempered glass and masonry walls in swimming pool enclosures, to clarify certain sections relating to pool enclosures and delete reference to fees.**

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 safety of persons; and

WHEREAS City Council wishes to amend Municipal Code Chapter 447, Fences, to allow for the use of tempered glass and masonry walls in swimming pool enclosures, to clarify certain sections relating to pool enclosures and to delete reference to fees as they have been moved to Municipal Code Chapter 441, Fees and Charges;

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. Section 447-1 is amended by adding the following after "MULTIPLE RESIDENTIAL PROPERTY":

"NON-CLIMBABLE — Describes a 1.2 metre vertical face presented to the exterior of a swimming pool enclosure. For an enclosure of chain link construction, means a mesh which is no greater than 38 millimetres square for a minimum of 1.2 metres vertically. For all other enclosures, means that there is no horizontal opening or step greater than 38 millimetres in width for 1.2 metres vertically, or where horizontal components are a minimum of 1.2 metres apart there shall be no opening greater than 100 millimetres."
  - B. Section 447-3 is amended as follows:
    - (1) By deleting Subsection A(3) and substituting the following:

"(3) Has no opening except a gate that complies with this article."
    - (2) Subsection C is amended as follows:
      - (a) By deleting Subsection C(1) and substituting the following:

"C. Access Protection

        - (1) Subject to Subsection C(1.1), a swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area.

- (1.1) Subsection C(1) does not apply to any structure that does not provide access to the exterior of the pool enclosure."
  - (b) By deleting Subsection C(2).
  - (c) By re-numbering Subsection (3) as Subsection (2), deleting it and substituting the following:
    - "(2) If the wall of any building, or any portion of it, forms part of the pool enclosure there shall be no access to the enclosed pool area through the wall."
  - (d) By re-numbering Subsection (3.1) to Subsection (3), deleting it and substituting the following:
    - "(3) Subsection C(2) applies to pool enclosures for which a pool enclosure permit was issued more than 30 calendar days after the enactment of that subsection on November 20, 2007, 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."
  - (e) By re-numbering Subsection (3.2) to Subsection (3.1), deleting it and substituting the following:
    - "(3.1) Every owner of a swimming pool shall:
      - (a) take all steps necessary to control any access point to the swimming pool area; and
      - (b) ensure that if the closing mechanism of a gate is electrically powered it includes a back-up system which shall automatically power the closing mechanism in case of a power disruption."
  - (f) By deleting Subsections (5), (6) and (7).
- (3) Subsection E is amended as follows:
- (a) Subsection E(1)(d) is amended by adding "non-climbable" between "a" and "facing" on the first line.

(b) By adding the following after Subsection E(2)(c):

"(d) A glass panel fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner as follows:

[1] Glass Panels shall be located so there is no opening of more than 38 millimetres between the panel and the post where horizontal elements are spaced less than 1.2 metres apart, and not more than 100 millimetres apart where horizontal elements are spaced more than 1.2 metres apart; and

[2] Horizontal elements shall be supported on substantial posts spaced not more than 2.4 metres apart and embedded in concrete to a minimum depth of 900 millimetres below grade.

[3] Glass Panels used in swimming pool enclosures shall be:

(a) Safety glass of the laminated or tempered type conforming to CAN/CGSB-12.1-M Tempered or Laminated Safety Glass"; or

(b) Wired glass conforming to CAN/CGSB-12.1-M "Wired Safety Glass."

(e) A masonry wall that is not a part of a building and is used in a swimming pool enclosure shall be constructed in a good, workmanlike manner as follows:

[1] The wall shall present a minimum 1.2 metre Non-climbable surface to the exterior of the enclosed area.

[2] It shall be constructed of a minimum double course brick or single course concrete block with a minimum width of 200 millimetres, and securely attached to a minimum 1.2 metre deep concrete foundation.

[3] Where the wall abuts a building or gate there shall be no opening between the wall and the building or gate which exceeds 38 millimetres where there are horizontal elements less than 1.2 metres apart, or which exceeds 100 millimetres where there are no

horizontal elements or where horizontal elements are in excess of 1.2 metres apart.

- [4] All components of a masonry wall used as a part of a swimming pool enclosure shall conform with CSA S304.1."

C. Section 447-9 is deleted and the following substituted:

- "9. The remuneration for each of the three fence-viewers shall be as set out in Chapter 441, Fees and Charges, and shall include costs. Each of the three fence viewers shall be paid at that rate for travel time to and from the fence-viewing, and for any attendance required at an appeal hearing."

D. Subsection 447-11A(3) is deleted.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)