

Authority: Licensing and Standards Committee Item 8.8,
adopted as amended, by City of Toronto Council on November 19 and 20, 2007
Enacted by Council: November 20, 2007

CITY OF TORONTO

BY-LAW No. 1240-2007

To amend City of Toronto Municipal Code Chapter 447, Fences, to increase the safety standards for swimming pool enclosures and prohibit the use of temporary fencing materials in the construction of permanent fences.

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

WHEREAS City Council wishes to amend Municipal Code Chapter 447, Fences, to increase the safety standards for swimming pool enclosures and to prohibit certain types of temporary fencing materials in the construction of permanent fences;

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 as follows:

(1) By adding the following after “SINGLE RESIDENTIAL PROPERTY”:

“SNOW FENCE — Any fence used to force drifting snow to accumulate in a predictable place, and which is usually constructed of plastic mesh, lightweight woodstrip, or wire fencing.”

(2) By adding the following after “SWIMMING POOL ENCLOSURE”:

“TIMED SELF-CLOSING DEVICE — A mechanism by which a door or gate is returned to the closed and locked or latched position after a specified period of time.

“TRIGGERED SELF-CLOSING DEVICE — A mechanism by which a door or gate is returned to its closed and locked or latched position when triggered by a passing vehicle or person and includes, but is not limited to, magnetic loop detectors.”

B. Section 447-2A is amended by adding the following:

“(5) No person shall erect, own or maintain, or cause or permit the erection or maintenance of any fence that uses materials not usually intended for use in permanent fencing, unless specifically permitted by this or another by-law.

- (6) Notwithstanding section (5), a snow fence may be used on private property between November 15 and April 15, and shall comply with all corresponding standards in this and other by-laws.”

C. Section 447-3C(3) is deleted and the following substituted:

- “(3) If the wall of any building, or any portion of it, forms part of the pool enclosure:
- (a) no entrance shall be permitted to the enclosed pool area through the wall; and
 - (b) no window in the wall which is less than 1.5 metres above floor level shall be capable of being opened more than 100 millimetres unless a guard is permanently installed on the window to prevent the passage of a spherical object having a diameter of more than 100 millimetres through the window.”

D. Section 447-3C(3.1) is deleted and the following substituted:

- “(3.1) Subsection 447-3C(3)(a) applies only to pool enclosures for which a pool enclosure permit was issued more than 30 calendar days after the enactment of that Subsection.
- (3.2) Every owner of a swimming pool shall be responsible to take all steps necessary to control any access point to the swimming pool area, including the provision and operation of a gate back-up system in case of a power disruption.”

E. Section 447-3C is amended by adding the following:

- “(5) Where the gate to gain vehicular access to a driveway also forms part of a swimming pool enclosure, the gate shall use a triggered self-closing device.
- (6) Despite Subsection 447-3C(5), where a gate to gain vehicular access to a driveway that also forms part of a swimming pool enclosure has been fully erected up to 30 calendar days after the enactment of Subsection 447-3C(5) and this Subsection, and where the gate uses a timed self-closing device, the gate shall not be programmed or otherwise set to maintain the gate in the open position for more than 30 seconds.
- (7) Any gate subject to Subsection 447-3C(6), shall be brought into compliance with Subsection 447-3C(5) if the gate or its closing mechanism is replaced.

- (8) All automatic closing devices and their power back-up systems shall be in compliance with the applicable product and installation standards of the Canadian Standards Association.”

F. Section 447-3E is amended by adding the following:

- (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 all doors and windows on the access level of the building, and the materials used must comply with the provisions of this Chapter.

ENACTED AND PASSED this 20th day of November, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)