

**STAFF REPORT: BUILDING & BY-LAW DEPARTMENT**



**REPORT TO:** Finance & Admin. Committee  
**MEETING DATE:** September 23<sup>rd</sup>, 2008  
**REPORT NO.:** SRB.08.52  
**SUBJECT:** Swimming Pool By-law Amendment  
**PREPARED BY:** Sharon Long, Administrative Assistant Building & By-law

**A. Recommendations**

**THAT** Council receive Staff Report SRB.08.52 respecting recommended amendments to Swimming Pool Fence By-law No. 2002-8, as amended, and enact the amending by-law attached hereto.

**B. Background**

1. Concern has been expressed by various residents with the respect to the restrictiveness of the current By-law as it relates to:
  - a. The need to require fencing on rural properties;
  - b. The need to require fencing on properties which contain above ground pools which have steps which swing up to close the top railing with a locking device to secure them in a stationary position as a gate;
  - c. The need to require permanent fencing on properties which contain smaller non-permanent/inflatable pools which can be equipped with a lockable cover; and,
  - d. The need to require fencing on properties which contain a pool where access to the pool deck area is restricted by man-made or natural impediments (such as a large retaining wall at the Bay's edge).
2. Town staff has explored how other municipalities address these various issues and based on examples deemed acceptable from a safety perspective, have developed a draft amending by-law for Council's consideration. This amending by-law does not incorporate an exception for smaller non-permanent/inflatable pools due to risk and the burgeoning prominence of these pools in built-up areas.
3. With respect to Private Members Bill 74, from the previous Parliament (38.2), received second reading and was referred to Standing Committee on March 30, 2006. (Addendum B)
4. The Canadian Lifesaving Society has developed "Backyard Pool Safety Tips" and recommends that one should "restrict access to your backyard pool". (Addendum C)
5. An amending by-law has been developed as an exception to the Swimming Pool Fence By-law and reflects:
  - a. An exception for above ground pools which have smooth exterior walls in excess of 1.2 metres above adjacent grade and which have a mechanism that allows for any ladders to be collapsed (provided the ladder is collapsed when the pool is not in use);
  - b. An exception for properties which directly abut Nottawasaga Bay and have riparian rights that precludes the requirement for fencing on the water side(s).
  - c. An exception for rural properties where they exceed 4 hectares (40,000 square metres or 9.88 acres) in area and the pool is located a minimum distance of 200 metres (656.17 feet) from any residence or public right-of-way.

**C. The Blue Mountains' Strategic Plan**

*"Providing a strong, well managed municipal government."*

**D. Budget Impact** (cc: Treasury if required)

N/A

**E. Attachments**

- A. Office Consolidation of Swimming Pool Fence By-law No. 2002-8, as amended.
- B. PR Bill 74
- C. Canadian Life Safety Backyard Pool safety Tips
- D. Draft Amending By-law

Prepared by:

Respectfully submitted by:

Sharon Long  
Administrative Assistant  
Building & By-law

David Finbow  
Director, Building & By-law/CBO