

**CITY OF BURNABY**

**BYLAW NO. 11119**

A BYLAW to require the enclosure of private swimming pools for the safety and protection of persons

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY SWIMMING POOL ENCLOSURE BYLAW 2000**.

2. In this Bylaw:

"**barrier**" means a fence, wall, or building wall, or any combination thereof;

"**Chief Building Inspector**" means the Chief Building Inspector of the City of Burnaby and such other person or persons as he or she may designate from time to time as his or her assistants;

"**swimming pool**" means any privately owned man made pool or other structure which is designed to contain water, is intended to be used for swimming, bathing, wading or diving, has a surface area equal to or exceeding 14 m<sup>2</sup> and a depth at any point equal to or exceeding 0.5 m, and includes, without limitation, in-ground swimming pools, above-ground swimming pools, wading pools, hot tubs and spas.

3. No person shall construct, erect, install, maintain or operate a swimming pool on any land owned or occupied by that person except in compliance with the requirements of this Bylaw.

4. Every swimming pool shall be completely enclosed by a sturdy non-climbable barrier having:

(a) a height of not less than 1.5 m;

- (b) except in the case of a building wall, no opening greater than 100 mm wide at its least dimension;
  - (c) no member or attachment located between 100 mm and 900 mm above the ground level at the base of the barrier that could facilitate climbing; and
  - (d) except in the case of a building wall, no access through the barrier except by way of one or more self-closing, self-latching and lockable gates, with the latch and lock located on the swimming pool side of the gate at a height of not less than 1 m above the ground level at the base of the gate.
- 5. Every barrier enclosing a swimming pool shall be maintained at all times in a state of good repair.
- 6. The Chief Building Inspector shall have the authority to enforce this Bylaw, and may:
  - (a) require the submission of plans and specifications of any proposed barrier as a condition of issuing a building permit for a swimming pool;
  - (b) enter any lands, buildings or premises at any reasonable time for the purpose of administering or enforcing this Bylaw.
- 7. Section 9 (2) of Burnaby Building Bylaw 1973 is repealed.
- 8. This Bylaw shall apply to every swimming pool and its enclosing barrier, whether built, constructed or installed before or after the coming into force of this Bylaw, except that subsections (a), (b), and (c) of section 4 shall not apply to a fence built or erected in compliance with and pursuant to section 9(2) of Burnaby Building Bylaw 1973 prior to the coming into force of this Bylaw until such fence is demolished, destroyed or removed.
- 9. (1) Every person who violates any of the provisions of this Bylaw or who causes, suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw shall be guilty of an offence.

- (2) Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to the penalties provided in the *Offence Act* and to the costs of prosecution.

Read a first time this	19 <sup>th</sup>	day of	June	2000
Read a second time this	19 <sup>th</sup>	day of	June	2000
Read a third time this	19 <sup>th</sup>	day of	June	2000
Reconsidered and adopted this	26 <sup>th</sup>	day of	June	2000



W. H. Hammond

MAYOR



Dennis

CLERK