



Committee of the Whole Report

Report Number: BLDG2021-001
Meeting Date: May 4, 2021
Title: Protective Pool Covers
Description: Pool By-law Review
Author and Title: Susanne Murchison, Chief Building Official

Recommendation:

That Report BLDG2021-001, **Protective Pool Covers**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole Meeting of February 9, 2021, Councillor Yeo presented a memo for consideration and Council, at the February 23, 2021 Regular Council Meeting, adopted the following resolution:

CR2021-111

That the Memorandum from Councillor Yeo, regarding Protective Pool Covers, be received;

That staff bring back a report by the end of the second quarter regarding the use of Protective Covers on swimming pools as an option in lieu of fencing.

Carried Regular Council Meeting.

This report addresses that direction.

Rationale:

At the February 9, 2021 COW meeting, Councillor Yeo introduced a memo requesting staff review an alternative to pool fencing required in CKL By-law 2005-314. A resident had contacted the Councillor to inquire if a lockable protective pool cover, capable of supporting body weight, would be permitted to be installed in lieu of the required fencing as stated in the Pool By-law. The existing Pool By-law only provides for certain fencing types as an acceptable barrier to protect a private swimming pool.

The purpose of a pool enclosure is to address the safety of residents of the municipality, as indicated by the Municipal Act authority, which authorizes municipal councils to pass such bylaws. Barriers around pools contribute to make pools and pool areas safer for children and pets/animals. The most common pool barriers include fencing, protective pool covers, safety nets and pool alarms, and adding layers of protection around a swimming pool makes sense.

Protective pool covers come in a few formats, such as flexible weight bearing covers, rigid weight bearing lockable covers and mechanically retractable rigid covers. Flexible safety pool covers are most commonly in a format that stretches drum tight across the pool and is anchored into the pool deck. Traditionally used as a winter cover, this type could be used year round if the pool owner was diligent and accepting of the amount of time required before and after each use of the pool. This type of cover is non-removable by children.

Safety nets are similar to flexible pool covers in their anchorage system with the difference being the open mesh/netting design.

Fences, protective pool covers and safety nets all have advantages and disadvantages. Pool covers and safety nets are both very safe, when they are on the pool. The risk is in the human operational aspect of this option, as the property owner must diligently remember to replace the cover properly and completely after using the pool. The risk factor increases with the human nature factor. It is human nature to make a judgement call such as leaving the cover off while you go inside the house for lunch or go into the house to wait out a rain shower. These instances require the property owner to remember to go back out and install the cover. When the pool cover is not replaced and left unsupervised, an accident could happen because the pool isn't protected.

Fences are inherently safer because you do not have to activate/deactivate to use the pool. The gate is the major weakness to this form of protection, as the latching and self-closing mechanisms may require maintenance from time to time.

In 2010 the Chief Coroner for Ontario assembled a group of experts to review the issue of drownings in Ontario with the goal to make recommendations that would reduce the number of drownings in the province each year. The key recommendation relevant to this report is:

All municipalities in the Province of Ontario should pass pool enclosure municipal bylaws that mandate barrier safety requirements for new pools including in-ground, above-ground, portable, inflatable and hydro-massage pools, hot tubs and spas as well as decorative ponds such that when they are installed:

- they are surrounded by 4-sided fencing that completely encloses the pool area;
- the pool enclosure bylaw applies to all structures with a water depth of at least 0.6m (2 feet);
- they allow entry and exit through a self-closing and self-latching gate only;
- the 4-sided fencing be a minimum height of 1.22m (4 feet);
- the bylaw specifies that fence construction should inhibit climbing;
- the home should never open into a pool area.

There was a second associated recommendation that municipalities pass bylaws to require retrofits to the above standards for all existing pools by 2015. In 2011, staff presented Council with a report with recommendations to amend the pool bylaw to reflect the Coroners recommendations; however, Council decided not to update the bylaw with respect to bullets 2 and 6 above at that time.

In conducting our background research for this report, staff were unable to locate a single municipality in Ontario that offered protective pool covers as an alternative to fencing in their municipal bylaw. Of the 41 municipalities with a population greater than 50,000 that were polled, 24 responses were received to-date and all 24 stated that their bylaws did not permit protective pool covers in lieu of fencing.

There is no perfect safety solution for swimming pools in reviewing the risks associated with pool safety. Staff respectfully recommend that fencing is the best solution as the primary means of protection, as it provides a static protective measure, with items such as protective pool covers used only as a secondary means of protection.

Other Alternatives Considered:

No other alternatives considered.

Alignment to Strategic Priorities

This report aligns with the strategic priority of Good Government with respect to the principles of Open and Transparent and Service Excellence by listening to our residents, evaluating and having regard for risk management.

Financial/Operation Impacts:

Not applicable.

Consultations:

Insurance Risk Management Coordinator

Attachments

Memorandum – Protective Pool Covers



Memorandum -
Protective Pool Cove

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