




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Building Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 22, 2022
<b>SUBJECT/REPORT NO:</b>	Amendments to the Pool Enclosure By-law 16-184 (PED22067) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Jorge M. Caetano (905) 546-2424 Ext. 3931
<b>SUBMITTED BY:</b>	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the By-law, attached as Appendix "A" to Report PED22067 to amend City of Hamilton By-law No. 16-184, a By-law to Regulate Enclosures for Privately-Owned Outdoor Pools, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

**EXECUTIVE SUMMARY**

The purpose of the attached amending by-law is to provide additional fence construction options, such as horizontal wood fencing and glass panel fencing. This would give homeowners additional fence construction options that could be used as a pool enclosure without having to apply for an equivalency exemption which would delay the issuance of a pool enclosure permit. Staff are also proposing several housekeeping amendments to clarify the intent of the by-law.

**Alternatives for Consideration – Not Applicable**

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not applicable.

Staffing: Not applicable.

Legal: The recommendation has no legal implications.

## **HISTORICAL BACKGROUND**

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Approval of this recommendation will not alter or contravene any City Policy or legislated requirements.

## **RELEVANT CONSULTATION**

Legal Services has been consulted.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Over the past few years the Building Division has seen an increase in the use of alternative fence construction for pool enclosures such as horizontal wood fencing. The current Pool Enclosure By-law (By-law No. 16-184) only provides prescriptive construction requirements for chain link fences and vertical wood fences. If a homeowner wanted to construct a horizontal wood fence, they would have to apply for an equivalency exemption and provide proof that the proposed fence enclosure would provide an equivalent or greater degree of safety as a fence prescribed in the current by-law. This would delay the issuance of a pool enclosure permit and in some cases result in modifications to the fence design.

In order address this issue, and provide additional design options for a homeowner, staff are proposing to add the following additional fence construction types to the current Pool Enclosure By-law:

- Horizontal Wood Fence
- Glass Panel Fence
- Vertical/Horizontal Composite Fence
- Horizontal Vinyl Fence

The proposed by-law amendment will provide the construction details of the fence including the type of material, size, spacing, etc. This would ensure that these

additional fence options are at least equivalent to the fence construction in the current Pool Enclosure By-law.

The Building Division is also proposing several housekeeping amendments to clarify the intent of the by-law and to make it easier to understand.

Adding these additional fence design options will provide flexibility to homeowners while still ensuring public safety.

### **ALTERNATIVES FOR CONSIDERATION**

Not applicable.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22067 – Proposed Amending By-law