

**Authority:** Item , Planning Committee  
Report  
CM:

**Bill No.**

**CITY OF HAMILTON**

**BY LAW NO. 22-**

**To amend By-law 16-184, being a By-law to Regulate  
Enclosures for Privately-Owned Outdoor Pools**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 6 and 10 of subsection 10(2) authorize By-laws respecting: the health, safety and well-being of persons; and structures including fences;

**AND WHEREAS** section 8(3) of the *Municipal Act, 2001*, authorizes the City of Hamilton to regulate or prohibit in respect of matters within its jurisdiction, including fences, and to require persons to obtain permits and provide for a system of obtaining permits in relation to those matters;

**NOW, THEREFORE**, the Council of the City of Hamilton enacts as follows:

1. That the following sections be added to By-law 16-184 after section 21:

**Horizontal Wood Fence**

21A. Every owner shall construct and maintain a horizontal wood fence that forms all or part of an enclosure with:

- (a) boards:
  - (i) of not less than 19 mm by 140 mm;
  - (ii) with no space between boards at time of installation;
  - (iii) Offset or protruding not more than 15 mm from the board immediately above of below; and
  - (iv) not more than 2.4 metres in length;
- (b) a minimum 38 mm by 89 mm vertical intermediate support shall be installed between the support posts so that there is not more than 1.2 m between a support post and the intermediate support; and
- (c) support posts:

- (i) at intervals of not more 2.4 m;
- (ii) securely imbedded at least 1.2 m below grade or so as not to be frost susceptible;
- (iii) encased in concrete below grade with at least a 50 mm cover on sides and base;
- (iv) made, below grade, of natural cedar, pressure-treated wood or treated with a wood preservative that is acceptable to the Director; and
- (v) a minimum of 89 mm by 89 mm square.

### **Glass Panel Fence**

21B. A glass panel fence system used in a swimming pool enclosure shall be designed by a Professional Engineer Licensed in the Province of Ontario and shall be constructed in a good, workmanlike manner as follows:

- (a) glass panels shall be located so there is no opening of more than 38 mm between the panel and the post where horizontal elements are spaced less than 1.2 m apart, and not more than 100 mm apart where horizontal elements are spaced more than 1.2 m apart;
- (b) horizontal elements shall be supported on substantial posts that are spaced not more than 2.4 m apart, securely fastened to the ground and structurally sound; and
- (c) glass panels used in swimming pool enclosures shall be safety glass of laminated or tempered type conforming to CAN/CGSB-12.1-M "Tempered or Laminated Safety Glass".

2. That section 22 of By-law 16-184 be deleted and replaced with the following section:

### **Other Types of Fence Construction**

22. Every owner shall construct and maintain a wrought iron, aluminum, vinyl or composite fence that forms all or part of an enclosure with:

- (a) sufficient strength to provide an effective enclosure;
- (b) for vertical fences, no openings allowing the passage of a spherical object larger than 100 mm in diameter with a top and bottom rail at least 1.2 m apart;
- (c) for horizontal fences, no space between the boards, and a vertical intermediate support shall be installed between the support posts

so that there is not more than 1.2 m between a support post and the intermediate support; and

(d) support posts:

- (i) at intervals of not more 2.4 m;
- (ii) securely imbedded at least 1.2 m below grade or so as not to be frost susceptible; and
- (iii) encased in concrete below grade with at least a 50 mm cover on sides and base.

3. That the title above section 20 be deleted and replaced with "**Chain Link Fence**".

4. That the title "**Vertical Wood Fence**" be added above section 21.

5. In all other respects, By-law 16-184 is confirmed in force.

6. This By-law comes into force on the day it is passed.

**PASSED** this            day of            , 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk