



INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: July 9, 2013	
SUBJECT/REPORT NO: Swimming Pool Enclosure By-law (PED13126) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Jorge M. Caetano (905) 546-2424 Ext. 3931
SIGNATURE:	

Council Direction:

Planning Committee at its meeting of April 30, 2013, approved the following:

- (a) Staff were directed to provide a report on the City of Hamilton’s current rural and urban by-laws for the regulation of ornamental ponds;
- (b) Staff are to provide a definition of ornamental ponds;
- (c) Staff are to provide a review of other municipalities by-laws and provincial legislation with respect to regulation of ornamental ponds;
- (d) Staff are to review and provide recommendations based on the concerns provided in Kim Houtmeyers’ presentation.

Information:

In response to the above noted direction the Building Services Division can provide the Planning Committee with the following update. Staff have reviewed Planning Committee’s request and have taken the direction as an opportunity to review and

update the entire Swimming Pool Enclosure By-law (By-law No. 03-125). Doing so will permit the City to address the following recommendations from the Office of the Chief Coroner for Ontario in their Drowning Review Report from 2011:

1. 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.
2. All municipalities in the Province of Ontario should pass pool enclosure municipal bylaws that mandate retrofitting for existing pools as defined by 2015 to the standards as in recommendation #1 above.

As can be seen from the Coroner's report, one of the recommendations is that Pool Enclosure By-laws should include barrier safety requirements for decorative ponds (ornamental ponds). Currently the City of Hamilton does not have regulations regarding ornamental ponds in rural or urban locations. However, as part of the Building Services Division's review of the City of Hamilton's Swimming Pool Enclosure By-law staff are planning to incorporate ornamental ponds into the definition of "pool" with some exemptions based on certain uses such as farming (irrigation), golf courses, etc. Staff are also reviewing ornamental ponds as it relates to rural versus urban locations.

As part of this complete review of the Pool Enclosure By-law staff are also reviewing the Pool Enclosure By-laws of other Municipalities as they relate to ornamental ponds and the recommendations noted above from the Office of the Chief Coroner for Ontario.

Staff intend to present a full Report, together with a proposed Swimming Pool Enclosure By-law, to the Planning Committee no later than November 2013.