CITY OF HAMILTON

BY LAW NO. 22-059

To Amend By-law No. 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 30th day of March, 2022.

F. Eisenberger  A. Holland
Mayor          City Clerk