



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: FES-24-007 **COMMITTEE DATE:** 2024-05-14
REPORT TO: COTW-General **DUE IN COUNCIL:** 2024-05-28
SUBJECT: Updates to Pool Bylaw 5155-19

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council receive this report as information regarding the revisions to By-law 5155-19 and authorize that the amending by-law attached as Appendix I be brought forward for Council's approval.

2. EXECUTIVE SUMMARY

- Bylaw and Building Staff have encountered several challenges when enforcing portions of the Town's Pool Bylaw 5155-19.
- This report outlines the proposed changes to the By-law that will provide better customer service and assist Staff in enforcing the Bylaw.

3. PURPOSE

The purpose of this report is to inform Council of the need to modify sections of the Swimming Pool By-law as it relates to swimming pool enclosures, as well as add a section to the Swimming Pool By-law that will enhance safety measures for pool enclosures which consist of double gates used for vehicle or machinery passage.

4. BACKGROUND

Over the past several years, Municipal Enforcement Staff and Building Department Staff have encountered several situations where current provisions within the Town's Pool By-law 5155-19 are impractical and have proven very difficult to enforce. Two specific clauses have received a significant amount of pushback from the community when inspectors are confirming the requirements of the By-law have been met.

The clauses specifically in question that are proposed to be updated are related to the latching devices that are required to be installed on any interior door from a residence or garage providing access to the pool area. The current requirements within the bylaw note that these doors are to be "*equipped with a self-latching device located not less than 1.52 metres (5 feet) above the bottom of the door...*"

The concern with this specific wording is that a "*self-latching*" device is a door latch set, no different than a common door handle that latches when the door is closed. The wording currently requires homeowners to install a door handle (latch set) at a height of 5' from the ground. No standard door or frame is designed to accommodate this. The intent of this clause is to ensure the pool area can be secured from inside the building by a high-placed locking device, preventing vulnerable people from entering the pool area. Town Staff have been

enforcing this; however, it has proven to be very difficult to gain compliance, with some owners refusing to comply. Additionally, with several door styles, such as a French door, this requirement cannot be achieved.

Municipal Enforcement and Building Staff have also faced some challenges when enforcing pool enclosures that are equipped with a double gate that allows the passage of vehicles or machinery. The current swimming pool by-law does not speak to the requirements of double gates and Staff are subject to enforcing the current language for single gates. When both gates are equipped with the required self-closing mechanisms, the latching device will not engage if both gates are not closed in proper sequence. If this occurs, the gates will not be latched adequately to ensure that the enclosure is secure.

5. DISCUSSION / ANALYSIS

It is the Municipal Enforcement and Building Staff's opinion that the proposed amendments will provide for a functional solution for pool owners to create a safe enclosure and allows for a greater compliance when pool enclosures are inspected by Staff.

Revising section 4.1.2(3) and section 4.1.2(4) will eliminate the need to install a self-latching device at 1.52 metres (5 ft) for dwelling unit doors and garage man doors that form part of the enclosure, which has been established as unconventional and unattainable, depending on the door structure and material. Allowing an alternative method of having a locking device installed at 1.52 metres (5 ft) on dwelling unit doors and garage man doors, rather than a self-latching device will continue to achieve safe standards and provide pool owners with available options that will meet the intent of the by-law.

Furthermore, by adding a clause to the current swimming pool by-law which addresses double gates will provide greater clarity on what steps and functionality are necessary to ensure that the enclosure is safe and secure.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

4. Optimize Organizational Excellence

Priority

4.2 Customer Experience

Action

4.2 a) Customer Experience

7. OPTIONS

7.1 Option 1: Council receive and approve the Swimming Pool By-law Amendment, assisting in working towards customer service excellence and continuous improvement. **(Recommended)**

7.2 Option 2: Council choose not to approve the Swimming Pool By-law Amendment and provide alternate direction *(Not Recommended)*

8. FINANCIAL IMPLICATIONS

There are no immediate financial implications from approving the Swimming Pool By-law

Amendment.

9. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications from approving the Swimming Pool By-law Amendment.

10. COMMUNICATIONS

If approved, revisions to the Swimming Pool By-law will be detailed on the Town's website and enforced accordingly.

11. CONCLUSION

Municipal Law Enforcement Staff believe that the approval and passing of the Swimming Pool By-law Amendment will enhance swimming pool enclosure safety measures, as well as propel the department along its path toward customer service excellence and continuous improvement.

Staff have prepared a revised clause within the bylaw that no longer requires residents to install a door handle at this height but would rather require the installation of a locking device. Locking devices do have the opportunity to be surface mounted, which can be installed on basically every type of door without compromising the door or the door frame. The intent to secure the door from the inside is still achieved with this proposal, which is the most important part of this section of the bylaw. Additionally, revising the clause to read as a locking device only, not latching and locking device, aligns with other pool bylaws across the province.

12. PREVIOUS REPORTS

N/A

13. APPENDICES

- Appendix I – By-law to Amend Pool By-law 5155-19

Respectfully submitted:

Prepared by:



**Jay Plato
Fire Chief & CEMC /
Director of Municipal Enforcement,
Fire & Emergency Services**

Submitted by:

**Bruce Zvaniga
Chief Administrative Officer (Interim)**