



Report to: General Committee

Meeting Date: June 15, 2015

SUBJECT: Updates to Markham's Pool Enclosure Standards
PREPARED BY: C. Alexander, Acting Manager of By-law & Regulatory Services, Ext. 2128

RECOMMENDATION:

- 1) That the report titled "Updates to Markham's Pool Enclosure Standards" dated June 15, 2015, be received; and,
- 2) That Council repeal the current *Swimming Pool Enclosure By-law* (By-law 59-75); and,
- 3) That Council enact the proposed new By-law entitled "Pool Enclosure By-law" as outlined in this report and **Attachment "A"**; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to update Markham's current pool enclosure regulations for privately-owned pools by repealing the current *Swimming Pool Enclosure By-law* (By-law 59-75) and enacting a new *Pool Enclosure By-law*. The City's current By-law is dated and the proposed new By-law incorporates current legislative authorities and includes updated definitions, terms and standards.

BACKGROUND:

Markham's current *Swimming Pool Enclosure By-law* (By-Law 59-75) prescribes the height and description of lawful swimming pool enclosures in the City. The proposed *Pool Enclosure By-law* will provide an updated by-law updating authorities, definitions, terms and standards and repeal the current dated *Swimming Pool Enclosure* (By-law 59-75). In drafting the updated By-law, staff did not undertake a fulsome review of the previous By-law standards. The old standards continue but with the proper authority alignment.

OPTIONS/ DISCUSSION:

Need for an updated By-law

An updated By-law is required for the following reasons:

1. **Public Safety** – The new By-law provides City staff and By-law Officers with the powers and authorities required to ensure safer pool enclosures. The new By-law enables staff to set regulations, require permits and to permit the erection of temporary enclosures for privately-owned outdoor pools where the owners have failed to install the required fencing.

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2. **Ease of Use** – The new By-law is drafted to be consistent with other By-laws that have been and are being implemented in Markham. This consistency allows for easier integration with the automated complaint folder processing and for automated field enforcement systems. Consistent By-law wording reduces time required to develop staff training and administrative processes.
 3. **New Matters** – The new By-law will address new matters that have arisen on privately owned properties with outdoor pools and are not addressed in current regulations.
 4. **Authorities** – The By-law incorporates the current authorities contained in the Municipal Act, 2001. These authorities only come into force if enacted in the By-law.
 5. **Definitions/Terms** – The current By-law is forty (40) years old. The By-law will enact new terms and definitions reflective of pool enclosure terminology of today and matters not addressed or present at the time of passing the former By-law.

By-law Summary & New Matters

The new By-law is intended to be an administrative process only and not a fulsome review of current regulations. The proposed new Pool Enclosure By-law, in addition to general administrative and enforcement regulation updates and alignments, has added components to address new matters and safety issues that have arisen since passing of the former By-law.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management: Effective regulation and administration of new development.

Environment: Enforceable regulations to protect the environment.

Municipal Services: Optimizing service delivery for stakeholders and residents.

BUSINESS UNITS CONSULTED AND AFFECTED:

By-law and Regulatory Services as well as Legal staff have contributed to the preparation of this report.

RECOMMENDED BY:

11/06/2015

X



Kimberley Kitteringham
City Clerk

11/06/2015

X



Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

[Attachment 'A' – Pool Enclosure By-law](#)