

April 12, 2012

Chair and Members of the Public Safety Committee

Re: Request for Delegation – Pool Fence By-law

Please accept this as my request to appear before the Public Safety Committee as a delegation to request that the Swimming Pool Fence By-law PS-5 be amended.

Section 5.3 of the Pool Fence By-law requires that the vertical distance between each horizontal rail to be greater than 1.2 metres (48 inches) in order to permit openings in the fence to be greater than 3.8 cm (1.5 inches), but not greater than a distance that would provide for the passage of an object with a diameter of 10 cm (4 inches).

There currently is a product on the market that is used in many communities across North America that has a vertical spacing of 46 inches between each horizontal rail. Residents that are installing this high end fence are being forced to add wrought iron bars, chicken wire or Plexiglas, to meet the City of London regulations.

I have met with staff from Building and By-law Enforcement to request that an amendment to the Swimming Pool Fence By-law be brought forward to allow for this product to be used in London, however, staff has not indicated support of this amendment request.

I therefore respectfully request that the Public Safety Committee request staff to bring forward an amendment to the Swimming Pool Fence By-law to either permit a spacing of 46 inches, or to exempt this product from the requirement.

I understand that this request for delegation will be before the Special Meeting of the Public Safety Committee on May 10, 2012 for consideration, with the delegation, if approved, being granted for the June 19, 2012 meeting of the Public Safety Committee.

Thank you for your consideration of this request.

Sincerely,

Steve Taylor



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City of London Pool Fence Bylaw limitation

Over the last decade many residential pool owners have transitioned to the use of an “ornamental iron” type fence in place of the common chain link for use as pool enclosure fencing. Some new condo subdivisions will not even allow the installation of chain link at all. Most manufacturers of ornamental iron fencing construct their products to meet the B.O.C.A. (Building Officials and Code Administrators International) standards of pool safety code.

This has given rise to a small but recurring issue on a number of pool & fence projects over the last couple of years, where some ornamental iron fence installations have not been passed due to one point of conflict between the current bylaw (City Of London Pool Bylaw – sec. 5.3) and the international BOCA standards implemented by many manufacturers:

City of London Pool Bylaw (sec 5.3)

5.3 Opening - maximum diameter - exception - conditions

For other than chain link fences, where the vertical distance between each horizontal rail measured from the top of each rail is 1.2 metres (4 feet) or greater, the openings in the fence are permitted to be greater than 3.8 cm (1.5 inches) but not greater than that which would allow the passage of a spherical object having a diameter of 10 cm (4 inches).

BOCA

- *The minimum space between the lowermost top rail and the bottom rail must be at least 45”.*

The fence systems in question have been designed to meet the **BOCA** standards, and therefore have horizontal rails anywhere from ½” to .3” closer than currently passable under the London bylaw, causing many otherwise-suitable options to be unacceptable in London.

The issue this causes is there are many safe options unavailable to London residents. These options include the ability to “rake” or be angled up or down grades to conform to uneven terrain (options which are currently unavailable or only in a very limited range), as well as products with superior finishes desired to stand up to our often harsh weather conditions.

The current City of London pool bylaw is thorough, concise & well written. It defines a high standard of safety for residential pool enclosures & puts London at the forefront of pool safety bylaws in comparison with other municipalities, either regionally or internationally. We don’t believe it is the purpose of the London pool bylaw to intentionally limit the consumers’ choice beyond that of ensuring that proper safety concerns are met. Changing this point of the bylaw would eliminate this nagging issue as well as benefit the residential property owners of London by allowing the flexibility to choose from more options while not having a negative impact on pool safety.

Please feel free to contact us with any questions.

With Regards

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