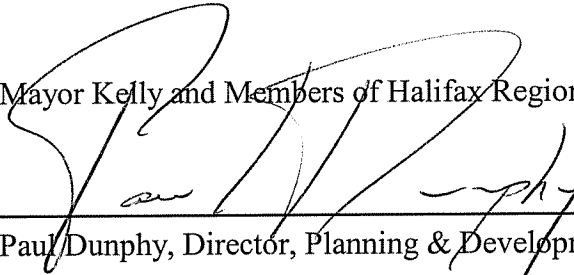




PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
August 2, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Paul Dunphy, Director, Planning & Development Services

DATE: July 22, 2005

SUBJECT: Safety Concerns - Backyard Ponds

INFORMATION REPORT

ORIGIN

At the June 21, 2005 meeting of Regional Council, there was a request for a staff report on the potential safety hazards associated with backyard ponds.

BACKGROUND

The Swimming Pool By-law requires a fence preventing “unauthorized access” to the pool surface.

The current definition of a swimming pool is: “an artificial body of water outside a building, **excluding ponds**, having more than 100 square feet of surface area that is designed or intended to be used for swimming purposes and contains or is capable of containing a water depth of more than 24 inches.”

Since the By-law’s adoption in January of 2002, the use and design of backyard ponds has evolved such that they are becoming more prevalent and elaborate, causing a re-consideration of their exemption from the fencing provisions of the Swimming Pool By-law.

DISCUSSION

Staff have reviewed the legislation governing pools in eight other municipalities in Canada. (Appendix A) All those surveyed exempt “ponds and naturally occurring waterways” from the fencing provisions of their pool by-laws. Staff were unable to find any jurisdiction that regulates ornamental ponds or natural waterways.

In addition, staff has queried the local retailers that sell various backyard ponds and accessories. They don't have good statistical data, however they all indicate that the "backyard pond" market is not significant, either in volume of sales or scope of individual project. Most of the units sold are very small and would be exempt from the size limits in the current by-law provisions.

It is staff's position that the fence provisions of the HRM Swimming Pool By-law are intended to prevent unauthorized or inadvertent access to the surface of a swimming pool. This is primarily intended to protect small children who recognize a pool as somewhere that people swim and are therefore "drawn" to the pool.

BUDGET IMPLICATIONS

There are no budget implication of this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council can either accept staff's conclusion that no addition regulation is required or direct staff to prepare amendments to the Swimming Pool By-law which will regulate access to backyard ponds and/or other bodies of water.

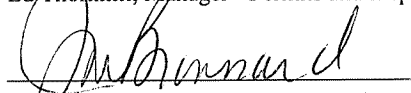
ATTACHMENTS

Appendix A - Municipalities surveyed

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Ed Thornhill, Manager - Permits and Inspections, 490-4480

Financial Review:


Joan Broussard, Financial Consultant

Appendix A - Municipalities Surveyed

Hamilton
Kingston
Calgary
Kelowna
Chattam-Kent
Burlington
Niagara Falls