



Subject: *Proposed Amendments Bylaw P-900, Building Bylaw: Protective Construction Fencing*
To: CAO for Planning Advisory Committee, January 18, 2022
Date Prepared: January 11, 2022
Related Motions: C21(317)
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Summary

East Hants Council passed Motion C21(317) at their October 2021 meeting, which directed staff to prepare a report to investigate options to secure construction sites. Planning staff have reviewed protective fencing of construction site regulations from other Municipal jurisdictions, including Halifax and Toronto, and have developed an approach for the Municipality of East Hants for Planning Advisory Committee to consider.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report.

Recommendation

That Planning Advisory Committee recommend that Council give first reading to Bylaw P-900-1, an amendment to Bylaw P-900, Building Bylaw to regulate protective construction fencing.

Recommended Motion

Planning Advisory Committee recommend that Council:

- *Give first reading to Bylaw P-900-1, an amendment to Bylaw P-900, Building Bylaw to regulate protective construction fencing.*

Alternative Motion

Planning Advisory Committee recommend that Council:

- *direct staff to continue to research alternative methods of regulating protective construction fencing.*

Background

At their October 2021 meeting, Council passed motion C21(317) to direct staff to prepare a report to investigate options to secure construction sites. The motion stemmed from complaints that had been received regarding construction sites that were unsecure or where fencing had fallen down around the construction site.

In response to Council's direction, amendments are being proposed to the Building Bylaw to regulate protective construction site fencing.

Discussion

As part of Planning staff's research on protective construction site fencing, or hoarding as it is sometimes referred to, staff reviewed regulations from Halifax and Toronto. Both cities take different approaches in addressing protective construction site fencing. In both cities, fencing is part of a much more comprehensive set of regulations on construction site standards. Halifax uses an Administrative Order Respecting Construction Management and requires construction companies to submit a Construction Management Plan to address items identified in the Order. Alternatively, Toronto has a Municipal Code related to Building Construction and Demolition that regulates construction site fencing. Planning staff suggest that the level of regulation and detail in these two documents are not necessary for East Hants. In the future, if East Hants continues to develop, and construction intensifies, a more comprehensive set of construction site documents may be required.

For the single issue of protective construction site fencing, staff feel that amendments to Bylaw P-900, Building Bylaw should be sufficient. Protective fencing would be required to be erected, where it has been determined to be necessary, prior to a building permit being issued. If the fencing fell down during construction, depending on the situation the Municipality may be able to use the MGA to issue a SOT. The Municipal Solicitor has reviewed the proposed regulations.

Proposed Amendments

Text in green is proposed to be added to Bylaw P-900, Building Bylaw. The following two definitions would be added to the Bylaw:

“Commercial Construction Site” means a construction site where the use of the property containing the construction site, following the completion of the construction work, will be either a multiple unit dwelling over four units, or a commercial/institutional building over 230 m², or a combination of both.

“Construction Fence” means a fence required to be erected on a commercial construction site under the provisions of this Bylaw.

The following provisions shall be added to Section 4.7 of the Bylaw:

- 4.1 A Building Official may, if applicable, withhold a building permit until satisfied that the following requirements have been met:
- (a) a notification for an on-site sewage system, as per Nova Scotia Environment Regulations, has been received for the construction of a building requiring a new

- private sewage disposal system;
- (b) any applicable permit or permission issued by Nova Scotia Transportation and Infrastructure Renewal or the Municipal Traffic Authority, or any legal access over a private road or through a right-of-way easement, for access to the property;
- (c) permission from the appropriate authority for construction of a structure within a designated watershed;
- (d) all approvals, with applicable fees paid in full, for the installation and hook-up of Municipal water and sewer infrastructure;
- (e) a Certificate of Appropriateness from the Municipal Heritage Officer;
- (f) any required approval to alter or demolish a Municipal Heritage Property in accordance with the Heritage Property Act.
- (g) a valid development permit issued by the Municipal Development Officer.
- (h) A Construction Fence has been installed on a Commercial Construction Site where Municipal water and/or wastewater services are available and when the Commercial Construction Site is located adjacent to a residential building, sidewalk, walkway, pathway, or other pedestrian link, and shall be installed in accordance with the following provisions:
 - i) the construction fence shall be erected and in place on the property prior to the commencement of construction work;
 - ii) shall be erected on the property around the perimeter of the construction site so as to fully enclose the construction site;
 - iii) shall be a minimum height of 1.8 m;
 - iv) shall be built of wood, chain link, or welded-wire panels;
 - v) shall be built to deter entry to the site by unauthorized persons;
 - vi) shall be maintained and kept in a sturdy and upright position and shall at all times be well anchored and secure; and
 - vii) the Building Official may authorize modifications to the construction fencing provisions, where satisfied that the proposed modifications meet the intentions of this bylaw and do not compromise public safety.

Options

If Planning Advisory Committee and Council are not satisfied with the approach that staff have developed, staff can continue to complete additional research and develop an alternative method of regulating protective construction site fencing. Alternatively, PAC and Council may decide not to require fencing around construction sites.

Conclusion

Planning staff have prepared draft amendments to Bylaw P-900, Building Bylaw, which will require protective fencing around construction sites. Staff recommend that first reading of the proposed Bylaw amendments is given.

Recommendation

That Planning Advisory Committee recommend that Council give first reading to Bylaw P-900-1, an amendment to Bylaw P-900, Building Bylaw to regulate protective construction fencing.