

***Proposed Amendments Bylaw
P-900, Building Bylaw for Protective
Construction Fencing***

Planning Advisory Committee

January 18, 2022

Planning & Development Department



EAST HANTS

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 construction sites.
- 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 protecting construction site fencing, or hoarding as it is sometimes referred to, staff reviewed regulations from Halifax and Toronto.
- 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.
- 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.

Discussion

- 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

- The following two definitions are proposed to be added to the Building 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.

Proposed Amendments Continued

- The following is added to Section 4.7:

1. A Building Official may, if applicable, withhold a building permit until satisfied that the following requirements have been met:

.....

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.

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.*