

MUNICIPALITY OF THE
TOWN OF PORT HAWKESBURY

RESOLVED by the Town Council of the Municipality of the Town of Port Hawkesbury that the following By-Law be and the same is hereby enacted and that the Clerk be and is hereby instructed to forward same to the Minister of Municipal Affairs with a request for his approval thereof.

SWIMMING POOL BY-LAW

1. DEFINITIONS:

(a) Enclosure means a fence, wall or other structure, including doors or gates, surrounding a swimming pool to restrict access thereto.

(b) Outdoor swimming pool means a tank or body of water maintained or used or which may be used for swimming purposes whether above or in ground and which has a maximum depth of water greater than four inches, other than an existing natural body of water or stream. It shall also include privately owned pools belonging to or connected with any type of multiple housing development, motel, hotel, or similar establishment.

(c) Owner includes a person in possession of the property on which the swimming pool is located.

(d) Town means the Town of Port Hawkesbury.

(e) Person means any firm, corporation, partnership, individual or association.

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| Co./Dept. | | Co. | |
| Phone # | ARTHUR JOHN BAIN | Phone # | |
| Fax # | | Fax # | |



2. ENCLOSURES:

(a) Every owner of an outdoor pool within the Town shall erect and maintain around such pool an enclosure which shall extend from the ground for a height of not less than five feet and be so located that entry to the swimming pool area shall only be accessible by means of one or more gates in the enclosing fence. All fences shall be chain link type fence or completely of vertical construction with not more than two inches horizontal opening between boards.

(b) Every fence shall have a gate or gates of chain link fencing or of material of not less than equivalent strength which provides an equivalent degree of safety; and every gate shall be of at least the same height as the fence, be supported by substantial hinges and be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate.

(c) Every gate shall be kept closed and locked at all times when the pool is not in use.

(d) Any enclosure may have a wall or a wall of a building as part of such fence, provided the said wall is at least five feet in height and if the wall contains any openings which could provide a means of access to the pool, that such openings be kept locked or blocked at all times when such pool is not in use.

(e) Where a swimming pool has been installed prior to the passing of this By-Law and is fenced in such a way as to provide adequate safety and complies with existing By-Laws, it shall be deemed to comply with this By-Law.

(f) No person shall permit any structures or material to be placed or to remain adjacent to any swimming pool enclosure which would provide a means of access over the top of the enclosure to the pool.



3. SPECIFICATIONS:

(a) No swimming pool shall be constructed in the Town of Port Hawkesbury unless a permit has been obtained therefor.

(b) To obtain a permit, plans and specifications must be submitted to the Building Inspector. If it appears that the plans and specifications are in conformity with the requirements of this By-Law and all other laws and ordinances applicable thereto, the Building Inspector or the Town Council, as the case may be, shall issue a building permit.

(c) Any inground swimming pool shall be a minimum of 5 feet from the property lines at the back and sides of the property, measured from the inside edge of the pool.

(d) Any inground swimming pool shall be located behind the minimum setback line from the street.

4. THIS BY-LAW SHALL COME INTO EFFECT:

(a) In respect of all new swimming pools, on the date of approval by the Minister of Municipal Affairs; and

(b) In respect of all existing swimming pools, on the 60th day after the date it was approved by the Minister of Municipal Affairs.

5. PENALTY:

Any person who violates any of the provisions of this By-Law shall, on summary conviction, be liable to a penalty not exceeding Two Hundred Fifty (\$250.00) Dollars and in default of payment thereof, to be imprisoned for a term not exceeding twenty (20) days.



C E R T I F I C A T E

This is to certify that the By-Law of which the foregoing is a true copy was passed at a duly called meeting of the Town Council of the Municipality of the Town of Port Hawkesbury duly held on the *2nd* day of *December*, 1986.

Given under the hand of the Town Clerk and under the Corporate Seal of the said Town this *9th* day of *December*, A.D., 1986.

Colin MacDonald
COLIN MacDONALD - TOWN CLERK

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| DEPARTMENT OF MUNICIPAL AFFAIRS | |
| Recommended for approval of the Minister | |
| <i>[Signature]</i> | |
| Departmental Solicitor | |
| APPROVED this | <i>3rd</i> day |
| of | <i>February</i> 19 <i>87</i> |
| <i>David Jants</i> | |
| Minister of Municipal Affairs | |