

THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH
SWIMMING POOL BY-LAW

BE IT RESOLVED by the Municipal Council of the County of Antigonish that the following By-Law be enacted and that the Clerk forward two copies to the office of the Minister of Municipal Affairs with a request for his approval thereof.

INTRODUCTION

The **intent** of this By-Law is to ensure some measure of public safety and to provide information about requirements pertaining to swimming pools in the County of Antigonish.

1. **DEFINITIONS**

- (a) “***Swimming Pool***” means a water-filled enclosure, permanently constructed or portable, whether above or in ground capable of holding water to a depth of more than twelve (12) inches, maintained or used, or which may be used for swimming or bathing; including reflecting pools and other such structures used as part of the landscaping of a property; but excluding existing natural bodies of water or streams..
- (b) “***Enclosure***” means a fence, wall or other structure including doors or gates, surrounding a swimming pool or restricted access.
- (c) “***County***” means the County of Antigonish.

2. **ENCLOSURES**

Pursuant to the Municipal Act (Section 191 (29A)):

- (a) All “***swimming pools***”, or the yard in which a “swimming pool” is located, shall be completely enclosed so as to prevent uncontrolled access from the street, adjacent properties, or buildings on the same property.
- (b) Access to a “***swimming pool***” may be controlled by a combination of building(s) and fencing, or by a fence alone; all gates accessing and enclosure shall be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate.
- (c) An enclosure or other structure (including gates and doors) intended to control access to a “***swimming pool***”, shall be a minimum of five (5) feet in height from grade, and shall be so constructed as to prevent easy access through, under, or over it and, in the case of an above-ground type of “***swimming pool***”, may include an extension to the sides of the pool structure and enclosing the step area at grade.

3. **BUILDING PERMITS REQUIRED**

- (a) Pursuant to the Provincial Building Code Act Section 7 (1), a building permit for a “***swimming pool***” shall be required.
- (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 applicable laws, the Building Inspector shall issue a building permit.

4. **EFFECTIVE DATE**

- (a) This By-Law shall have effect, with respect to all new swimming pools, on the date it is approved by the Minister of Municipal Affairs.
- (b) This By-Law shall have effect, with respect to all existing swimming pools, on the sixtieth day after the date it is approved by the Minister of Municipal Affairs.

5. **INFORMATION**

The Building Inspector shall provide any person applying for a permit to construct, alter or enclose a swimming pool with a copy of this By-law and with any information sheet respecting applicable conditions, which information sheet may be in the form hereto annexed as Schedule "A", or to the like effect, with such additional detail or altered to meet changes in circumstances or legislation as the building inspector may determine.

6. **PENALTIES**

- (a) Pursuant to Section 194, subsections (1) and (2) of the Municipal Act: anyone who violates any of the provisions for fences and gates in this By-Law shall, on summary conviction, be liable to a maximum penalty not exceeding one thousand (\$1,000.00) dollars and in default of payment thereof, to be imprisoned for a maximum penalty not exceeding one hundred (\$100.00) dollars and in default of payment thereof, to be imprisoned for a minimum period not exceeding ten (10) days.
- (b) Pursuant to the Planning Act and the Provincial Building Code Act, other penalties may apply.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy was duly passed a duly called meeting of the Municipal Council of the County of Antigonish duly held on the 15th day of December A.D., 1987.

GIVEN under the hand of the Clerk and under the corporate seal of the Municipality of the County of Antigonish this 17th day of December, A.D., 1987.

Alan J. Bond, Municipal Clerk

SCHEDULE "A"

SWIMMING POOL REGULATIONS

Swimming pools in the County of Antigonish are regulated under a number of different provisions. The Building Inspector responsible for the administration of most of these, can help you ensure that your pool meets the necessary requirements.

1. **Swimming Pool By-Law**

The Swimming Pool By-Law requires all pools (including existing pools not just new ones) to be adequately enclosed. A copy of this By-Law is attached.

2. **Building Code**

The Provincial Building Code Act and regulations prescribe minimum standards for construction of swimming pools, fences and gates.

3. **Land-Use By-Law**

The Planning Act enables municipalities to regulate the location of swimming pools inlets; pools must comply with the prescribed set backs described in the Land-Use By-Law for the relevant zone.

Penalties for infringing these regulations are set out in the Swimming Pool By-Law.

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

SWIMMING POOL BY-LAW

Adopted at a meeting of Municipal Council held on December 15, 1987

Recommended for approval with amendments.

Janet Willwerth
Departmental Solicitor

The Swimming Pool By-Law which was adopted at a meeting of Antigonish Municipal Council held on December 15, 1987, is approved, pursuant to Section 24 of the Municipal Affairs Act, with the following amendment:

1. Clause (b) of Section 4 is amended by deleting the word "sixteenth" in the second line thereof and substituting therefor the word "sixtieth".

Dated at Halifax this 16th day of February, 1988.

R. Laird Stirling
Minister of Municipal Affairs