



MUNICIPALITY OF THE COUNTY OF PICTOU
SWIMMING POOL BY-LAW

1. This by-law may be cited as the Swimming Pool By-Law.

DEFINITIONS

2. In this by-law

(a) “building official” means any building official appointed as such by the Municipality to administer and enforce the Building Code Act in the Municipality;

(b) “by-law enforcement officer” means a by-law enforcement officer of the Municipality;

(c) “building permit” means a permit to construct a swimming pool issued by the Municipality’s Building Code By-law;

(d) “construct” means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a swimming pool and includes the installation of a swimming pool fabricated or moved from elsewhere;

(e) “enclosure” means a fence, wall or other structure including doors or gates, surrounding a swimming pool to restrict access;

(f) “Municipality” means the Municipality of the County of Pictou;

(g) “swimming pool” means any water-filled enclosure, whether above ground, or in-ground, capable of holding water to a depth of more than 24 inches, and constructed, maintained, or used mainly for swimming, bathing, or wading, and includes an enclosure, but does not include an inflatable swimming pool.

3. (1) Every owner or occupant of property containing a swimming pool or upon which a swimming pool is located, shall ensure that:

(a) any swimming pool, 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) all gates accessing or permitting entry into an enclosure shall be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate;

(c) any enclosure or other structure intended to control access to a swimming pool, shall be a minimum of four and one half (4 ½) 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;

(2) Access to a swimming pool may be controlled by a combination of a building or buildings or fencing, or by a fence alone.

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

4. (1) No person shall construct a swimming pool without first having applied for and obtained a building permit therefore.

(2) No building permit shall be issued unless the plans and specifications for the swimming pool or enclosure are in conformity with the requirements of this by-law and all other applicable laws.

5. The building official shall provide any person applying for a building permit to construct, alter or enclose a swimming pool with a copy of this By-Law and with an information sheet respecting applicable conditions, which information sheet may be in the form 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 official may determine.

6. Any person found guilty of an offence against this by-law is liable upon summary conviction:

(a) for a violation of any provision of section 3(1) to a penalty not exceeding \$1,000.00;

(b) for a violation of section 3(3) to a penalty not exceeding \$1,000.00;

(c) for a violation of section 4(1) to a penalty not exceeding \$1,000.00;

and in default of payment thereof, to be imprisoned for a period of not exceeding 90 days.

7. A person who contravenes any provision of this by-law may offer to pay to the Municipality, the sum of \$100.00 to avoid prosecution and if the Municipality agrees to accept that payment, and the payment is made, that person will not be prosecuted for the contravention.
8. Where any person is found guilty of an offence under this by-law, whether a conviction is entered or not, the court, in addition to any other punishment that may be imposed, may make an order directing that the offender do any or all acts necessary to remedy any contravention of this by-law and such order may include, but is not limited to:
 - (a) ordering the removal of any swimming pool, enclosure or other thing prohibited by this by-law;
 - (b) ordering that the offender cease and desist from carrying on or attempting to carry on, directly or indirectly, any activity prohibited by this by-law;
 - (c) ordering impounding or disposing of, including the sale or destruction, of any thing used in a contravention of this by-law;
 - (d) ordering the charging or collecting the costs of any order made under this section, including the power to order those costs to be a first lien on the property affected; and
 - (e) imposing a penalty for the offence that is in addition to a fine or imprisonment if that penalty relates to a fee, cost rate, toll or charge that is associated with the conduct that gives rise to the offence.
9. (1) Every by-law enforcement officer, and any assistants he may reasonably require, when engaged in determining whether this By-law is being complied with, may enter upon and pass over any land and may enter upon or into private property, and there carry out any inspection necessary to determine whether this by-law is being complied with, or for the purposes of enforcement or maintenance of this by-law.
 - (2) No by-law enforcement officer or any assistant commits an offence by reason only of his entry onto lands or upon or into private property pursuant to subsection (1) of this section, and neither he, nor any assistant, nor the Municipality, shall have or suffer any criminal or civil liability for any act done or omitted to be done under subsection (1) of this section.

10. This by-law applies to all swimming pools in the Municipality, whether constructed before or after the coming into force of this by-law.
11. All former by-laws relating to swimming pools are hereby repealed on and not before the date this by-law comes into force.

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law duly adopted by the Municipal Council for the Municipality of the County of Pictou at a duly called meeting of the Municipal Council held on the 9th day of June, 2008.

GIVEN under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 10th day of June, 2008.

BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising:</u>	<u>1st Reading</u>	<u>2nd Reading</u>
The News	05/14/08	06/14/08
Pictou Advocate	05/14/08	06/18/08