

RESOLVED by the Town Council of the Town of Stellarton that 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 hereof.

SWIMMING POOL FENCING BY-LAW

1. For the purpose of this By-Law "swimming pool" means a privately owned outdoor tank or body of water maintained or used or which may be used for swimming purposes and which has a maximum depth of water greater than twenty-four inches, other than an existing natural body of water or stream. It shall also include, but not be restricted to, a privately owned outdoor "swimming pool" on land used in connection with, any type of multiple residential development motel, hotel, or similiar establishment and a privately owned outdoor swimming pool used for display or commercial purposes.

and that horizontal rails are spaced at least four feet apart measured vertically.

- (e) A wall or one or more walls of a building provided said wall is at least four feet in height and has no ledge or step closer than four feet above the ground, measured vertically and that if the said wall of a building contains any opening which could provide a means of ingress or egress to the swimming pool, that such openings are kept locked or blocked at all times when such swimming pool is not under competent supervision.
  
- 2) Every swimming pool located on lands used other than for or in connection with single family or semi-detached residential purposes shall be enclosed with fencing, including gates, in accordance with one or more of the following specifications:
  - (a) Chain link fencing, with links not exceeding two inches provided such fencing extends from ground to a height of six feet.
  - (b) A wrought iron or other metal type fencing or fencing of solid panels or vertical pickets or vertical boards, provided that such fencing shall extend from ground to a height of six feet and provided that openings between pickets, boards or panels shall not exceed three inches and that horizontal rails are spaced at least four feet apart measured vertically.
  - (c) A wall or one or more walls of a building provided said wall is at least six feet in height and has no ledge or step closer than four feet above the ground, measured vertically and that if said wall of a building contains any opening which could provide ingress or egress to the swimming pool, that such openings are kept locked or blocked at all times when such pool is not under competent supervision.

2. For the purposes of this by-law privately owned shall mean owned by a person other than a public or government body, agency or authority.
3. Every owner of land upon which a swimming pool is located or erected shall erect and maintain around such pool fences and gates in accordance with this by-law.
4. 1) Every swimming pool located on lands used for, or in connection with, single family or semi-detached residential purposes, shall be enclosed with fencing, including gates, in accordance with one or more of the following specifications:
  - (a) Chain link fencing, with links not exceeding one and one-half inches. Such fencing shall extend from the ground for a height of not less than four feet and not more than six feet.
  - (b) Chain link fencing, with links not exceeding two inches provided such fencing extends from the ground to a height of six feet.
  - (c) Fencing, of solid panels or vertical pickets or vertical boards. Such fencing shall extend from the ground for a height of not less than four feet and not more than six feet. Openings between pickets, board or panels, on the outside of the fencing, shall not exceed one and one-half inches.
  - (d) A wrought iron or other metal type fencing or fencing of solid panels or vertical pickets or vertical boards, provided that such fencing shall extend from the ground for a height of not less than five feet and not more than six feet. Openings between pickets, boards or panels shall not exceed three inches

3) Every gate shall be at least the same height as the fence, of which it is a part, be supported by substantial hinges and be equipped with approved self-closing and self-latching hardware installed at the top and on the inside of the gate. Every gate or door shall be kept closed and locked at all times when the pool is not under competent supervision.

5. 1) Every fence enclosing a swimming pool area shall be located not less than four feet from the inside edge of the pool, except that this condition shall be deemed to be met where the total height of the pool wall above grade, plus a fence extension above, meeting the construction detailed in Section 4, totals at six feet above grade.
- 2) Where steps or ladder, fixed or movable, are installed, such facility shall be fenced at grade with fencing meeting the construction detailed in Section 4.
- 3) Where a deck or ramp or part thereof is located more than three feet above grade, a handrail or balustrade shall be provided and maintained around the outer edge, or height at least thirty-two inches above such deck or ramp.
- 4) Every fence enclosing a swimming pool area shall be located at least four feet from any other existing fence not meeting the requirements of Section 4 of this by-law, other than fences located on adjacent properties on property lines other than property lines in common with the property on which the swimming pool is located.

6. The Owner of any land upon which a swimming pool is located, other than land used for single family or semi-detached residential purposes, shall keep such swimming pool covered except during seasons when pool is actually in use. Such pool cover shall be durable material and construction and shall be adequately secured in place.

7. No person shall place water in or allow water to remain in any swimming pool or swimming pool excavation until such time as fences and gates in accordance with the requirements of this by-law, have been installed around such pool or excavation. Approved temporary fencing may be used during construction of the basic pool construction have been completed.

No person shall install or allow the use of any barbed wire, broken glass or electrification in connection with any swimming pool fencing.

9. Enforcement of this By-law shall be under the jurisdiction of the Building Inspector for the Town of Stellarton.

10. The owner of lands upon which it is intended to construct or erect a swimming pool, or his agent, shall apply to the building inspector for a permit certifying approval of such fences and gates. Plans of all such fences and gates shall be submitted with the application, and no permit shall be issued unless the fences and gates shown, on such plans comply with the provisions of all applicable by-laws of the Town of Stellarton.

11. No swimming pool may be excavated or erected until a permit referred to in Section 10 of this by-law has been applied for and issued.

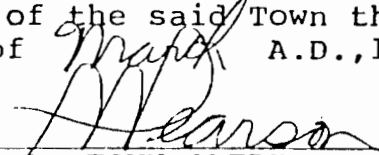
12. A permit is not required in the case of a swimming pool which has been dismantled and is being reconstructed in the same precise position in which it was previously located and which in all respects complies with this by-law and all other applicable by-laws of the Town of Stellarton.

13. Any person convicted or violating any of the provisions of this by-law shall be liable to a fine not exceeding Two hundred and fifty (250) Dollars per day for each day of the violation and in default of payment to imprisonment for a term not exceeding one month.

14. Where an offence under this by-law is a continuing offence charges may be laid for each day during which the offence continues.

THIS IS TO CERTIFY that the resolution of which the foregoing is a true copy was duly passed at a duly called meeting of the Town of Stellarton, duly held on the 12 day of January A.D., 1981.

GIVEN under the Hand of the Town Clerk and under the corporate Seal of the said Town this 18 day of March A.D., 1981.

  
TOWN CLERK

*13 as amended and approved 4/81*

*not approved 4/81*