

## S6 SWIMMING POOL FENCING BYLAW

### 1. **Definitions:**

- (a) “Swimming Pool” means any tank or body of water, excluding natural bodies of water, maintained or used or which may be used for swimming purposes, whether located in the ground or above the ground and which can have a water depth of more than twenty-four inches (24”). This definition shall include any swimming pool belonging to or associated with any type of residential, commercial or institutional development, but shall not include irrigation ponds, fishing ponds and duck ponds.
- (b) “Enclosure” means a fence, wall or other structure, including the exterior edge of an above ground swimming pool, doors and gates, surrounding a swimming pool and intended to restrict access to the swimming pool.
- (c) “Municipality” means the Municipality of the County of Annapolis

### 2. **Permit Required:**

No swimming pool shall be constructed, erected, assembled or altered, after the passage of this By-Law, unless a Swimming Pool Fencing Permit has been issued by the Municipality.

### 3. **Permit Application and Approval:**

In order to obtain a Swimming Pool Fencing Permit, an applicant shall submit plans, specifications for the fencing and the swimming pool and a completed application form to the Building Inspector.

If the Building Inspector, in his sole discretion, determines that the application, plans and specifications comply with this By-Law and all other pertinent codes, laws and by-laws, he shall issue the Swimming Pool Fencing Permit.

### 4. **Enclosures:**

- (a) Every owner of a swimming pool shall erect and, at all times maintain an enclosure around the swimming pool to restrict access to the swimming pool. The enclosure shall have a height of not less than 1.5 metres (5 feet).
- (b) In the case of an above ground swimming pool, with a wall height that extends at least 1.5 metres (5 feet) above the ground, an enclosure around the swimming pool is not required.
- (c) Every owner of an above ground swimming pool without an enclosure around the swimming pool, shall erect and at all times maintain an enclosure around the point at which people may enter the pool. The enclosure shall have a height of at least 1.5 metres (5 feet).
- (d) Every owner of a swimming pool enclosure shall install and, at all times, maintain a gate(s) or a door(s) for access to and egress from the swimming pool. The gates or doors shall be at least as high as the enclosure, as strong as the enclosure, and supported by substantial hinges. Gates and

doors shall be self-closing and shall be equipped with self-latching devices placed at the top and on the inside of the gate.

(e) Every owner of a swimming pool shall, upon completion of the swimming pool enclosure, notify the Building Inspector and request a Compliance Inspection. Provided that the owner has complied with all of the terms and conditions of the Permit, the Building Inspector shall issue a Notice of Completion.

(f) No one shall pour, spray or otherwise introduce water into any swimming pool unless an enclosure, complying with these regulations, has been constructed and the Notice of Completion for the enclosure issued by the Building Inspector.

5. Construction Fencing Requirements

To prevent persons from accidentally falling into the excavation for a swimming pool; the owner shall erect, at the commencement of excavation, a strongly constructed fence, boarding or barricade, at a height deemed appropriate by the Building Inspector. The safety fence or barricade shall be maintained until the permanent fence, required by this bylaw, is erected.

6. Effect and Retroactivity:

(a) This By-Law shall apply to all swimming pools and related enclosures constructed after the passage of this By-Law.

7. Permit Fee

A Permit Fee in the amount of \$50.00 will be due and payable with the Permit application.

Passed by Council this 19th day of August, A.D., 2003.

*Jacquie Z. Farrow-Lawrence*

Jacquie Z. Farrow-Lawrence  
Municipal Clerk

**BYLAW S6**

*First Reading:* ..... **July 18, 1995**

*Second / Third Reading:*..... **August 15, 1995**

*Publication Date:* ..... **August 22, 1995**

*Revised Bylaw First Reading:* ..... **July 15, 2003**

*Revised Bylaw Final Reading:* ..... **August 19, 2003**

*Revised Bylaw –Publication Date:*..... **August 26, 2003**