

TOWN OF ANNAPOLIS ROYAL

SWIMMING POOL FENCING BYLAW

1. **Definitions**

- (a) “Building Official” means the Building Inspector for the Town of Annapolis Royal.
- (b) “Swimming Pool” means any tank or body of water more than zero point six meters (24 inches) in depth, whether above or in ground. This definition shall include any swimming pool belonging to or associated with any type of residential, commercial or institutional development, but does not include an irrigation pond, fire protection pond, fishing pond, duck pond or water garden.
- (c) “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.
- (d) “Municipality” means the Municipality of the Town of Annapolis Royal.
- (e) “Owner” means any person, incorporated body, partnership or other legal entity including a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession, or other person having the care or the control of any land or building in the event of the absence or disability of the persons having the title thereof, and, in the absence of proof to the contrary, includes the person assessed for the property.

2. **Permit Required**

No swimming pool shall be constructed, erected, assembled or altered, in the Town of Annapolis Royal after the passage of this Bylaw, unless a Swimming Pool Fencing Permit has been issued by the Building Official of the Town of Annapolis Royal and all applicable fees payed.

3. **Permit Requirements**

To obtain a permit, plans and specifications must be submitted to the Building Official, and if it appears that the plans and specifications are in conformity with the requirements of this Bylaw and of all other laws and ordinances applicable thereto, the Building Official shall issue a building permit therefor.

4. Fencing Requirements

- (a) Every owner of an in-ground pool shall erect and maintain at all times around such a pool, a fence not less than 1.5 meters (5 feet) in height above ground level, so as to prevent entry thereto by any unauthorized persons.
- (b) The fence enclosing any in-ground swimming pool may have a wall or a wall of a building as part of such fence, provided the wall is at least 1.5 meters (5 feet) in height; and provided that if the wall contains any openings that could provide access to the pool, the openings shall be kept locked or blocked at all times when the pool is not under complete supervision.
- (c) An owner of an above-ground swimming pool that has walls 90 degrees to the ground, shall construct additional fencing, if necessary, to raise the height of the sides of the pool to 1.2 meters (4 feet) above ground level. If the side of the pool is at 90 degrees to the ground and is 1.2 meters (4 feet) above ground level, then only fencing and gate is required around the access to the pool. If the walls of the above ground pool are not at 90 degrees to the ground, then fencing in accordance with this Bylaw is required.
- (d) Every swimming pool fence shall have a gate or gates constructed of material not less than equivalent strength as the fence an which provides an equivalent degree of safety, and every gate shall be of at least the same height as the said fence or guarding obstruction, 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.
- (e) Every gate shall be kept closed and locked at all times when the pool is not under complete supervision.
- (f) No one shall pour, spray, fill or introduce water into a swimming pool, unless a fence has been completely erected around the swimming pool in a manner required by this Bylaw.
- (g) Every owner of a swimming pool shall, upon completion of the swimming pool enclosure, notify the Building Official and request a Compliance Inspection. Provided that the owner has complied with all of the terms and conditions of the permit, the Building Official shall issue a Notice of Completion.

5. Construction Fencing Requirements

To prevent persons from accidentally falling into an excavation of a swimming pool, the owner shall erect, at the commencement of excavation, a strongly constructed fence, boarding or barricade, not less then 1.2 meters (4 feet) in height around the open sides of the excavation area. The safety fence shall be maintained until the permanent fence, required by this Bylaw, is erected.

6. Violations

Any person who fails to obtain a permit or who fails to comply with any permit issued hereunder or any condition of such permit, or any other provision of this Bylaw is punishable on summary conviction by a fine of not less than \$250.00 and not more than \$1,000.00.

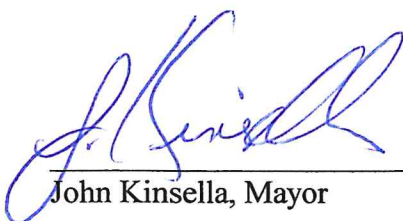
Payment in Lieu of Prosecution

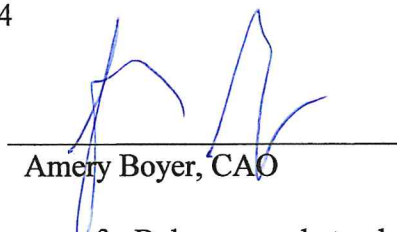
Any person who contravenes Section 6 of this Bylaw and who is given notice of the contravention may pay to the Town of Annapolis Royal, at the place specified in the notice, the minimum sum provided under the Town's Payment in Lieu of Prosecution Policy, within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.

7. Effect and Retroactivity

This By-Law applies to all swimming pools constructed or erected after the coming into force of this Bylaw and to all other swimming pools after ninety days after the coming into force of this Bylaw.

This Bylaw supersedes the Swimming Pool Fencing Bylaw published on October 14, 2003 and comes into force effective July 19, 2005.



John Kinsella, Mayor

Amery Boyer, CAO

This is to certify that the foregoing is a true copy of a Bylaw passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the 20th of June, 2005.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 21st day of June, 2005.

FIRST READING:	May 16, 2005
“NOTICE OF INTENT” PUBLICATION:	May 31, 2005
SECOND READING:	June 20, 2005
MINISTER APPROVAL:	Not Required
DATE OF PUBLISHING:	July 19, 2005
FORWARDED TO THE MINISTER:	July 26, 2005
FORWARDED TO TOWN WEBSITE:	July 26, 2005