

# MUNICIPALITY OF THE COUNTY OF KINGS

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## BY-LAW # 73

### SWIMMING POOL BY-LAW

#### 1. DEFINITIONS

- 1.1 "Enclosure" means a fence, wall, or other structure, including the exterior edge of an above ground pool, and also including doors or gates surrounding a swimming pool to restrict access thereto.
- 1.2 "Swimming Pool" means any tank, or body of water maintained or used or which may be used for swimming purposes whether above or in ground and which has any depth of water greater than twenty-four (24) inches, other than an existing natural body of water or stream; and this meaning shall be taken to include a swimming pool belonging to or connected with any type of multiple housing development, motel, hotel, club or similar establishment but it shall not include an irrigation or fire protection pond or a fishing or duck pond.
- 1.3 "Municipality" means the Municipality of the County of Kings.
- 1.4 "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. No swimming pool shall be erected, constructed, assembled or altered unless a swimming pool permit has been issued by the Municipality.

#### 3. PERMIT

- 3.1 Every Owner wishing to obtain a swimming pool permit must submit an application for such permit to the Municipality.
- 3.2 Every application for a swimming pool permit shall be accompanied by:
  - 3.2.1 Dimensions of the swimming pool including whether above ground or in ground.

- 3.2.2 Dimensions of the enclosure including materials.
  - 3.2.3 Proposed location of the swimming pool and enclosure with respect to all other buildings on the property upon which the swimming pool is located, including measurements for the front, side and rear yards, and flankage yard where applicable.
  - 3.2.4 Such other information as may be necessary to determine whether or not the swimming pool and enclosure conforms with this By-Law and the Land Use By-Law of the Municipality of the County of Kings.
  - 3.2.5 The swimming pool permit fee as may be established from time to time by the Municipality.
- 3.3 The application shall be signed by the Owner, or by his or her agent.
  - 3.4 No Owner shall deviate, or permit or allow deviations to be made in the erection, construction, assembly or alteration of the swimming pool and enclosure, from the description of the swimming pool and enclosure which is contained in his or her application form or in the swimming pool permit, unless he or she has obtained the written permission of the Municipality.

#### 4. ENCLOSURES

- 4.1 All swimming pools or the yard or deck in which a swimming pool is located, shall be completely enclosed by an enclosure.
- 4.2 Any openings providing a means of ingress and egress to the enclosure shall be kept locked and closed at all times when the swimming pool is not under supervision.
- 4.3 Enclosure Standards:
  - 4.3.1 Enclosures shall be constructed in the case of in ground pools a minimum of five (5) feet in height above grade level.
  - 4.3.2 Enclosures shall be constructed in the case of above ground pools a minimum of five (5) feet in height above grade level.
  - 4.3.3 All enclosure framing including horizontal rails are to be on the inside of enclosure (facing swimming pool) with smooth exterior on the outside of the enclosure.
  - 4.3.4 Enclosures shall be constructed of chain link having a maximum spacing of one and seven-eighths inches (1 7/8 "); or wooden vertical pickets or boards having a maximum three inches (3 ")

spacing; or wooden or plastic lattice having a maximum space of two inches (2"). In the case of vertical wooden pickets or boards, the vertical wooden pickets or boards on the exterior side of the enclosure shall be a maximum of three inches (3") spacing regardless of spacing of the interior vertical wooden pickets or boards.

- 4.3.5 No part of any enclosure shall be closer than four (4) feet to the edge of the swimming pool, unless, in the case of an aboveground pool, the exterior edge of the pool may be used as part of the enclosure.
- 4.3.6 No Owner shall or permit or allow any structures, steps, or material to be placed or to remain adjacent to any enclosure which would provide a means of access over the enclosure to the swimming pool.
- 4.3.7 Doors or gates shall be self-latching and placed at the top and on the interior side of the enclosure.
- 4.3.8 All power sources to the pool and its equipment shall be "G.F.I. rated and properly installed.

## 5. OFFENCE

5.1 Every Owner who:

- 5.1.1 erects, constructs, assembles, or alters a swimming pool without a permit complying with this By-law;
- 5.1.2 erects, constructs, assembles, or alters, or introduces water into a swimming pool without an enclosure complying with this By-Law;
- 5.1.3 deviates or permits or allows deviations to be made from the description of the swimming pool and enclosure which is contained in the application form or in the permit, without having obtained written permission of the Municipality of Kings;
- 5.1.4 places, or permits or allows any structure, steps or materials to be placed or to remain adjacent to any enclosure which would provide a means of access over the enclosure to the swimming pool;

is guilty of an offence.

6. **PENALTY**

Any person who contravenes this By-Law is liable on summary conviction to a fine of not less than One Hundred dollars (\$100.00) and not more than Five Thousand dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding thirty (30) days.

7. **EFFECTIVE DATE**

7.1 This By-law shall have effect, with respect to all new swimming pools, on the date it is passed.

7.2 This By-Law shall have effect, with respect to all existing swimming pools which were not in compliance with the Swimming Pool By-Law as it existed on August 31, 1996, on the date it is passed.

8. All other Swimming Pool By-Laws passed by the Council of the Municipality are hereby repealed.

History of this By-law

Enacted - December 3, 1996