

CAPE BRETON REGIONAL MUNICIPALITY

By-Law S2

SWIMMING POOL FENCES

1. **DEFINITIONS**

- (a) **“Enclosure”** means a fence, wall or other structure, including doors or gates, surrounding a swimming pool to restrict access thereto.
- (b) **“Outdoor Swimming Pool”** means a tank or body of water maintained or used or which may be used for swimming purposes whether above or in ground and which has a maximum depth of water greater than twenty-four (24) inches, other than an existing natural body of water or stream, but including privately owned pools belonging to or connected to with any type of multiple housing development, motel, hotel, or similar establishment.
- (c) **“Owner”** includes a person in possession of the property on which the swimming pool is located.

2. **ENCLOSURES**

- (1) Every owner of an outdoor swimming pool within the Cape Breton Regional Municipality shall erect and maintain around the pool an enclosure which extends from the ground for a height of not less than five (5) feet and is so located that the swimming pool area is only accessible by means of one or more gates in the enclosure.
- (2) Every swimming pool enclosure shall have a gate or gates constructed of material of not less than equivalent strength as the fence and which provides an equivalent degree of safety; and every gate shall be of at least the same height as the fence, 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.
- (3) Every gate shall be kept closed and locked at all times when the pool is not in use.

- (4) Any enclosure may have a wall or a wall of building as part of such fence, provided the wall is at least five (5) feet in height; if the wall contains any openings that could provide a means of ingress or egress to the pool, the openings shall be kept locked or blocked at all times when the pool is not in use.
- (5) Any removable access to the rim of an aboveground pool shall be kept removed when the pool is not in use.
- (6) Where a swimming pool has been installed prior to the passing of this By-law and is fenced in such a way as to provide adequate safety, and compiled with the by-laws in force when the pool was constructed, it is deemed to comply with this By-law.

3. PERMITS

- (1) No swimming pools shall be constructed in the Cape Breton Regional Municipality unless a permit has been obtained for it.
- (2) To obtain a permit, plans and specifications must be submitted to the chief building official complete with an application for a permit and payment of all prescribed fees.
- (3) If it appears that the plans and specifications are in conformity with this by-law and with any applicable provisions of the Building Code, a building permit shall be issued.
- (4) Any in-ground swimming pool shall be a minimum of five (5) feet from the property lines at the back and sides of the property, measured from the inside edge of the pool, any shall be located behind the minimum setback line from the street.

4. OFFENCE

- (1) No one shall pour, spray, fill or introduce water into any swimming pool unless a fence has been completely erected around the swimming pool in the manner required in this by-law.;
- (2) Any by-law or any provision thereof passed and approved by any former Municipality within the boundaries of the County of Cape Breton prior to July 31, 1995 which conflicts with or acts contrary to the provisions of this by-law are hereby repealed with this by-law becoming law and any other provisions such by-laws hereby ratified and confirmed insofar as they are not in conflict with this by-law.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on the 19th day of December 1995.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Swimming Pool Fences By-law of the Cape Breton Regional Municipality adopted by Council on the 19th day of December 1995.

BERNIE WHITE, CLERK