



## **TOWN OF KENTVILLE BY-LAW CHAPTER 75 SWIMMING POOL BY-LAW**

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### **1. AUTHORITY**

Part VII, Sections 172 (a) and (b) of the Municipal Government Act provide municipalities with the power to make bylaws respecting the health, well-being, safety and protection of persons, and the safety and protection of property.

### **2. INTERPRETATION**

In this bylaw:

“Town” means the Town of Kentville

“By-law Enforcement Officer” means the individual, or designate, authorized by the Town of Kentville to enforce the bylaws of the town.

“Development Officer” means the individual, or designate, authorized by the Town of Kentville to administer this bylaw.

“Swimming Pool” means an artificial body of water outside a building, excluding ponds, having more than 108 square feet (32.92 square meters) of surface area that is designed or intended to be used for swimming purposes, and contains, or is capable of containing, a water depth of more than 24 inches (60.96 centimeters).

“Swimming Pool Permit” means a Development Permit as identified in the Land Use Bylaw of the Town of Kentville.

### **3. COMPLIANCE REQUIRED**

It shall be unlawful to construct, install, alter, enlarge, or fail to maintain any swimming pool in the Town of Kentville, except in compliance with all the provisions of this bylaw.

### **4. PERMIT REQUIRED**

1. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any swimming pool and appurtenances within the Town, unless a swimming pool permit has been obtained.
2. An application for a swimming pool permit shall provide adequate information to the Development Officer, to determine that the

proposed installation is in compliance with the requirements of the bylaw.

3. The applicant for a swimming pool permit shall pay a permit fee as established by the Town in Schedule "A" attached.

## **5. LOCATION**

1. No portion of a swimming pool, pumps, filters or pool water disinfection equipment installations shall be located closer than 4 feet (1.22 meters) from any side or rear property line.
2. No portion of a swimming pool, pumps, filters or pool water disinfection equipment installations shall be located closer to any street line than the main building on the lot.
3. No portion of a swimming pool, pumps, filters or pool water disinfection equipment installations shall be located closer to any watercourse, than the distance applicable to a main building or accessory building, whichever is less, as set out in the Land Use Bylaw for the Town.

## **6. VARIANCE**

1. The Development Officer may grant a variance to the requirements set out in Section 5(1).
2. A variance may not be granted where the:
  - a. variance violates the intent of the Land Use Bylaw
  - b. difficulty experienced is general to properties in the area;
  - c. difficulty experienced results from an intentional disregard for the requirements of the Land Use bylaw;
3. Such variances are subject to the variance procedures and variance appeals and costs provided in the Municipal Government Act, Section 236 and 237, as amended.

## **7. PREVENTION OF UNAUTHORIZED ACCESS**

1. All swimming pools shall be completely separated from adjacent properties by an enclosure such as a fence, building, deck or similar structure.
2. The enclosure shall be constructed to prevent unauthorized access by providing a vertical obstruction having a minimum height of 5 feet (1.52 meters), with no opening exceeding 4 inches (10.16 centimeters) in width or height. The enclosure shall be constructed so as not to facilitate climbing of the enclosure.
3. The sidewalls of an above ground pool may form part of the enclosure.
4. An elevated deck surrounding an above ground pool may form part of an enclosure, provided:
  - a. The deck abuts the sides of the above ground pool, and,
  - b. The combined height of the deck and fence on top of the deck is a minimum of 5 feet (1.52 meters) above grade.
5. All decks, guards and rails associated with an above ground pool shall comply with the requirements of the National Building Code as adopted under the Town of Kentville's Building Bylaw.
6. Except from within a building, all openings into a pool area enclosure shall be equipped with a gate having self-closing, self-latching mechanism and

the gate(s) shall be latched and closed at all times when the swimming pool is not under supervision. The latching mechanism shall be a minimum of 4.5 feet (1.37 meters) above grade.

### **8. ELECTRICAL CONNECTIONS**

1. All power sources to the pool and its equipment shall include a properly installed ground fault interruption (GFI) device.
2. All electrical installations shall adhere to all applicable electrical codes and regulations.

### **9. CONFLICT WITH LAND USE BYLAW**

In the case of conflict between the provision of this bylaw and the provision of the Land Use Bylaw, the provisions of this bylaw shall prevail, except where this bylaw specifies that the provisions of the Land Use Bylaw apply.

### **10. PENALTY**

Every person who contravenes, or fails to comply with any provision of this bylaw, shall for such offence be liable on conviction, to a penalty, as established by the Town in "Schedule B" attached.

1. In addition to any fine or imprisonment imposed pursuant to this section, the Court or judge may order the person convicted, to pay all expenses incurred in correcting the contravention of the bylaw, or any damages associated with such contravention.
2. Where any person is in contravention of any provision of this bylaw, the Bylaw Enforcement Officer may direct, in writing, that the contravention be remedied by that person in the manner and within the time specified in the written direction.

### **11. EFFECTIVE DATE**

This bylaw will become effective upon the date that the bylaw is passed.

### **12. REPEAL OF BYLAW**

Chapter 38 – Swimming Pool Bylaw of the Town of Kentville, and any amendments thereto, shall be hereby repealed.

**CLERK'S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading:	November 14, 2007
Date of advertisement of Notice of Intent to Consider:	November 20, 2007 November 27, 2007 December 4, 2007
Date of second reading:	December 12, 2007
*Date of advertisement of Passage of By-Law:	December 18, 2007 December 20, 2007
Date of mailing to Minister a certified copy of By-Law:	January 9, 2008

I certify that this Swimming Pool Bylaw – Chapter 75 was adopted by Council and published as indicated above.



CAO Mark Phillips

\*Effective Date of the By-Law unless otherwise specified in the By-Law

## **SCHEDULE “A”: PERMIT FEES**

Permit Fee - \$50

Upon application to the Town of Kentville for a permit to construct, install enlarge or alter any swimming pool and appurtenances, the applicant shall pay a fee of \$50. This fee will accompany the completed permit application and required drawings, which shall be filed with the Department of Community Development for the Municipality for the County of Kings, from where the permit is issued, and any inspections are conducted.

## **SCHEDULE "B": PENALTIES**

Any contravention to, or non-compliance with any provision of this bylaw may result in a penalty of:

(a) not less than \$100.

(b) not exceeding \$5,000.

(c) and in default of payment, to imprisonment not exceeding 30 days.

(d) and any swimming pool and appurtenances may be ordered by the Bylaw Enforcement Officer to be demolished, removed, altered or remedied.