

BE IT RESOLVED by the Council of the Municipality of the District of East Hants, that the amendments to the Swimming Pool By-law for the Municipality of East Hants, hereto attached, was read twice and adopted by said Council.

THIS IS TO CERTIFY that the following is a true copy of a resolution passed by Council at its meeting held on Wednesday, the 24th day of August, 2005, in the Municipal Building, Milford, Nova Scotia.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality of the District of East Hants, this 14th day of September, A.D. 2005.



Ian R. Glasgow
Municipal Clerk and CAO

**RESOLUTION OF EAST HANTS MUNICIPAL COUNCIL TO APPROVE AN AMENDMENT
TO THE SWIMMING POOL BY-LAW BY GIVING SECOND READING AT A DULY CALLED
REGULAR MEETING OF COUNCIL ON**

WEDNESDAY, AUGUST 24TH, 2005

That Municipal Council for the Municipality of East Hants approve the proposed Swimming Pool By-law amendments as outlined in the Final Staff Report and previously amended.

MUNICIPALITY OF EAST HANTS

SWIMMING POOL BY-LAW

- 1 (a) In this By-law "Swimming Pool" means a tank of water maintained or used or intended to be used for swimming purposes whether above or in ground and which has any depth of water greater than twenty-four inches, other than an existing natural body of water or stream. It shall also include a swimming pool belonging to or connected with any type of multiple housing development, motel, hotel, club or similar establishment. It shall, however, not include an irrigation or fire protection pond or a fishing or duck pond.
(b) In this By-law "hot tub" or "spa" means a nonpermanent structure intended for recreational bathing, in which all controls and water heating and water-circulating equipment are an integral part of the product.
- 2 (a) Every pool owner of a swimming pool shall erect and maintain around such pool a chain link fence with links not exceeding two and one-half inches, or fence of vertically louvred or staggered vertical pickets or a vertical board fence or approved equivalent, such that no opening between pickets or boards is greater than one and one-half inches, such fence shall extend from the ground for a height of not less than five feet and shall be so located and constructed that entry to the swimming pool area shall only be accessible by means of one or more gates in the enclosing fence.
(b) A wrought iron or other approved metal type fence or fence of vertically louvred or staggered pickets or vertical board fence with no opening between rods or pickets or boards greater than four inches is deemed to be an approved equivalent provided that horizontal rails are spaced at least four feet apart measured vertically.
(c) The wall of an above ground swimming pool may be used as its barrier or the fence for such a pool may be securely mounted on top of its wall; and providing that such structure or separately mounted barrier meets all fencing requirements of this By-law is deemed an approved equivalent. In addition, any ladder or steps that are the means of access to an above ground swimming pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier or fence that meets the requirements of this By-law.
(d) A permit is not required for a hot tub or spa, however, hot tubs and spas must comply with this By-law. Fencing is not required for hot tubs and spas if they are equipped with a locking, rigid safety cover that meets all of the performance standards of ASTM International F1346-91(2003) or other equivalent performance standards.
- 3 Every fence shall have a gate or gates of chain link fencing or a material of not less than equivalent strength 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.
- 4 Every gate shall be kept closed and locked when the pool is not in use.
- 5 The fence enclosing any swimming pool may have a wall or a wall of a building as part of such fence, provided the said wall is at least five feet in height, and if the wall contains any openings that could provide a means of ingress or egress to and from the pool, that such openings be kept locked or blocked at all times when such pool is not in use.
- 6 Any device for projecting an electrical current through the fence is prohibited.

- 7 This By-law shall come into effect:
- (a) in respect of all new swimming pools, as of this date
 - (b) in respect of all existing swimming pools on the 24th day of August, 2005.
- 8 Any person convicted of a breach of any of the provisions of this By-law shall be liable to a penalty or a fine not exceeding Five Hundred Dollars (\$500.00) and in default of payment to imprisonment for a term not exceeding Ten (10) days.

THIS IS TO CERTIFY that the foregoing is a true copy of a bylaw duly passed by the Council of the Municipality of the District of East Hants at a duly called regular meeting of said Council on the 24 day of AUGUST, 2005.

Given under the hand of the Clerk and under the Corporate Seal of the Municipality of the District of East Hants on the 14 day of SEPTEMBER, 2005.



Ian R. Glasgow

Municipal Clerk

Municipality of the District of East Hants