

## NO. 39 SWIMMING POOLS

### INTRODUCTION

The intent of this bylaw is to ensure some measure of public safety and to provide information about requirements pertaining to swimming pools in the Town of Trenton.

#### 1. DEFINITIONS

a. Swimming Pool - means a water filled enclosure, permanently constructed or portable, whether above or in ground capable of holding water to a depth of more than twelve (12) inches, maintained or used, or which may be used for swimming or bathing; including reflecting pools and other such structures used as a part of the landscaping of a property but excluding existing natural bodies of water of streams.

b. Enclosure - means a fence, wall or other structure including doors or gates, surrounding a swimming pool to restrict access.

c. Town - means the Town of Trenton.

#### 2. ENCLOSURES

Pursuant to the Town's Act (Section 221 (26A)):

a. All "swimming pools", or the yard in which a "swimming pool" is located, shall be completely enclosed so as to prevent uncontrolled access from the street, adjacent properties, or buildings on the same property.

b. Access to a "swimming pool" may be controlled by a combination of building(s) and fencing or by a fence alone; all gates accessing the enclosure shall be equipped with self-closing, self-latching devices placed at the top and on the inside of the gate.

c. An enclosure or other structure (including gates and doors) intended to control access to a "swimming pool", shall be a minimum of five(5) feet in height from grade, and shall be so constructed as to prevent easy access through, under, or over it and, in the case of an above ground type of "swimming pool", may include an extension to the sides of the pool structure and enclosing the step area at grade.

d. No person shall permit any structures or material to be placed or to remain adjacent to any swimming pool enclosure which would provide a means of access over the top of the enclosure.

#### 3. BUILDING PERMIT REQUIRED

a. Pursuant to the Provincial Building Code Act Section 7(1), a building permit for a "swimming pool" shall be required.

b. To obtain a permit, plans and specifications must be submitted to the Building Inspector. If it appears that the plans and specifications are in conformity with the requirements of this bylaw and all other applicable laws, the Building Inspector shall issue a building permit.

4. EFFECTIVE DATE

a. This by law shall have effect, with respect to all new swimming pools, on the date it is approved by the Minister of Municipal Affairs.

b. This by law shall have effect, with respect to all existing swimming pools, on the sixtieth day after the date it is approved by the Minister of Municipal Affairs.

5. INFORMATION

The Building Inspector shall provide any person applying for a permit to construct, alter or enclose a swimming pool with a copy of this by-law and with an information sheet respecting applicable conditions, which information sheet may be in the form hereto annexed as Schedule "A", or to the like effect, with such additional detail or altered to meet changes in circumstances or legislation as the building inspector may determine.

6. PENALTIES

a. Pursuant to Section 227 (1) and (2) of the Towns Act: anyone who violates any of the provisions for fences and gates in this bylaw shall, on summary conviction, be liable to a maximum penalty not exceeding one thousand (\$1,000) dollars and in default of payment thereof, to be imprisoned for a maximum period not exceeding ninety (90) days; and a minimum penalty thereof, to be imprisoned for a minimum period not exceeding ten (10) days.

b. Pursuant to the Planning Act and the Provincial Building Code Act, other penalties may apply.

## SCHEDULE "A"

### SWIMMING POOL REGULATIONS

Swimming pools in the Town of Trenton are regulated under a number of different provisions. The building inspector, responsible for the administration of most of these, can help you ensure that your pool meets the necessary requirements.

1. Swimming Pool By-law

The swimming pool by-law requires all pools (including existing pools not just new ones) to be adequately enclosed. A copy of this by-law is attached.

2. Building Code

The Provincial Code Act and regulations prescribe minimum standards for construction of swimming pools, fences and gates.

3. Land Use By-law

The planning Act enables municipalities to regulate the location of swimming pools on lots; pools must comply with the prescribed set backs described in the land-use by-law for the relevant zone.

Penalties for infringing these regulations are set out in the swimming pool by-law.