

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER S-700**

RESPECTING SWIMMING POOLS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 172(1) of the Municipal Government Act as follows:

SHORT TITLE

- 1 This By-law shall be known as Bylaw Number S-700 and may be cited as the "Swimming Pool By-law"

INTERPRETATION

- 2 In this By-law:
 - (a) **"Council"** means the community council serving the area where the pool is to be constructed or, where there is no community council serving the area where the pool is to be constructed, Halifax Regional Municipality Council.
 - (b) **"Inspector"** means the Building Inspector for Halifax Regional Municipality, and any By-law Enforcement Officers authorized by the Inspector to act in his or her stead to administer this by-law.
 - (c) **"swimming pool"** means an artificial body of water outside a building, excluding ponds, having more than 100 square feet 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.

COMPLIANCE REQUIRED

3. It shall be unlawful to construct, maintain, install or enlarge any swimming pool in Halifax Regional Municipality except in compliance with all the provisions of this by-law.

PERMIT REQUIRED

4. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within Halifax Regional Municipality unless a development permit and building permit therefor has been obtained.

LOCATION

5. (1) No portion of a swimming pool, pumps, filters or pool water disinfection equipment installations shall be located closer than four feet 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 less than the distance applicable to the main building as set out in the land use by-law for the area in which the pool is located.
- (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 by-law for the area in which the pool is located

VARIANCE

6. (1) A development officer may grant a variance to the requirements set out in Section 5.
- (2) A variance may not be granted where the
 - (a) variance violates the intent of the land-use by-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of the land-use by-law.
- (3) Within seven days after granting a variance, the development officer shall give notice in writing of the variance granted to every assessed owner whose property is within 100 feet of the applicant's property.
- (4) The notice shall
 - (a) describe the variance granted;
 - (b) identify the property where the variance is granted; and
 - (c) set out the right to appeal the decision of the development officer.
- (5) Where a variance is granted, a property owner served a notice may appeal the decision to the council within fourteen days after receiving the notice.
- (6) Where a variance is refused, the applicant may appeal the refusal to council within seven days after receiving notice of the refusal, by giving written notice to the clerk who shall notify the development officer.
- (7) Where an applicant appeals the refusal to grant a variance, the clerk or development

officer shall give seven days written notice of the hearing to every assessed owner whose property is within 100 feet of the applicant's property.

- (8) The notice shall
 - (a) describe the variance applied for and the reasons for its refusal;
 - (b) identify the property where the variance is applied for; and
 - (c) state the date, time and place when council will hear the appeal.
- (9) Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made.
- (10) A development officer shall issue a development permit for any development for which a variance has been granted and which otherwise complies with a land-use by-law if
 - (a) the appeal period has elapsed and no appeal has been commenced; or
 - (b) all appeals have been abandoned or disposed of or the variance has been affirmed by the council.
- (11) A council may by resolution provide that any person applying for a variance shall pay the municipality the cost of
 - (a) notifying affected land owners;
 - (b) posting a sign.

PREVENTION OF UNAUTHORIZED ACCESS

- 7 (1) All swimming pools shall be completely separated from adjacent properties by an obstruction 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 five feet with no opening exceeding four inches in width or height and no member shall be constructed to facilitate climbing.
- (3) For greater certainty, the sidewalls of an above ground pool shall not form part of the enclosure as required by clause (1).
- (4) Except from within a building, all openings into a pool area enclosure shall be equipped with gates having self closing, self latching mechanisms.

CONFLICT WITH LAND USE BY-LAWS

- 8 In case of conflict between the provisions of this by-law and the provisions of any land use by-law, the provisions of this by-law shall prevail except where this by-law specifies that the provisions of the land use by-law apply.

PENALTY

- 9 (1) Every person who contravenes or fails to comply with any provision of this by-law shall for such offence be liable on conviction to a penalty of not less than One Hundred Dollars and not exceeding One Thousand Dollars, and in default of payment to imprisonment not exceeding two months and, in addition may be ordered by the Inspector to demolish and remove, alter or remedy any swimming pool constructed, altered or repaired contrary to the provisions of this by-law.
- (2) 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 by-law or any damages associated with such contravention.
- (3) Where any person is in contravention of any provision of this by-law, the Inspector may direct in writing that the contravention be remedied by that person in the manner and within the time specified in the written direction.

REPEAL OF BY-LAWS

- 10 The City of Dartmouth Swimming Pool By-law S-1600 and Halifax County Municipality Swimming Pool By-law #52 as amended are hereby repealed.

Done and passed in Council this 22nd day of January, 2002.

Mayor

Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of Halifax Regional Council held on January 22, 2002.

Notice of Motion:	October 30, 2001
First Reading:	November 6, 2001
“Notice of Intent to Consider” Publication:	January 5, 2002
Second Reading:	January 22, 2002
Effective Date:	January 26 , 2002

Amendment No. 1 (V-100)
Addition to Section 9

Notice of Motion:	May 27, 2003
First Reading:	June 10, 2003
“Notice of Public Hearing” Publication	June 14, 2003
Second Reading:	July 8, 2003
Effective Date:	July 12, 2003