

BY-LAW NO. L - 8

A BY-LAW TO REGULATE THE USE OF SWIMMING POOLS

BE IT ENACTED by the Council of the Town of St. Stephen as follows:

TITLE _____

1. This By-Law may be referred to and cited as the Town of St. Stephen Swimming Pool Regulations.

INTERPRETATION

2. In this by-law,
 - (a) "flankage yard" means the space, extended to the rear lot line, between the longer lot line abutting a public highway and the nearest wall of the main building on a corner lot.
 - (b) "front yard" as defined in By-law No. Z-1, "The Town of St. Stephen Zoning By-law".
 - (c) "lot" as defined in By-law No. Z-1, "The Town of St. Stephen Zoning By-law".
 - (d) "swimming pool" means any structure intended for swimming, wading or recreational bathing that is designed to contain a capacity of 0.6 meter (2 feet) or greater of water in depth and/or is not required to be drained (being serviced by a filtration/pump system to address health and safety).

ENCLOSURES FOR SWIMMING POOLS

3. No land may be used for purposes of a swimming pool unless the pool is enclosed by a fence or by a wall of a building structure, or by a combination of walls and fences as set out in Section 40 of the Town of St. Stephen Zoning By-law No. Z-1, and meeting the requirements of that section.
4. Where a portion of a wall of a building forms part of an enclosure mentioned in Section 3,
 - (a) no main or service entrance to the building may be located therein; and
 - (b) any door therein, other than a door to a dwelling or rooming unit, shall be self-closing and equipped with a self-latching device at least 1.5 meters (5 feet) above the bottom of the door.

5. An enclosure mentioned in Section 3 shall not have rails, bracing or other attachments on the outside thereof that would facilitate climbing.
6. A fence mentioned in Section 3,
 - (a) shall not be electrified or incorporate barbed wire or other dangerous material; and
 - (b) shall be located
 - (i) at least 1 meter (3.3 feet) from the edge of the swimming pool, and
 - (ii) at least 1 meter (3.3 feet) from any condition that would facilitate its being climbed from the outside,
 - (iii) so that the bottom of the fence is elevated no more than 5.5 centimeters (2 inches) above grade ground level.
7. The design and construction of a fence under this section shall provide,
 - (a) In the case of chain link construction,
 - (i) no greater than 38 millimeters (1.5 inches) diamond mesh;
 - (ii) steel wire not less than No. 12 gauge, or a minimum No. 14 gauge covered with vinyl or other approved coating from a total thickness equivalent to No. 12 gauge wire, and
 - (iii) at least 38 millimeters (1.5 inches) diameter steel posts, set below frost, and spaced not more than 2.5 meters (8.2 feet) apart, with a top horizontal rail of at least 32 millimeters (1.26 inches) diameter steel.
 - (b) In the case of wood construction,
 - (i) vertical boarding, not less than 19 millimeters x 89 millimeters (0.75 inch x 3.5 inches) actual dimensions spaced not more than 4 centimeters (1.5 inch) apart, attached to supporting members and arranged in such a manner as to not facilitate climbing on the outside, and
 - (ii) supporting wood posts at least 10 centimeters (4 inches) square or round, set below frost and spaced not more than 2.5 meters (8.2 feet) apart, with the portion below grade treated with a wood preservative, and with a horizontal rail at least 38 millimeters x 140 millimeters (1.5 inches x 5.5 inches) actual dimensions.
 - (c) In the case of construction with materials and in a manner other than described in this subsection, rigidity equal to that provided thereby.
8. Gates forming part of an enclosure mentioned in Section 3:

(a) shall be equivalent to the fence in content, manner of construction and height;

(b) shall be supported on substantial hinges; and

(c) shall be self-closing and equipped with a self-latching device at least 1.3 meters (4.2 feet) above the bottom of the gate.

9. The vertical walls of a permanent above ground pool can be used as part of pool enclosure provided that the vertical walls, including additional fencing at the top of the entire walls, are at least 1.52 meters (5 feet) in height above finished ground level and do not possess any horizontal members that may facilitate climbing. The ladder area, which provides access to the above ground pool, must be enclosed by a pool closure as defined within this section.

10. No swimming pool enclosure may be located within the front or flankage yard of a lot.

11. No water shall be placed in the pool until a closure has been completed and inspected by a building inspector.

12. The installation of a swimming pool and/or closure is not to alter the existing grad or drainage pattern otherwise approved by an engineer employed by the Town of St. Stephen.

13. No person is to alter or replace a swimming pool enclosure without a permit.

14. No person shall allow sections of the swimming pool enclosure to be removed or become dilapidated so that it no longer conforms to the by-law.

15. No person is to allow materials to be placed, piled, attached, hung or leaned against or near the swimming pool enclosure that could facilitate the climbing of the enclosure or diminish the structural integrity of the enclosure.

COMPLIANCE WITH OTHER BY-LAWS

16. A swimming pool and fence or other enclosure thereof and accessories thereto and the erection, construction, location, maintenance and use thereof are subject to the provisions of any zoning, building or other By-law of the Town of St. Stephen in force from time to time.

PENALTY PROVISIONS

17. Every person who violates any provision of this by-law is guilty of an offence and is liable to a fine of not less than one hundred dollars (\$100.00), and not more than two hundred dollars (\$200.00).

18. Every person charged with an offence under this by-law may on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of one hundred dollars (\$100.00) to the Town of St. Stephen as follows:

- (a) in person at the Town Hall, St. Stephen, NB by cash, certified cheque or money order made payable to the Town of St. Stephen; or
- (b) by mail to: Town of St. Stephen, 73 Milltown Blvd., St. Stephen, NB, E3L 1G5, by certified cheque or money order, payable to the Town of St. Stephen.

at which time the ticket or ticket number shall be surrendered to the Town of St. Stephen and such payment shall be deemed payment in full.


19. Where a person is charged in Provincial Court with a violation and that person complies with the by-law after the swearing or affirming of the information, but prior to the entry of a plea before the Court, that person may pay a fine in the amount of one hundred dollars (\$100.00), and upon such payment the person is not liable for further prosecution upon that charge.

IN WITNESS WHEREOF the Town of St. Stephen has caused the corporate seal of the said Town to be affixed to this By-Law the 20th day of April, 2009.

FIRST READING: February 23, 2009

SECOND READING: March 16, 2009

THIRD READING AND ENACTED: April 20, 2009



G. L. (Jed) Purcell, Mayor



Hendrik Stegtenhorst, CAO/Clerk