

**PROVINCE OF QUEBEC
TOWN OF HAMPSTEAD**

BY-LAW NUMBER 760

BY-LAW CONCERNING SWIMMING POOLS

WHEREAS Notice of Motion of the present By-law was given at the Council Meeting held on May 7, 2007;

ON JUNE 5, 2007, THE COUNCIL DECREES AS FOLLOWS:

1. INTERPRETATIVE PROVISIONS

- 1.1 The terminology used in the present By-law is defined in the Zoning By-law Number 727 of the Town of Hampstead.

2. APPLICATION

- 2.1 This By-law applies to the territory of the Town of Hampstead.
- 2.2 This By-law applies to all exterior swimming pools:
- a) whatever the depth of the water found therein, with respect to in-ground pools, and
 - b) to those having a depth of water of 60 cm (2 feet) or more in the case of above-ground pools.

This section also applies to hot tubs and spas.

- 2.3 The Building Inspector and the Public Security Officers of the Town of Hampstead are entrusted with the enforcement of the present By-law and, for this purpose, to issue notices of infraction. They also have the authority to visit and examine all property in the Town to ascertain compliance with the provisions of the By-law.

3. PROHIBITION

- 3.1 No one may erect, install or alter an exterior swimming pool, hot tub or spa without first obtaining a permit to this effect.
- 3.2 Permits are issued by the Building Inspector.
- 3.3 An application for a permit in compliance with the present By-law, together with the appropriate application fee in compliance with the Permits and Certificates By-law Number 730, shall be presented to the Building Inspector.

4. SWIMMING POOL LOCATION

- 4.1 No swimming pool may be situated, in whole or in part, between the street line and the front building line. In the case of corner lots, no swimming pool shall be constructed within the setback requirements of the secondary front yard. No pool may be situated, in whole or in part, between the main building and a side lot line unless the distance between the side building line and the side lot line exceeds 9 metres (29.5 feet).
- 4.2 The swimming pool must be situated at least 2 metres (6.6 feet) from any lot line, fence, accessory building or deck and from the main building, as measured from the exterior perimeter of the water surface.
- 4.3 The swimming pool shall not be installed under electrical wires.

5. SWIMMING POOL OTHER PROVISIONS

- 5.1 Above ground swimming pools shall not have a slide or diving platform.
- 5.2 Diving platforms for in-ground swimming pools shall be installed at a maximum of 1 metre (3.25 feet) above the surface of the water and where the depth of the water is at least 3 metres (9.75 feet).
- 5.3 Swimming pools shall be equipped with a floating cable dividing the diving area from the non-diving area.
- 5.4 Swimming pools, if they are to be used during the evening and night shall be equipped with permanent lighting to illuminate the entire swimming pool area. Lighting around swimming pools shall not be directed onto neighbours' properties. Lighting shall not operate between 11:00 pm and 7:00 am.
- 5.5 Swimming pools shall be equipped with an automatic shut-off device which will activate should the skimmer or other suction pipe detect the presence of a foreign object.
- 5.6 The deck or patio that borders a swimming pool must have a non-slip surface.

6. SWIMMING POOL MAINTAINANCE

- 6.1 Swimming pools shall be maintained in good condition and be kept clean and odour-free. It is not permitted to drain swimming pools through the neighbour's property or through the building's sewer system.
- 6.2 In order to ascertain that the water is not polluted to the extent of endangering the health of swimming pool users, the Building Inspector has the authority to take water samples from any pool in the Town of Hampstead.

7. FENCING FOR SWIMMING POOLS

- 7.1 A pool must be completely surrounded by a fence in accordance with the following provisions:
 - a. The fence may be situated on or near the lot lines or around the pool on the lot itself but in all cases, there must be a free area of 1.85 metres (6 feet) between the perimeter of the water surface and the face of the fence;
 - b. The fence may not be less than 1.85metres (6 feet) high at all points as measured from the adjoining grade;

- c. In the case of an above-ground pool, the fence may form an integral part of the structure of the pool; however, the combined height of the wall of the pool and the fence may not be lower than 1.85 metres (6 feet) nor higher than 2.4 metres (8 feet);
- d. The fence of the pool must be designed in such a way that there are no protrusions or openings to facilitate climbing;
- e. The openings between vertical stiles may not be greater than 10 cm (4 inches);
- f. The fence of the pool must be designed in such a way that the space between the bottom of the fence and the ground or pool structure, in the case of an above-ground pool, may not exceed 10 cm (4 inches);
- g. Any gate providing access to a pool must be provided with a self-latching device situated on the interior side of the enclosure and at least 1.3 metres (4.3 feet) from the ground. This latch must be locked with a key or a padlock when the pool is not under the direct supervision of an adult entrusted by the owner of the pool to undertake such supervision.

7.2 For the purpose of this By-law, a hedge or arrangement of trees does not constitute a fence or wall.

8. INFRACTIONS AND PENALTIES

8.1 Anyone contravening a provision of the present By-law is committing an offence.

8.2 Any infraction of the present By-law renders the offender liable to a fine.

8.2.2 Any natural person who contravenes a provision of the present By-law or which tolerates or allows such a contravention is committing an infraction and is liable to a fine of between five hundred dollars (\$500) and one thousand dollars (\$1,000) for a first offence, and a fine of between one thousand dollars (\$1,000) and two thousand dollars (\$2,000) for any subsequent offence.

8.2.3 Any legal entity that contravenes a provision of the present By-law or who tolerates or allows such a contravention is committing an infraction and is liable to a fine of between one thousand dollars (\$1,000) and two thousand dollars (\$2,000) for a first offence, and a fine of between two thousand dollars (\$2,000) and four thousand dollars (\$4,000) for any subsequent offence.

8.2.4 Should an infraction to the present By-law continue, each day on which the offence is continued shall constitute a separate infraction.

9. OTHER PROVISIONS

9.1 The present By-law replaces Section 7.5 of Chapter 7 of Zoning By-law N° 727.

9.2 This By-law will come into force in accordance with the law.

(s) William Steinberg
Dr. William Steinberg, Mayor

(s) Chantal Bergeron
M^c Chantal Bergeron, Town Clerk