



Bylaw No. 2004-81

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

Office Consolidation

THE PRIVATE SWIMMING POOL BYLAW, 2004

Bylaw No. 2004-81

Including Amendments to June 27, 2016

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

Bylaw No. 2011-64

December 19, 2011

Bylaw No. 2016-48

June 27, 2016

BYLAW NO. 2004-81

THE PRIVATE SWIMMING POOL BYLAW, 2004

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Bylaw is to regulate:
- (a) the construction, erection, maintenance, repair and demolition of private swimming pools; and
 - (b) the safety measures used in relation to private swimming pools.

Authority

- 2 The authority for this Bylaw is clause 8(1)(b), subsections 8(2) and (3) and sections 324, 325, 328, 329 and 330 of *The Cities Act*.

Definitions

- 3 In this Bylaw:

“**City**” means the municipal corporation of the City of Regina or where the context requires the geographical area within the city limits;

“**diagonal structural member**” means a part of an enclosure which is attached to horizontal or vertical structural members and which runs diagonal to grade and includes boards constructed of any material, iron rods or steel rods;

Repealed. (#2016-48, s. 16(2), 2016)

“**enclosure**” means any structure constructed of any material or any combination of material, which is a barrier and used to enclose or screen areas of land but does not include a building;

“**Executive Director**” means the person appointed to the position of Executive Director, City Planning and Development of the City or his or her designate;

“**horizontal structural member**” means a main part of an enclosure to which other parts are attached and which runs horizontal and parallel to grade and includes boards constructed of any material, iron rods or steel rods;

“hot tub” means an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water for the use of persons for swimming, wading or other similar activity, which is 600 millimeters or more in depth and which is 2.5 metres or less across the widest portion of the water surface;

“occupant” includes a leaseholder, a person residing at a property upon which a swimming pool is situated or a person entitled to the property’s possession if there is not a person residing there;

“owner” means a person who has any right, title, estate or interest in a property upon which a swimming pool is situated other than that of an occupant, tenant or mortgagee;

“swimming pool” means an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is 600 millimeters or more in depth, and includes pools situated on top of the ground and hot tubs;

“vertical structural member” means a part of an enclosure which is attached to horizontal structural members and which runs vertical and perpendicular to grade and includes boards constructed of any material, iron rods or steel rods.

(#2011-64, s. 16, 2011, #2016-48, ss. 16(2) and 16(3), 2016)

Application

4 This Bylaw does not apply to swimming pools that are subject to *The Swimming Pool Regulations, 1999* enacted pursuant to *The Public Health Act, 1994*.

Hot tubs

5(1) Sections 11 and 12 of this Bylaw do not apply to hot tubs.

(2) Sections 6 to 10 of this Bylaw do not apply to a hot tub as long as the owner or occupant ensures that all of the following requirements are met:

- (a) the hot tub is equipped with a cover that can support the weight of 77 kilograms;
- (b) the hot tub has a lockable device to prevent unauthorized persons from entering the water;
- (c) the cover for the hot tub is maintained in place and locked at all times when the owner or occupant is not supervising the use of the hot tub.

Permits

6(1) No person shall construct, erect or demolish a swimming pool unless he or she has obtained a swimming pool permit from the Executive Director.

- (2) Every applicant for a permit shall apply to the Executive Director in a form prescribed by the Executive Director.
- (3) The Executive Director shall only issue a permit to a person making an application pursuant to subsection (1) when that person:
 - (a) provides the information required pursuant to the permit;
 - (b) agrees to all the terms and conditions included in the permit;
 - (c) executes the permit; and
 - (d) pays the applicable permit fees as set out in Schedule “A”.
- (4) The Executive Director shall have the authority to refuse or revoke a permit if:
 - (a) the person does not comply with clauses (3)(a) to (d); or
 - (b) the proposed construction or demolition is dangerous to the public’s safety or health.

(#2016-48, s. 16(4), 2016)

Enclosure

- 7(1) Every owner or occupant shall erect and maintain an enclosure around his or her swimming pool in accordance with this section.
- (2) Every owner or occupant shall ensure that the enclosure meets the following requirements:
 - (a) it is erected prior to the swimming pool being filled with water;
 - (b) it has a height of 1.8 metres measured on the exterior non-pool side from the top of the enclosure to the nearest platform, deck or grade as illustrated in the diagram in Schedule “B”; and
 - (c) it does not have any gaps or openings, which exceed 20 millimetres measured horizontally from one side of the gap or opening to the other side of the gap or opening.

Enclosures made of boards, chain link, iron rods or steel rods

- 8(1) Clause 7(2)(c) does not apply where an owner or occupant uses an enclosure made of horizontal, diagonal or vertical boards, chain link, iron rods or steel rods as long as the owner or occupant meets the requirements set out in subsections (2) or (3).

- (2) Where an owner or occupant uses an enclosure described pursuant to subsection (1), other than a chain link enclosure, he or she shall ensure the enclosure meets all of the following requirements:
- (a) on the exterior non-pool side of the enclosure, parallel horizontal structural members shall be spaced so that the top of the highest horizontal structural member is 1100 millimetres or more from the next lowest horizontal structural member as illustrated in the diagram in Schedule “B”;
 - (b) on the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 100 millimetres as illustrated in the diagram in Schedule “B”; and
 - (c) where diagonal structural members are used, they must be used on the interior or pool side of the enclosure and the gaps between the vertical members shall not exceed 20 millimetres.
- (3) Where an owner or occupant uses chain link for an enclosure or as part of an enclosure, he or she shall ensure the mesh size does not exceed 50 millimetres and the wire core is at least 11 gauge.

Gates and self-closing devices

9(1) Every owner or occupant shall ensure that any gate that forms part of an enclosure meets all of the following requirements:

- (a) every gate shall have a height of 1.8 metres measured on the exterior non-pool side from the top of the gate to the nearest platform, deck or grade;
- (b) no gate shall have any gaps or openings which exceed 20 millimetres measured horizontally from one side of the gap or opening to the other side of the gap or opening;
- (c) every gate shall be installed to swing outward in the direction away from the swimming pool;
- (d) every gate shall be equipped with all of the following:
 - (i) a self-closing device designed to return the gate to the closed position after each use;
 - (ii) a self-latching device designed to hold the gate in a closed position after each use; and
 - (iii) a locking device.

- (e) every self-closing device, self-latching device and locking device shall be maintained in working order at all times; and
 - (f) every gate shall be anchored to fixed posts or secure structures on both the hinge and latch sides.
- (2) Notwithstanding clause 9(1)(b), where a gate is made of chain link, the owner or occupant shall ensure that the gate meets the requirements set out in subsection 8(3).
 - (3) Notwithstanding clause 9(1)(b), where the gate is made of horizontal, diagonal or vertical structural members, the owner or occupant shall ensure that the gate meets the requirements set out in subsection 8(2).
 - (4) The requirement in clause 9(1)(c) does not apply to swimming pools constructed before the passage of this Bylaw.

Securing of swimming pool area

- 10 When the owner or occupant is not supervising the use of the swimming pool, he or she shall ensure that all entrances to the swimming pool area, including gates, are locked.

Walkway

- 11(1) Every owner or occupant shall ensure that there is a walkway located within the enclosure that is at least 750 millimetres in width and that surrounds the perimeter of the swimming pool.
- (2) Where there is a swimming pool situated on top of the ground, the walkway required pursuant to subsection (1) shall be constructed so that it is raised off of the ground and is at least as high as 1200 millimetres measured from the top of the rim of the swimming pool to the ground, deck or grade.
- (3) Subsections (1) and (2) do not apply to swimming pools constructed prior to June 7, 1971.

Safety Devices

- 12 Every owner or occupant shall ensure all of the following equipment is present at the swimming pool at all times:
 - (a) a reaching pole that measures at least half the width of the pool in length;
 - (b) a first aid kit; and
 - (c) a buoy and rope that measures at least the full width of the pool in length.

Drainage system

- 13(1) Every owner or occupant shall have and use a discharge system that allows the swimming pool to drain into the sanitary sewer of the property where the swimming pool is located.
- (2) The owner or occupant shall ensure that the discharge system complies with all relevant legislation governing plumbing and drainage.
- (3) The rate of discharge shall not exceed 90 litres per minute.
- (4) No person shall drain the water of a swimming pool into any adjacent private property or any public property including any street, lane or walkway.

Penalties

- 14 Any person who contravenes this Bylaw is guilty of an offence punishable pursuant to Bylaw No. 2003-29, being *The General Penalty Bylaw*.

Repeal and coming into force

- 15 Bylaw No. 6938 is repealed.

- 16 This Bylaw comes into force on October 1, 2004.

READ A FIRST TIME THIS 20th DAY OF SEPTEMBER 2004.

READ A SECOND TIME THIS 20th DAY OF SEPTEMBER 2004

READ A THIRD TIME AND PASSED THIS 20th DAY OF SEPTEMBER 2004

P. FIACCO

Mayor

R. MARKEWICH

City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

SCHEDULE "A"

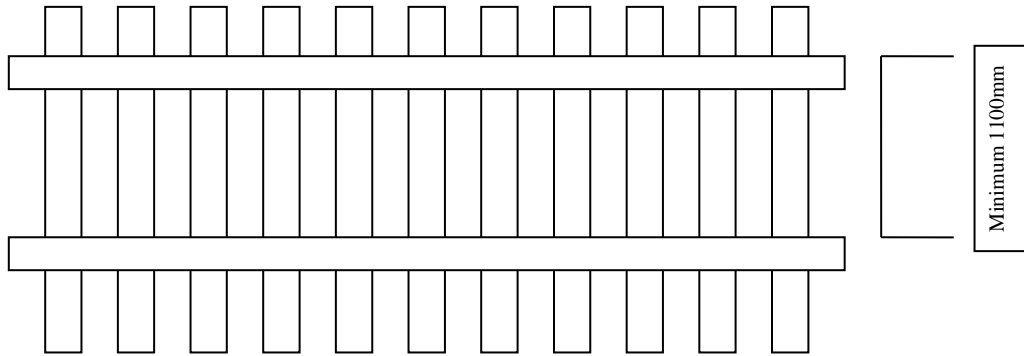
PERMIT FEES

- 1 An applicant shall pay the following applicable permit fee for the construction or erection of a swimming pool:
 - (a) for construction or work of a value not exceeding \$10,000.00, the permit fee shall be \$100.00;
 - (b) for construction or work of a value exceeding \$10,000.00 but not exceeding \$40,000.00, the permit fee shall be \$100.00 plus \$7.00 per \$1,000.00 value over \$10,000.00;
 - (c) for construction or work of a value exceeding \$40,000.00 but not exceeding \$78,000.00, the permit fee shall be \$310.00 plus \$5.00 per \$1,000.00 value over \$40,000.00;
 - (d) for construction or work of a value exceeding \$78,000.00 but not exceeding \$100,000.00, the permit fee shall be \$500.00; and
 - (e) for construction or work of a value exceeding \$100,000.00, the permit fee shall be \$5.00 per \$1,000.00 value.

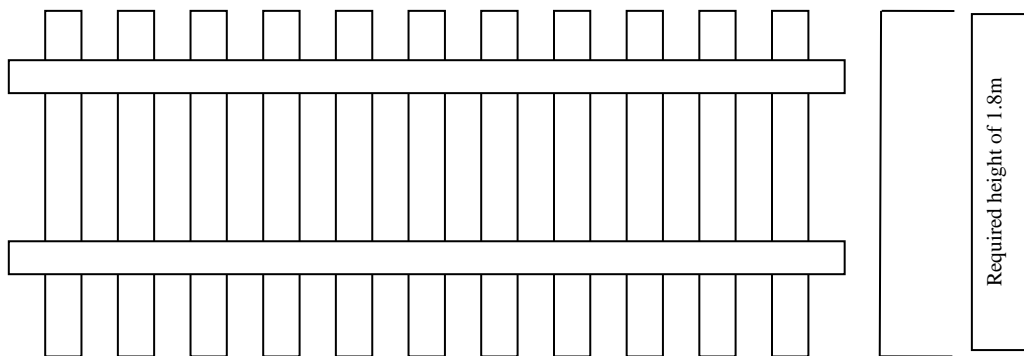
- 2 An applicant shall pay a \$35.00 permit fee for the demolition of a swimming pool.

SCHEDULE "B"

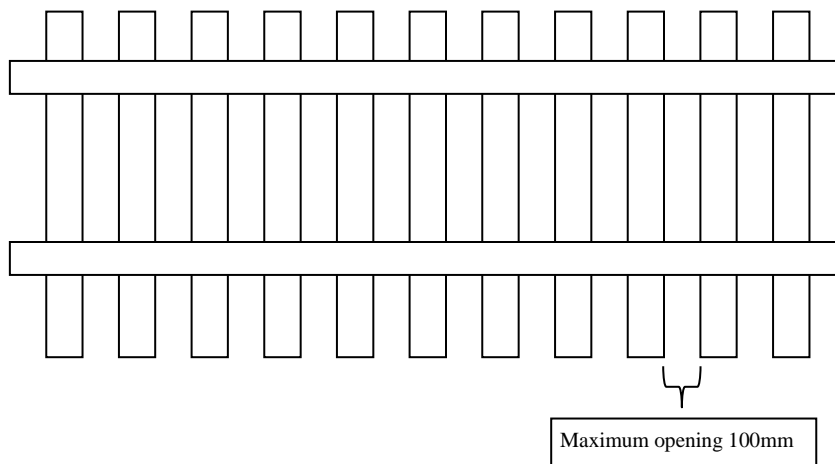
ENCLOSURES



Exterior non-pool side of enclosure (Illustration referred to in subsection 8(2))



Enclosure height (Illustration referred to in subsection 7(2)(b))



Maximum gap or opening between vertical members (Illustration referred to in subsection 8(2)(b))

ABSTRACT

BYLAW NO. 2004-81

THE PRIVATE SWIMMING POOL BYLAW, 2004

| | |
|-------------------------|--|
| PURPOSE: | The purpose of this Bylaw is to regulate the construction and demolition of private swimming pools and the safety measures to be used in connection with private swimming pools. |
| ABSTRACT: | This Bylaw regulates the construction and demolition of private swimming pools, as well as, the safety measures that are required in relation to private swimming pools. This Bylaw repeals and replaces Bylaw 6938 and was rewritten to reflect changes in the industry. In particular, it provides for the height and opening size of the protective fences surrounding swimming pools and it allows for less onerous requirements for hot tub owners where a hot tub is equipped with a locked cover. |
| STATUTORY AUTHORITY: | Sections 8, 324, 325, 328, 329 and 330 of <i>The Cities Act</i> |
| MINISTER'S APPROVAL: | N/A |
| PUBLIC HEARING: | N/A |
| PUBLIC NOTICE: | N/A |
| REFERENCE: | Regina Planning Commission, August 11, 2004, RPC04-59 City Council, August 23, 2004 CR04-158 |
| AMENDS/REPEALS: | This Bylaw repeals Bylaw No. 6938, <i>A Bylaw of The City of Regina to Ensure the Safe Operation of Private Swimming Pools</i> |
| CLASSIFICATION: | Regulatory |
| ORIGINATING DEPARTMENT: | Community Services Department |