

Bylaw No. 667-21

THE PRIVATE SWIMMING POOL BYLAW

Adopted by Town of White City Council on April 6, 2021.

Introduced and read a first time on April 6, 2021.

Read a second time on April 6, 2021.

Read a third time on April 6, 2021.

BYLAW NO. 667-21

A BYLAW TO REGULATE AND ENSURE THE SAFE OPERATION OF PRIVATE SWIMMING POOLS

Under the authority granted by subsection 8(1) of *The Municipalities Act*, SS 2005, c M-36.1, the Town of White City in the Province of Saskatchewan, by and with the advice and consent of the Town of White City Council, enacts as follows:

Title

- 1 This bylaw shall be referred to as *The Private Swimming Pool Bylaw*.

Interpretation

- 2 In this bylaw,

- (1) **above ground pool** means a swimming pool constructed such that:
 - (a) all or substantially all of the pool and any attached structure lies at or above the finished grade of the adjacent area; and
 - (b) any climbable fixture or feature of the exterior face of the pool wall or the exterior wall of an attached structure (save and except for a pool ladder or stairs) is 1.2 metres or more below the height of the top rail of the pool wall or attached structure;
- (2) **act** means *The Municipalities Act*;
- (3) **building bylaw** means Bylaw No. 443-05 of the town, as amended and replaced from time to time;
- (4) **climbable member** means any part of a fence which is capable of being used as a foothold for a person and includes a horizontal or diagonal member, but does not include chain link fencing having a wire core of not less than 11 gauge and mesh size of not more than 50 millimetres;
- (5) **council** means the Town of White City Council;
- (6) **designated officer** means a person employed or designated by the town to enforce the provisions of this bylaw;
- (7) **development officer** means a member of the Development and Planning department for the Town of White City;
- (8) **diagonal structural member** means a structural member of a fence to which other parts are attached and which does not run horizontally or vertically;
- (9) **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 including any doors or gates, or windows incorporated into the enclosure;
- (10) **fee bylaw** means Bylaw No. 624-18 of the town, as amended and replaced from time to time;
- (11) **horizontal structural member** means a structural member of a fence to which other parts are attached and which runs horizontally;

- (12) **hot tub** means an artificially created basin, intended to contain water for the use of persons for lounging, swimming, wading or other similar activity, which is 600 millimetres or more in depth but is less than 2.4 metres in width measured across the widest portion of water contained therein;
- (13) **occupant** includes an adult person residing at a property upon which a private swimming pool is situated or a person entitled to the property's possession if there is no person residing thereon;
- (14) **owner** means a person who has holds title to or is an adult tenant of a property upon which a private swimming pool is situated;
- (15) **private swimming pool** means for the purposes of this bylaw:
 - (a) as provided for as an accessory use in *The Zoning Bylaw*, an artificially created basin lined with concrete, fiberglass, vinyl or similar material that is intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is at least 600 millimetres in depth;
 - (b) including pools situated on top of the ground and hot tubs and excluding water features or ponds not associated with the swimming pool; and
 - (c) is not a swimming pool that is subject to *The Swimming Pool Regulations, 1999* pursuant to *The Public Health Act, 1994*;
- (16) **town** means the Town of White City;
- (17) **town manager** means the administrator of the town appointed pursuant to *The Municipalities Act*; and
- (18) **zoning bylaw** means Bylaw No. 581-14 of the town, as amended and replaced from time to time.

3 Terms used in this bylaw and not defined in this section have the meanings ascribed to them as in:

- (1) *The Municipalities Act*;
- (2) *The Planning and Development Act, 2007*; and
- (3) *The Uniform Building and Accessibility Standards Act*.

Purpose

4 The purpose of this bylaw is to ensure the safety, health and welfare of people and their protection within the town by way of:

- (1) controlling and regulating (pursuant to the provisions of *The Zoning Bylaw*, and *The Building Bylaw*), the construction, erection, maintenance, repair and demolition of private swimming pools; and
- (2) specifying safety measures to be employed in the operation of private swimming pools.

Permit Requirement

- 5 No person shall construct, erect, or alter a private swimming pool unless they have first obtained:
 - (1) a development permit from the town;
 - (2) any required building permit or demolition permit from the town; and
 - (3) a swimming pool permit pursuant to this bylaw.
- 6 No person shall demolish a swimming pool unless they have first obtained:
 - (1) a development permit from the town;
 - (2) any required building permit or demolition permit from the town; and
 - (3) a swimming pool demolition permit pursuant to this bylaw.
- 7 No person shall operate a private swimming pool unless authorization to do so has been endorsed on a valid and subsisting swimming pool permit.
- 8 No owner or occupant of a property shall suffer or permit the use or operation of a private swimming pool on that property unless authorization to do so has been endorsed on a valid and subsisting swimming pool permit.
- 9 An applicant for a swimming pool permit or a swimming pool demolition permit shall deliver to the development officer:
 - (1) a fully completed application form in substantial compliance with the applicable form set out in Schedule A or Schedule B hereto; and
 - (2) the application fee specified pursuant to *The Fee Bylaw*.
- 10 Upon receipt of an application for a swimming pool permit or swimming pool demolition permit submitted pursuant to this bylaw, the development officer shall review the permit and shall authorize the application, signifying approval to construct, renovate or demolish upon satisfying themselves that:
 - (1) the applicant has been issued the necessary development permit;
 - (2) the applicant has been issued any necessary building permit;
 - (3) the applicant has provided a fully completed application form, including agreement by the applicant to the terms and conditions set out in the permit; and
 - (4) the application fee is fully paid.
- 11 The issuance of a swimming pool permit does not relieve any person from full compliance with the provisions of *The Zoning Bylaw* and *The Building Bylaw* for the town.
- 12 Where a swimming pool permit has been granted, no person shall swim in or use the private swimming pool referenced therein until such time as the pool has been inspected by the town and the permit is endorsed so as to permit use by a designated officer.



13 Where a swimming pool demolition permit has been granted, no person shall thereafter swim in or use the private swimming pool referenced therein, and the enclosure surrounding the pool shall remain in place until the pool is demolished and any excavation filled.

(1) Where demolition of a private swimming pool is complete, the permit holder shall immediately call for an inspection by a designated officer and shall rectify any remaining pool safety issue by the designated officer. When the designated officer is satisfied that no pool safety issue remains, they shall endorse the permit, and the obligations of the permit holder shall terminate.

Water Supply and Drainage

14 Each owner or occupant of a property on which a private swimming pool is located shall be responsible for ensuring that the pool has a functioning and appropriate water supply and connections.

15 Any private swimming pool connected to a potable water supply connection shall be the subject of a valid plumbing permit and shall have been fully approved pursuant to the applicable requirements of the Saskatchewan Health Authority prior to commencing operation.

16 Any private swimming pool connection to a potable water supply shall be protected by an approved and functioning backflow preventer that will ensure that the water in the pool system does not flow back into the municipal water supply and distribution system and shall comply with any other requirements of the bylaw or bylaws governing the municipal water supply utility.

17 In cases where an optimum and functioning water supply and connection for the filling of a private swimming pool does not exist the property owner or occupant shall contact the town's Public Works department to arrange for appropriate service, which shall be provided in accordance with the governing utility bylaws.

18 All private swimming pools shall have and use a discharge system that allows the swimming pool to safely and securely drain into the municipal sewer system.

19 Discharge of water from a private swimming pool shall:

(1) take place between:

(a) any day between the hours of 8:00 p.m. and 3:00 a.m. the following day; or

(b) Saturday, Sunday or any statutory holiday between 10:00 a.m. and 3:00 a.m. the following day;

(2) occur at a rate not to exceed 90 litres per minute.

20 No person shall drain the water of a private swimming pool into any adjacent private property or any public property including any street, lane, walkway, watercourse or waterbody.

21 Notwithstanding the provisions of section 20, overland swimming pool drainage and discharge is permitted in the Residential District – R1 and Residential District - R2 areas designated in *The Zoning Bylaw*, provided that the discharge does not drain onto neighboring properties.

Pool Enclosures

- 22 No person shall use or operate a private swimming pool unless it is enclosed in accordance with the provisions of this bylaw.
- 23 No owner or occupant of a property shall suffer or permit the use or operation of a private swimming pool on that property unless it is enclosed in accordance with the provisions of this bylaw.
- 24 Every enclosure shall be maintained in good working condition.
- 25 Every enclosure shall be constructed to minimize the risk of unauthorized entry into the pool area by any person crawling under, climbing over, or climbing through the enclosure.
- 26 Without limiting the provisions of section 25 every pool enclosure shall meet the following minimum standards:
 - (1) include a walkway that is at least 750 millimetres in width and that surrounds the perimeter of the swimming pool;
 - (2) be gated and be of a minimum height as follows:
 - (a) where the private swimming pool is protected by a mechanically locking protective cover tested and certified to meet or exceed *American Society for Testing and Materials* F1346-91 standards for pool safety and is installed as per manufacturer's instructions and to be kept in a close, locked position unless the pool is in use: 1.5 metres;
 - (b) otherwise: 1.8 metres; and
 - (c) to be measured on the exterior, or non pool side from the top of the enclosure to the nearest platform, deck or grade;
 - (3) where an enclosure is a chain link fence, the mesh size shall not exceed 50 millimetres and the wire core shall not be less than 11 gauge;
 - (4) where an enclosure fence is constructed of any material other than chain link:
 - (a) horizontal structural members or other climbable members located on or accessible from the outside or non-pool side of the fence shall be placed so that there is one continuous vertical separation of a minimum of 1,100 millimetres maintained between such members along any portion of the fence which is accessible to the public; and
 - (b) there is no prescribed minimum separation required between horizontal structural members or other climbable members located on the inside or pool side of the fence and not accessible from the outside or non-pool side;
 - (5) the gap or space between grade and the bottom of the enclosure shall not exceed 100 millimetres;
 - (6) maximum permissible gaps or openings between vertical members of an enclosure are as follows:



- (a) gaps or openings of up to 100 millimetres shall be permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of 1,100 millimetres is maintained between horizontal structural members or other climbable members along the entirety of the fence, as illustrated in Schedule B;
 - (b) gaps or openings of up to 20 millimetres shall be permitted if horizontal structural members or other climbable members are located less than 1,100 millimetres apart along any portion of the enclosure; and
 - (c) notwithstanding clauses 26(6)(a) and (b), there is no prescribed limit to the size of gaps or openings in that portion of the enclosure having an elevation of greater than 1.5 metres above grade;
- (7) 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;
 - (8) on the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 100 millimeters; and
 - (9) where diagonal structural members are used, they shall be used on the interior or pool side of the enclosure and the gaps between the vertical members shall not exceed 20 millimetres.
- 27 Any gate which forms part of an enclosure shall comply with the following:
- (1) the gate shall comply with the requirements for fences in section 26 of this bylaw;
 - (2) all gates shall be installed to swing outward in the direction away from the swimming pool;
 - (3) all gates shall be equipped with a self-closing device designed to return the gate to the closed position after each use, a self-latching device designed to hold the gate in the closed position after each use, and a locking device;
 - (4) any self-closing device, any self-latching device and any locking device shall be maintained in working order at all times; and
 - (5) all gates shall be anchored to fixed posts or secure structures on both the hinge and latch sides.
- 28 Where a dwelling or accessory building forms part of an enclosure:
- (1) the exterior structure of the dwelling or accessory building shall comply with the requirements of this bylaw;
 - (2) any door and any window in any accessory structure shall comply with the requirements for gates set out in this bylaw;
 - (3) any door in any dwelling that opens onto the enclosure shall meet the requirements for gates set out in this bylaw; and

- (4) any window in any dwelling that opens onto the enclosure shall be fixed and not capable of opening, or otherwise shall be fitted all times with a secure and effective screen that may not be easily removed.

29 Where enclosing the entire yard in which a swimming pool is located is not economically feasible due to the size of the yard, only the private swimming pool, the walkway and any equipment associated with the private swimming pool may lie within the enclosure.

Securing the Swimming Pool

30 The occupant of a property upon which a private swimming pool is located shall ensure at all times all gates, doors, windows and any other means of passage into an enclosure shall be closed and locked when not attended by the owner or occupant.

Above Ground Pools and Hot Tubs

31 The requirements of section 25 of this bylaw do not apply to an above-ground pool, provided that:

- (1) the stairs or ladder or deck or other means of accessing the pool are enclosed by a gated enclosure at least as high as the top rail of the pool which otherwise complies with the provisions of section 25 of this bylaw; and
- (2) no other pool equipment including pumps, filters and heaters, or any other equipment or structure is located within 1.2 metres in distance from the top rail of the pool unless located within an enclosure meeting the same requirements as set forth in section 25.

32 Sections 22-30 of this bylaw do not apply to a hot tub, provided that the following provisions are complied with:

- (1) the hot tub is equipped with a cover that will support the weight of person weighing 90 kilograms or less;
- (2) the hot tub cover has a lockable device to prevent access to the water by unauthorized persons; and
- (3) the cover is maintained in place and locked at all times when the hot tub is not under competent supervision.

Safety Devices

33 Every owner and every occupant shall ensure the following equipment is present at the swimming pool at all times:

- (1) a reaching pole that measures at least half the width of the pool in length;
- (2) a first aid kit; and
- (3) a buoy and rope that measures at least the full width of the pool in length.

34 Every owner and every occupant shall ensure that the foregoing safety equipment is at all times in good working condition, and that the first aid kit is properly stocked.

Inspections

- 35 The inspection of property by a designated officer to determine whether this bylaw is being complied with is hereby authorized.
- 36 Inspections shall be conducted in accordance with Part XII, Division 4 of the act.
- 37 No person shall obstruct the designated officer who is authorized to conduct an inspection or a person who is assisting the designated officer.
- 38 Upon completion of all construction or alteration work on a private swimming pool, the holder the swimming pool permit shall call for an initial inspection thereof.
- 39 Upon receiving a call for an initial inspection, the town shall arrange for a designated officer to inspect the private swimming pool and:
 - (1) in the event that the designated officer shall determine that the private swimming pool and any required enclosure comply with the provisions of this bylaw, the designated officer shall endorse the swimming pool permit application signifying authorization the use thereof; or
 - (2) in the event that the designated officer shall determine that the requirements of this bylaw are not met, the designated officer shall provide written notice of the deficiencies to be rectified and shall not endorse the swimming pool permit application. the holder of the swimming pool permit shall thereafter correct the deficiencies and shall call for a new initial inspection within 48 hours.
- 40 The enclosures, gates, and self-closing devices relating to a private swimming pool fully constructed and in operation on or before the effective date of this bylaw which have not previously been inspected, shall be inspected for compliance with the provisions of this bylaw, within one year of the date of this bylaw's adoption. All deficiencies noted upon an inspection shall be corrected within 60 days of inspection.
- 41 A designated officer may, in addition to any other inspection referenced herein, inspect a property for compliance with this bylaw at any time.

Enforcement

- 42 The issuance of orders and subsequent enforcement proceedings shall be conducted in accordance with Part XII, Division 4 of the act.
- 43 Where a designated officer determines that there has been a contravention of this bylaw, they may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
 - (1) Where an order is issued pursuant to section 43, the town gives notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.
- 44 A person may appeal an order made pursuant to section 43 in accordance with section 365 of the act. Appeals shall be heard by the Development Appeals Board of the Town of White City.

- 45 The town may, in accordance with section 366 of the act take whatever actions or measures necessary to remedy a contravention of this bylaw.
- 46 The town may, in accordance with section 368 of the act, collect any unpaid expenses and costs incurred in remedying a contravention of this bylaw by civil action for debt in a court of competent jurisdiction.
- 47 The town may, in accordance with section 369 of the act, add any unpaid expenses and costs incurred by the town in remedying a contravention of this bylaw to the taxes on the property on which the work was done.
- 48 In the event of an emergent need to remedy a contravention of this bylaw, the town may take whatever actions or measures necessary to eliminate the emergency in accordance with the provisions of section 367 of the act.

Offences and Penalties

- 49 Every person who contravenes a provision of this bylaw is guilty of an offence and liable on summary conviction to the provided in *The General Penalty Bylaw* of the town as adopted and/or amended pursuant to the act.
- 50 A conviction for a contravention of any provision of this bylaw does not relieve the person convicted from complying with this bylaw, and the convicting judge or justice may, in addition to the fine imposed, order the person to do any act or work, within a specified time, to comply with the bylaw.

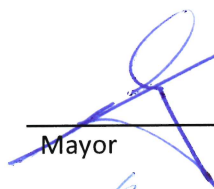
Permit Forms

- 51 The town manager shall be authorized to amend permit forms attached as Schedule A and Schedule B, without approval of council.
 - (1) Amendments shall only include changes to format, style, grammar and minor word phrasing.
 - (2) Amendments shall not alter or contravene any provision of this bylaw.

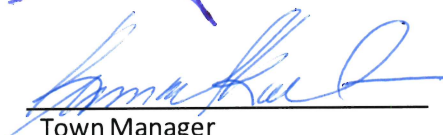
Repeal and Effective Date of Bylaw

- 52 Bylaw No. 595-15, and all subsequent amendments are hereby repealed.
- 53 This bylaw shall come into force and take effect immediately and shall apply to all private swimming pools within the town including those constructed prior to the adoption of this bylaw.





 Mayor



 Town Manager

SCHEDULE "A"



**PRIVATE SWIMMING POOL
PERMIT APPLICATION**

PERMIT _____

1. PROPERTY OWNER

Name: _____
Address: _____ Postal Code: _____
Telephone: _____ Email: _____

2. CONTRACTOR (IF DIFFERENT FROM OWNER)

Name: _____
Telephone: _____ Email: _____

3. PROPERTY – LEGAL DESCRIPTION

Lot: _____ Block: _____ Plan: _____
Civic Address: _____

4. ESTIMATED TIMELINE OF WORK

Date of Commencement: _____ Date of Completion: _____

5. SCOPE OF WORK

Pool Type: ☐ In-Ground ☐ Above Ground

If Above Ground, Height of Pool Walls: _____

If In-Ground, Depth of Pool: _____

6. CONSTRUCTION & ENCLOSURE DETAILS

Type of Construction (Details of Materials): _____

Type of Enclosure: _____

Height of Enclosure: _____ Number of Gates: _____

7. UNDERTAKING TO COMPLY

The undersigned, as applicant, hereby declares and undertakes:

- (a) I am a registered owner of the land described above, and am authorized to make this application;
- (b) I have been provided with and have reviewed and understand the provisions of The Swimming Pool Bylaw generally;
- (c) I have carefully reviewed the provisions of the bylaw relating to enclosure and hot tub covers and understand them fully;
- (d) I have carefully reviewed the provisions of the bylaw relating to safety equipment and understand them fully;

- (e) I undertake to fully comply with the provisions of The Swimming Pool Bylaw at all times that I am the owner and occupant of the premises described herein;
- (f) I undertake to fully acquaint any other owner of occupant of the premises described herein with the provisions of The Swimming Pool Bylaw and take all steps necessary to ensure that they understand and comply with the provisions of the bylaw.

I further undertake to call for an initial inspection of the private swimming pool when construction or renovation is complete and acknowledge that an inspection report will be provided by the designated officer once the inspection is completed. I hereby undertake to rectify any deficiencies noted within 48 hours and before any person uses the private swimming pool that is subject of this application.

Applicant's Signature

Date

8. PERMIT APPROVAL (OFFICE USE ONLY)

Permit to construct or renovate the private swimming pool referenced herein granted:

Designated Officer

Date

SEAL



SCHEDULE "B"

**PRIVATE SWIMMING POOL
DEMOLITION PERMIT APPLICATION**

PERMIT _____

1. PROPERTY OWNER

Name: _____
Address: _____ Postal Code: _____
Telephone: _____ Email: _____

2. CONTRACTOR (IF DIFFERENT FROM OWNER)

Name: _____
Telephone: _____ Email: _____

3. PROPERTY – LEGAL DESCRIPTION

Lot: _____ Block: _____ Plan: _____
Civic Address: _____

4. ESTIMATED TIMELINE OF DEMOLITION

Date of Commencement: _____ Date of Completion: _____

5. SCOPE OF WORK

Pool Being Demolished: ☐ In-Ground ☐ Above Ground

6. UNDERTAKING TO COMPLY

The undersigned, as applicant, hereby declares and undertakes:

- (g) I am a registered owner of the land described above, and am authorized to make this application;
- (h) I have been provided with and have reviewed and understand the provisions of The Swimming Pool Bylaw generally;
- (i) I undertake to ensure that the swimming pool referenced herein shall not be used by any person from and after the date a permit is granted.
- (j) I undertake to leave the pool enclosure in place until the private swimming pool has been fully demolished and any excavation filled.
- (k) I undertake to fully acquaint any other owner or occupant of the premises and any contractor employed for demolition purposes with the foregoing requirements and ensure that they comply.

Applicant's Signature

Date

7. PERMIT APPROVAL (OFFICE USE ONLY)

Permit to demolish the private swimming pool referenced herein granted.

Designated Officer

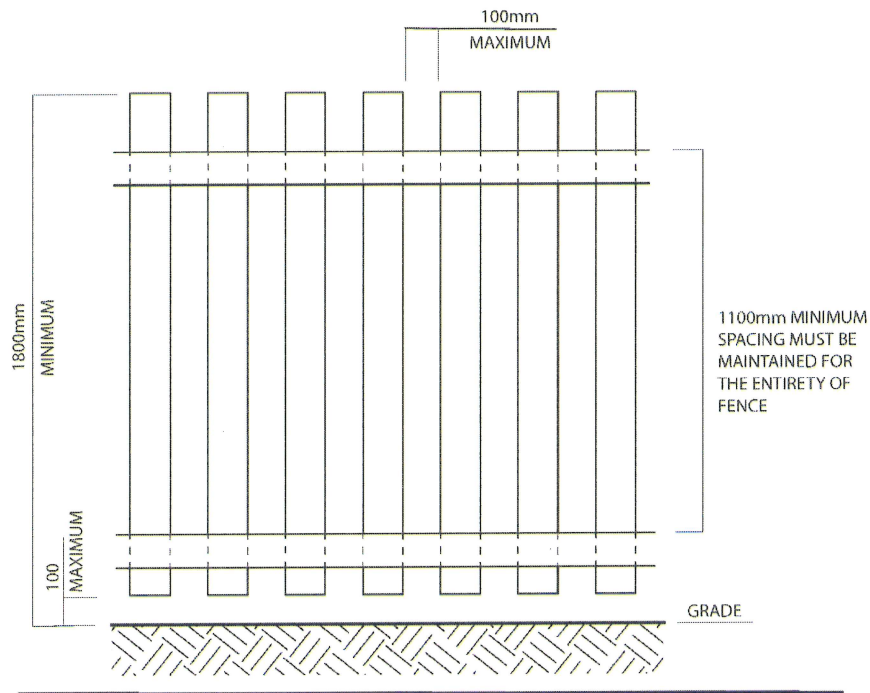
Date

SEAL

45

SCHEDULE "C"

CLIMBABLE MEMBERS ON NON-PPOOL SIDE OF FENCE



CLIMBABLE MEMBERS ON POOL SIDE OF FENCE

