

TOWN OF BIRCH HILLS

BYLAW #04/2020

**A BYLAW OF THE TOWN OF BIRCH HILLS TO CONTROL AND REGULATE THE
CONSTRUCTION, ERECTION, MAINTENANCE, REPAIR AND DEMOLITION OF
PRIVATE SWIMMING POOLS**

WHEREAS the Council of the Town of Birch Hills in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as The Private Swimming Pool Bylaw
2. The purpose of this Bylaw is:
 - a. To control and regulate the construction, erection, maintenance, repair and demolition of private swimming pools; and
 - b. To specify, regulate and enforce the use of safety measures in connection with private swimming pools.
3. In this Bylaw:
 - a. "Town" means The Town of Birch Hills;
 - b. "horizontal structural member" means a main part of a fence to which other parts are attached and which runs parallel to grade;
 - c. "occupant" includes a 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 there and a leaseholder;
 - d. "owner" means a person who has any right, title, estate of interest in a property upon which a private swimming pool is situated; and
 - e. "private 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 at least 600 mm in depth and includes pools situated on top of the ground and hot tubs.
4. Application:

Exempt as otherwise provided, this Bylaw applies to all private swimming pools, including those in existence prior to the passage of this Bylaw.

5. Permit:
 - a. A person must obtain a swimming pool construction permit from the Town prior initial to construction, erection or demolition of a private swimming pool.
 - b. In order to obtain a swimming pool construction permit, a person must file an application in the prescribed form in writing to the Town which includes a site plan and pool specifications and pay a fee of \$75.00.
6. Enclosure:
 - a. Every private swimming pool must be enclosed in accordance with this section.
 - b. The enclosure must be built prior to the swimming pool being filled with water.
 - c. The enclosure must be properly maintained to comply with this Bylaw at all times.
 - d. The enclosure must be constructed so as to minimize the risk of unauthorized entry into the pool area by a member of the public by crawling under, climbing over, or climbing through. The enclosure must meet the following minimum standards:
 - i. the enclosure must have a minimum height of 1.5 meters measured on the exterior, or non-pool side from the top of the enclosure to the nearest platform, deck or grade;
 - ii. where an enclosure is a chain link fence, the mesh size must not exceed 50 millimeters and the wire core must not be less than 11 gauge;
 - iii. where an enclosure fence is constructed of any material other than chain link:
 1. horizontal structural member or other climbable members located on or accessible from the outside or non-pool side of the fence must be placed so that there is one continuous vertical separation of a minimum of 1,100 millimeters maintained between such members, as illustrated in Schedule "A", along any portion of the fence which is accessible to the public; and
 2. 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;

3. the gap or space between grade and the bottom of the enclosure must not exceed 100 millimeters;
4. maximum permissible gaps or openings between vertical members of an enclosure are as follows:
 - a. gaps or openings of up to 100 millimeters are permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of 1,100 millimeters is maintained between horizontal structural members or other climbable members along the entirety of the fence, as illustrated in Schedule "A";
 - b. gaps or openings of up to 20 millimeters are permitted if horizontal structural members of other climbable members are located less than 1,100 millimeters apart along any portion of the enclosure; and
 - c. notwithstanding subclause 6(d)(iii)(4)(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 meters above grade.

7. Gates and Self-Closing Devices

- a. A gate which forms part of an enclosure must comply with the following:
 - i. a gate must comply with the requirements for fences in Section 6(d).
 - ii. all gates must be installed to swing outward in the direction away from the swimming pool.
 - iii. all gates must 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;
 - iv. the self-closing device, self-latching device and the locking device must be maintained in working order at all times; and
 - v. all gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.
- b. The requirement in Section 7(a)(ii) does not apply to swimming pools constructed before the passage of this Bylaw.

8. Securing of Swimming Pool

When a swimming pool is not attended by the owner or occupant, gates, doors and other entrances to the swimming pool area must be locked.

9. Hot Tubs

In the case of a private swimming pool which is a hot tub, the requirements of Sections 5, 6, 7 and 8 of this Bylaw do not apply if all of the following provisions are complied with:

- a. The hot tub does not exceed 2.4 meters across the widest portion of the water surface;
- b. The hot tub has a cover with the strength to support the weight of an adult walking across the top;
- c. The hot tub has a lockable device to prevent access to the water by unauthorized persons; and
- d. The cover is maintained in place and locked at all times when the hot tub is unsupervised.

10. Walkway

- a. Within the enclosure, a swimming pool must have a properly maintained access walkway around the swimming pool with a minimum width of 750 millimeters. The walkway must be within 1,200 millimeters of the top of the swimming pool.
- b. The requirement found in Section 10(a) does not apply to swimming pools constructed before June 7, 1971.

11. Safety Devices

The owner or occupant must have the following equipment present at the swimming pool at all times:

- a. A reaching pole of sufficient length to reach mid-pool;
- b. A first aid kit; and
- c. A buoy and rope of sufficient length to reach across the swimming pool.

12. Drainage System

- a. A swimming pool must have a discharge system which allows the swimming pool to drain into the sanitary sewer of the property upon which the pool is located and which complies with all relevant legislation governing plumbing and drainage. The rate of discharge must not exceed 90 litres a minute.

- b. No person shall drain the water of a swimming pool into any adjacent public or private property or any street, lane or walkway.

13. Inspections

- a. The inspection of property by the Town to determine whether this Bylaw is being complied with is hereby authorized.
- b. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- c. No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this Section, or a person who is assisting a municipal inspector.

14. Order to Remedy Contravention

- a. If a municipal inspector finds that a person is contravening this Bylaw, the municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- b. Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- c. Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

15. Offences and Penalties

- a. Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a minimum fine of \$100.00 and a maximum fine of \$1,000.00.
- b. 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.
- c. The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

16. This Bylaw comes into force on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 10TH DAY OF JUNE 2020

READ A SECOND TIME THIS 10TH DAY OF JUNE 2020

READ A THIRD TIME AND PASSED BY UNANIMOUS VOTE OF COUNCIL THIS 10TH DAY OF JUNE 2020





Mayor


Chief Administrative Officer

Certified a true copy of Bylaw #04/2020
adopted by resolution of Council on
the 10th day of June 2020.

Chief Administrative Officer

Schedule "A"

Bylaw #04/2020 Town of Birch Hills



