

TOWN OF LUMSDEN

BYLAW 12-2017

A BYLAW OF THE TOWN OF LUMSDEN GOVERNING PRIVATE SWIMMING POOLS

The Council of the Town of Lumsden in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

- (a) This Bylaw may be cited as "The Private Swimming Pool Bylaw"

2. DEFINITIONS

- (a) For the purpose of this Bylaw, the expression:
- i. **"Administrator"** means the Chief Administrative Officer for the Town of Lumsden.
 - ii. **"Authorized Personnel/Authorized Person"** means Municipal Staff or any other person authorized or designated by the municipality.
 - iii. **"Bylaw"** means the Private Swimming Pool Bylaw.
 - iv. **"Council"** means the Council of the Town of Lumsden.
 - v. **"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. The enclosure includes any doors or gates surrounding the swimming pool and restricting access to it.
 - vi. **"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 0.6 metres or more in depth.
 - vii. **"Secondary Enclosure"** means any structure constructed of an adequate material or any combination of material, which is a barrier and used to enclose or screen the swimming pool from the remainder of the yard or property, used where the swimming pool is only part of a bigger yard and is not the main attraction or focal point of the space where it is situated.
 - viii. **"Swimming Pool"** means any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.6 metres (2 feet) or more at any point.
 - ix. **"Town"** means the Town of Lumsden.

3. APPLICATION

- (a) 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*.

4. HOT TUBS

- (a) Sections 8 to 13 of this Bylaw do not apply to a hot tub if the owner or occupant ensures that all of the following requirements are met:
- i. The hot tub is equipped with a cover that can support the weight of 77 kilograms;
 - ii. The hot tub has a lockable device to prevent unauthorized persons from entering the water; and
 - iii. The cover for the hot tub is maintained in place and locked at all times when the hot tub is not under competent supervision.

5. ABOVE GROUND POOLS

- (a) Only the ladders or stairs providing access to an above ground pool needs to be enclosed in accordance with this Bylaw provided the following conditions are maintained:
- i. The sides of an above ground pool shall not be not less than 1.2 metres in height measured from the finished grade and any climbable fixture or feature on the exterior face of the pool wall to the top rail of the pool wall, as determined at the time of approval.
 - ii. The ladder area, or deck, which provides access to the above ground pool, is enclosed by a gate enclosure which complies with this Bylaw.
 - iii. Pumps, air conditioners, heaters, filters or other appliances or equipment shall be located not less than 1.2 metres from the top rail of the pool walls or shall be enclosed in accordance with this Bylaw.

6. PERMITS

- (a) No person shall construct, erect or demolish a swimming pool unless they have obtained a Pool Development Permit from the Town of Lumsden.
- (b) Every applicant for a permit shall apply to the Town of Lumsden as per Form "A" attached hereto and which forms part of this Bylaw.
- (c) Every application for a Pool Development Permit shall be submitted with a plan showing the location, depth and dimensions of the proposed pool and all water supply piping, drainage piping and appurtenances, structural detail, fences and enclosures specifications and the location of all buildings on site.
- (d) The Development Officer of the Town of Lumsden shall only issue a permit to a person making an application pursuant to subsection (a) when that person:
- i. Provides the information required pursuant to the permit;
 - ii. Agrees to the terms and conditions included in the permit;
 - iii. Executes the permit; and
 - iv. Pays the Development Permit Fee for permitted accessory uses as outlined in the Town of Lumsden Zoning Bylaw.
- (e) The Development Officer shall have the authority to refuse or revoke a permit if:
- i. The person does not comply with the requirements contained in subsection (c) above; or
 - ii. The proposed construction or demolition is dangerous to the public's safety or health.

7. USE AND LOCATION

- (a) Swimming pools are an accessory use to a permitted use and shall meet the regulations and standards applicable to swimming pools in the Town of Lumsden Zoning Bylaw.

8. WATER SUPPLY

- (a) Every owner or occupant shall be responsible for the optimum functioning of the swimming pool water supply and connections. All potable water supply connections shall be installed in accordance to all plumbing permits and inspections required by the Regina Qu'Appelle Health Region.
- (b) The water in a swimming pool shall be separated from any potable water supply by an approved backflow preventer to ensure the water in the pool system does not flow back into the municipal water supply and distribution system.

9. ENCLOSURE

- (a) Every owner or occupant shall have an enclosure around their swimming pool in accordance with subsections 9(a), 9(b), 9(c), 9(d), 9(e), 9(f), 9(g) and 9(h) (See Schedule "A" for samples); unless the pool owner or occupant ensures that when the pool is not in use, the pool is covered with a U.L. (Underwriters Laboratories) approved safety cover, tested and certified to meet or exceed ASTM (American Society for Testing and Materials) F1346-91 standards for pool safety and is installed as per manufacturer's instructions.
- (b) No persons shall place water in a swimming pool or cause or permit water to remain in the swimming pool if the required swimming pool enclosure is not completely constructed in compliance with this Bylaw.
- (c) Every owner or occupant shall ensure that the enclosure is of sturdy construction, capable of preventing unauthorized entry and that it meets the following requirements:
- i. It is erected prior to the swimming pool being filled with water;
 - ii. It has a minimum 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 and not more than 10cm from the ground or grade level; and
 - iii. It does not have any gaps or openings that exceed 10cm measured horizontally from one side of the gap or opening to the other side of the gap opening.
- (d) Subsection 9(c)(iii) 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 the following subsections (e) and (f).
- (e) Where an owner or occupant uses an enclosure described pursuant to subsection (d), other than a chain link enclosure, he or she shall ensure the non-climbable enclosure meets all of the following requirements:
- i. 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 1.1 metres or more from the next lowest horizontal structural member;
 - ii. On the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 1 metre; and
 - iii. 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.
- (f) 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 is at least 11 gauge.
- (g) Every enclosure shall be maintained, by the owner or the occupant of the property on which the swimming pool is situated, in good working order and repair and adequate to perform its intended function. Every self-closing device, self-latching device and locking device shall be maintained in working order at all times.
- (h) Where the swimming pool area is only part of a bigger yard and it is not the main attraction or focal point of the space where it is situated, an enclosure surrounding the separate swimming pool shall be implemented; unless a safety cover is in place pursuant to subsection 9(a) of this Bylaw. This secondary enclosure shall include any doors or gates surrounding the swimming pool and restricting access to it.



10. GATES AND SELF – CLOSING DEVICES

- (a) Every owner or occupant shall ensure that any gate that forms part of an enclosure meets all of the following requirements:
- i. Every gate shall have a minimum height of 1.8 metres measured on the exterior of the non-pool side from the top of the gate to the nearest platform, deck or grade;
 - ii. No gate shall have any gaps or openings which exceed 10cm measured from one side of the gap or opening to the other side of the gap or opening;
 - iii. Every gate shall be installed to swing outward in the direction away from the swimming pool;
 - iv. Every gate shall be equipped with the following:
 - 1) A self-closing device designed to return the gate to the closed position after each use;
 - 2) A self-latching device designed to hold the gate in a close position after every use; and
 - 3) A lock device.
 - v. Every self-closing device, self-latching device and locking device shall be maintained and in good working order at all times.
- (b) Notwithstanding section 10(a)(ii), where the gate is made of chain link, the owner or occupant shall ensure the gate meets the requirements set out in section 9(f).
- (c) Notwithstanding section 10(a)(ii), 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 section 9(e).
- (d) If windows and doors forms part of the pool enclosure, the home owner shall keep such doors and windows closed and locked at all times when the swimming pool is not under competent supervision.
- (e) If an approved safety cover is in place pursuant to subsection 9(a), then a Gate and Self-Closing may not be required.

11. SECURING OF SWIMMING POOL AREA

- (a) All entrances to the swimming pool area, including gates shall be locked when not under competent supervision.

12. WALKWAY

- (a) Every owner or occupant shall ensure that there is a walkway that is at least 0.75 metres in width that surrounds the perimeter of the swimming pool.

13. SAFETY DEVICES

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

14. DRAINAGE SYSTEM

- (a) Every owner or occupant shall have and utilize a discharge system that allows the swimming pool to drain into the municipal sewer system, safely and securely.
- (b) Swimming pool discharge shall be at a non-peak time such as evenings after 8pm or weekends after 10am.
- (c) The rate of discharge shall not exceed 90 litres per minute.
- (d) No person shall drain the water of a swimming pool into any adjacent private property or any public property including any street, lane, walkway, natural watercourse or natural waterbody.

15. INSPECTIONS

- (a) All newly constructed swimming pools will require an inspection to ensure compliance with the provisions of this Bylaw prior to filling the pool with water and its first use.
- (b) If, upon inspection of a property, water has been placed in a pool and the pool enclosure does not meet the requirements of this Bylaw, the inspector of the Town may issue an order to the owner requiring compliance with the provisions of this Bylaw within 48 hours.

16. PENALTIES

- (a) Any person found guilty of infraction of any of the provisions of this Bylaw shall be liable to the penalties provided in the General Penalty Bylaw of the Town of Lumsden as adopted and/or amended pursuant to *The Municipalities Act*.

17. REPEAL AND EFFECTIVE DATE OF BYLAW

- (a) Bylaw No. 1978-5, and all subsequent amendments are hereby repealed.
- (b) This Bylaw shall come into force and take effect on the date of Council approval, and shall apply to all new private swimming pools within the Town of Lumsden. Applicable provisions of this Bylaw shall be applied to existing swimming pools at the discretion of Town of Lumsden Authorized Personnel.

Readings

Read a first time this 24th day of October 2017.

Read a second time this 14th day of November 2017.

Read a third time this 14th day of November 2017.



[Handwritten Signature]

 Mayor

[Handwritten Signature]

 Chief Administrative Officer

Certified to be a true copy of Bylaw No. 12-2017
 adopted by the Council of the Town of Lumsden
 on the 14th day of November, 2017

[Handwritten Signature]

 Chief Administrative Officer



LUMSDEN, IN THE QUAPPELLE

FORM "A"

POOL DEVELOPMENT PERMIT APPLICATION

I, _____, hereby make application for a Pool Development Permit to install a swimming pool pursuant to *Bylaw No. 12-2017* of the Town of Lumsden.

Lot No.: _____, Block No.: _____, Plan No.: _____

Civic Address: _____

Telephone No.: _____ Email: _____

Type of Swimming Pool In-Ground Above Ground

Height Above Ground: _____, Depth in Ground: _____

Size of Swimming Pool: _____

Type of Construction (indicate materials used):

Type of Enclosure: _____

Height of Enclosure: _____

Date of Commencement: _____ Date of Completion: _____

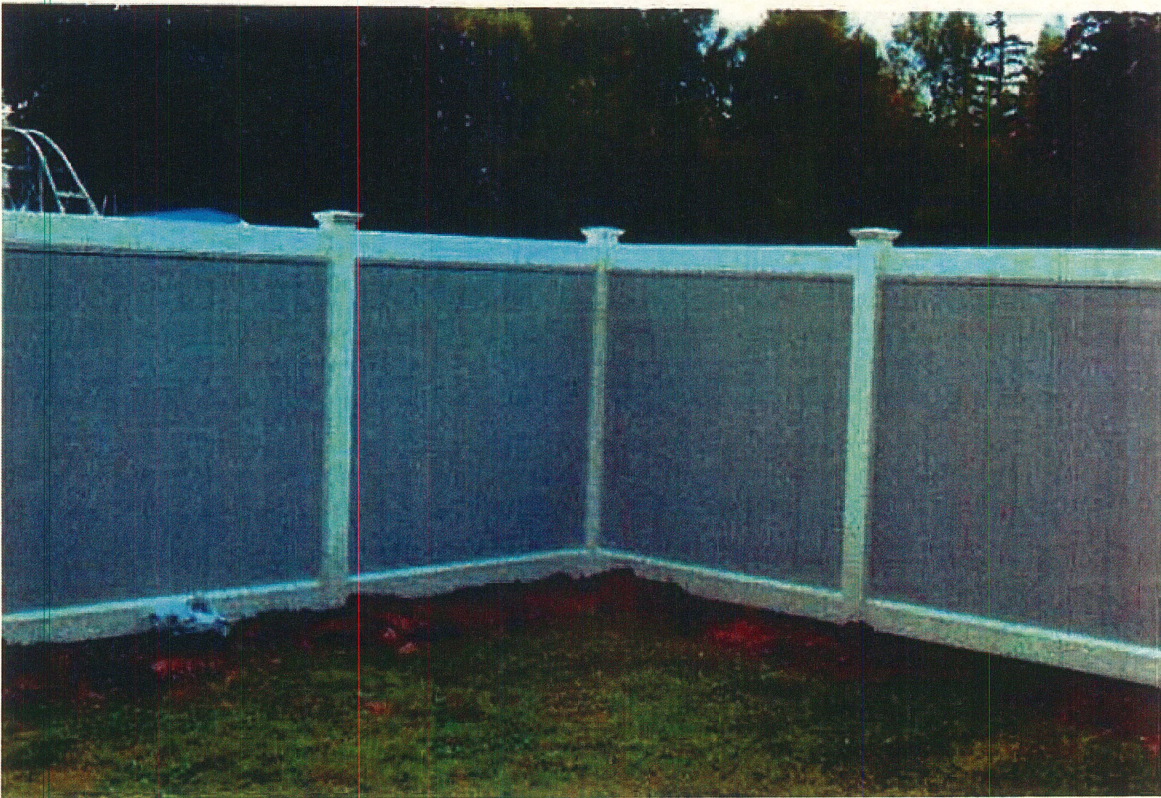
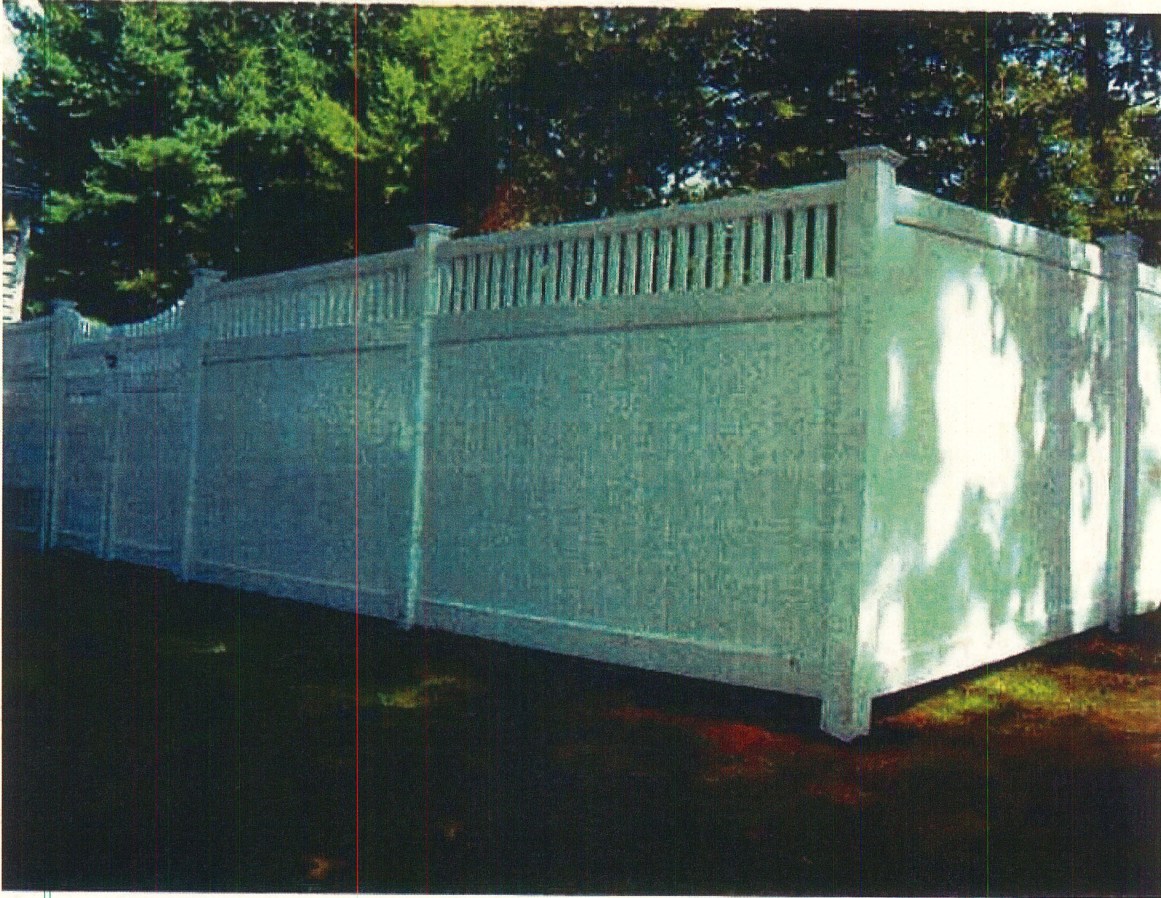
Attached Drawings (Y/N) _____ Development Permit Fee Paid **\$50.00** (Y/N) _____

The applicant is responsible for ensuring that all measurements, distances and information shown on the lot plan indicated in the application are correct.

Signature

Date

SCHEDULE "A"
SAMPLE ENCLOSURES
(Enclosure)



A handwritten signature in blue ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name.

SAMPLE ENCLOSURES

M-11

(Secondary Enclosure)



A handwritten signature in blue ink, appearing to be "K. M. ...".