

TOWN OF WILKIE

BYLAW NO. 2020-12

**A BYLAW OF THE TOWN OF WILKIE FOR THE PURPOSE OF REGULATING AND ENSURING THE SAFE OPERATION OF PRIVATE SWIMMING POOLS/HOT TUBS.**

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

**PART I - INTERPRETATION**

**SHORT TITLE**

1. This bylaw may be cited as *The Swimming Pool Bylaw*.

**PURPOSE**

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.

**DEFINITIONS**

3. In this bylaw:
- (a) **Administrator** – means the Town Administrator of the Town of Wilkie;
  - (b) **Council** – means the Council of the Town of Wilkie;
  - (c) **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.
  - (d) **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 (36 inches) or more in depth.
  - (e) **Municipal Inspector** – means Municipal Staff, Bylaw Officer or any other person authorized or designated by the Town.
  - (f) **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.
  - (g) **Owner** – means an owner as defined in *The Municipalities Act*.
  - (h) **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 swimming, diving, wading or other similar activity, which is at least 600 millimeters (36 inches) in depth and includes pools situated on top of the and hot tubs.
  - (i) **Town** – means the Town of Wilkie

**APPLICATION**

4. (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*.

**HOT TUBS**

5. Sections 8 to 12 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; and

- (c) The cover for the hot tub is maintained in place and locked at all times when the hot tub is not under competent supervision.

#### **PERMITS**

6. (a) No person shall construct, erect or demolish a swimming pool unless he or she has obtained a Pool Development Permit from the Town.
- (b) Every applicant for a permit shall apply to the Town as per Schedule "A" attached hereto and which forms part of this bylaw. Every application for a Pool Development Permit for a pool shall be accompanied with a plan showing the location, depth and dimensions of the proposed pool, fences and enclosures specifications and the location of all buildings on the site.
- (c) The Development Officer of the Town 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 all the terms and conditions included in the permit;
  - iii. Executes the permit; and
  - iv. Pays the applicable permit fee as set out in Schedule "A".
- (d) The Development Officer shall have the authority to refuse or revoke a permit if the person does not comply with the requirements contained in subsection (c) above.

#### **USE AND LOCATION**

7. (a) Swimming pools are an accessory use to a permitted used and shall meet the regulations of the Zoning Bylaw.
- (b) A pool must be installed following the same setbacks as required for the dwelling.
- (c) If a deck is attached or is part of an above ground pool, then the above-noted setbacks are to be taken to the outer edge of the deck.

#### **ENCLOSURE**

8. (a) Every owner or occupant shall have an enclosure around their swimming pool in accordance with this section (see Schedule "B" for samples).
- (b) No person 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 the requirements of this bylaw.
- (c) Every owner or occupant shall ensure 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 height of six (6) feet measured on the exterior non-pool side from the top of the enclosure to the nearest platform, deck or grade and not more than four (4) inches from the ground or grade level; and
  - iii. It does not have any gaps or openings that exceed four (4) inches measured horizontally from one side of the gap or opening to the other side of the gap or opening.
- (d) Subsection 8(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 meet 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 3 ½ feet 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 four (4) inches; 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 one (1) inch.
- (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 two (2) inches and the wire core is at least 11 gauge.
- (g) Every enclosure shall be maintained, by the owner or occupant of the property on which the swimming pool is located, 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.

#### **GATES AND SELF-CLOSING DEVICES**

- 9 (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 height of six (6) feet measured on the exterior 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 four (4) inches measured from one side of the gap or opening to the other side of the gap or opening;
  - iii. Every gate to be installed to swing outward in the direction away from the swimming pool;
  - vi. 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 each use; and
    - (3) A locking device.
  - v. Every self-closing device, self-latching device and locking device shall be maintained in working order at all times.
- (b) Notwithstanding section 9(a)(ii) where the gate is made of chain link, the owner or occupant shall ensure that the gate meets requirements set out in section 8(f).
- (c) Notwithstanding section 9(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 8(e).
- (d) If windows and doors form 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.

#### **SECURING OF SWIMMING POOL AREA**

10. All entrances to the swimming pool area, including gates, doors and windows, shall be locked when not under competent supervision.

#### **WALKWAY**

11. Every owner or occupant shall ensure there is a walkway that is at least three (3) feet in width that surrounds the perimeter of the swimming pool.

#### **SAFETY DEVICES**

12. 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;
  - iii. A buoy and rope that measures at least the full width of the pool in length; and
  - vi. water filters, pumping equipment or purification systems as may be required by the Public Health Inspector of the Saskatchewan Health Authority.

**WATER SUPPLY**

- 13. The water in a private swimming pool shall be separated from any potable water supply by an approved backflow preventer to ensure that the water in the pool system does not flow back into the municipal water supply and distribution system.

**DRAINAGE**

- 14. (a) Every owner or occupant shall have and use a discharge system that allows the swimming pool to drain into the municipal storm sewer or into a domestic sewer where the storm sewer is not available, with a system that is safe and secure.
- (b) No person shall drain the water of a swimming pool into any adjacent public or private property, lane, walkway, watercourse or waterbody. Water may be drained onto a street only for the purpose of accessing the municipal storm sewer.
- (c) Swimming pool discharge shall be at a non-peak time such as evenings after 8:00 pm or on weekends after 10:00 am.
- (d) The rate of discharge shall not exceed 90 litres per minutes.

**INSPECTIONS**

- 15. (a) The inspection of the property by the Town to determine whether this bylaw is being complied with is hereby authorized.
- (b) 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.

**ORDER TO REMEDY CONTRAVENTION**

- 16. (a) If a municipal inspector finds that a person is contravening this Bylaw, the inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (b) Appeals shall be made initially to the Council of the Town of Wilkie.
- (c) The Town may take whatever actions or measures necessary to remedy a contravention of this Bylaw. All costs associated with remedying the contravention will be added onto the taxes of the property in which the contravention applied.



**OFFENCES AND PENALTIES**

- 17. Any person found guilty of an 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 Wilkie as adopted and/or amended pursuant to *The Municipalities Act*.


**COMING INTO FORCE**

- 18. This bylaw shall come into force any take effect on the date of Council approval.



  
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 MAYOR  
  
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 TOWN ADMINISTRATOR

A certified true copy of Bylaws No. 2020-12 adopt by resolution by the Council of the Town of Wilkie on the 28th day of September 2020.

  
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 Administrator