

BYLAW 01/15

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

The Council of the Village of Buena Vista, in the Province of Saskatchewan, enacts as follows:

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 the Bylaw:
 - (a) "**Unattended**" not physically at the swimming pool.
 - (b) "**Council**" means the Council of the Village of Buena Vista.
 - (c) "**Designated Officer**" means an employee or agent of the Village appointed by Council to act as a municipal inspector for the purposes of this Bylaw;
 - (d) "**landowner**" means any owner of property in the Village particularly properties that abut the Public Reserve;
 - (e) "**Municipality**" means the Village of Buena Vista;
 - (f) "**occupant**" includes a person residing at a property where a private swimming pool is sited, or a person entitled to the property's possession if there is no person residing there;
 - (g) "**owner**" means a person who has any right, title, estate or interest in a property upon which a private swimming pool is sited;
 - (h) "**private swimming pool**" means an artificially created basin, lined with concrete, fibreglass, 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 2 feet (60 centimeters) in depth, and includes pools situated on top of the ground and hot tubs;
 - (i) "**public**" means all persons other than the owner or occupant;
 - (j) "**Village**" means the Village of Buena Vista.

Enclosures

4.
 - (1) Every private swimming pool must be enclosed in accordance with this Section.
 - (2) The enclosure must be built prior to the swimming pool being filled with water.

- (3) The enclosure must be properly maintained to comply with this Bylaw at all times.
- (4) 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:
 - (a) the enclosure must have a minimum height of 1.5 metres measured on the exterior, or non-pool, side from the top of the enclosure to the nearest platform, deck or grade;
 - (b) where an enclosure is a chain link fence, the mesh size must not exceed 2 Inches (50mm) and the wire core must not be less than 11 gauge;
 - (c) where an enclosure fence is constructed of any material other than chain link:
 - (i) horizontal structural members 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 43 inches (1.1 meters) maintained between such members, as illustrated in Schedule "B", along any portion of the fence which is accessible to the public; and
 - (ii) 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;
 - (d) the gap or space between grade and the bottom of the enclosure must not exceed 4 inches (100mm);
 - (e) maximum permissible gaps or openings between vertical members of an enclosure are as follows:
 - (i) gaps or openings of up to 4 inches (100 mm) are permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of 43 inches (1,100 mm) is maintained between horizontal structural members or other climbable members along the entirety of the fence.

Gates and Self-Closing Devices

5. (1) A gate which forms part of an enclosure must comply with the following:
 - (a) a gate must comply with the requirements for fences in Section 4. of this Bylaw;
 - (b) all gates must be installed to swing outward in the direction away from the swimming pool;
 - (c) 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;
- (d) the self-closing device, the self-latching device and the locking device must be maintained in working order at all times; and
 - (e) all gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.

Securing of Swimming Pool

- 6. When a swimming pool is unattended by the owner or occupant, gates, doors and other entrances to the swimming pool area must be locked.

Walkway

- 7. (1) Within the enclosure, a swimming pool must have a properly maintained access walkway around the swimming pool with a minimum width of 30 inches (740 mm).
- (2) The walkway required pursuant to subsection (1) must be placed so that it is no more than 48 inches (1.2 meters) below the top rim of an above-ground swimming pool.

Safety Devices

- 8. 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.

Drainage System

- 9. (1) A swimming pool must have a discharge system which allows the swimming pool to drain into the septic sewer of the property upon which the swimming pool is located and which complies with all relevant legislation governing plumbing and drainage.
- (2) No person shall drain the water of a swimming pool onto any adjacent public or private property or any street, lane or walkway.

Inspections

- 10. (1) The inspection of property by the Village to determine whether this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out by a Designated Officer.

- (3) No person shall obstruct a Designated Officer who is authorized to conduct an inspection under this Section, or a person who is assisting a Designated Officer.

Order to Remedy Contravention

11. If a Designated Officer finds that a person is contravening this Bylaw, they may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

Appeal of Order to Remedy

12. A person may appeal an order made pursuant to Section 10.1.

Offences and Penalties

13. (1) No person shall:
(a) fail to comply with an order made pursuant to this bylaw;
(b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this bylaw; or
(c) fail to comply with any other provision of this bylaw.
- (2) Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to section 4 of this bylaw.
- (3) Every person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence liable on summary conviction to the penalties prescribed in the General Penalty Bylaw of this municipality.


Effective Date

14. This Bylaw shall come into force on the third and final reading by the Village of Buena Vista Council.
15. Bylaw 3/93 is repealed





Mayor



Chief Administrative Officer

Read a first time and adopted
this 10th day of March , 2015.

Read a second time and adopted
this 10th day of March , 2015.

Read a third time and adopted
this 10th day of March , 2015.



Chief Administrative Officer