

TOWN OF PILOT BUTTE
BYLAW NO. 06-2019

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

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

1. Purpose

a) The Purpose of this Bylaw is as follows:

- i. to regulate the construction, erection, maintenance, repair and demolition of private swimming pools; and
- ii. to ensure the safety measures used in relation to private swimming pools.

2. Application

- a) All of the provisions and enactments set forth in this Bylaw relate to, shall be in full force within the limits of the Town of Pilot Butte.
- b) 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*.

3. Definitions

a) In this Bylaw, the following definitions apply:

- i. "Administrator" means the Town Administrator of the Town of Pilot Butte.
- ii. "Bylaw" means "The Private Swimming Pool Bylaw".
- iii. "Bylaw Enforcement Officer" means an employee and/or agent of the Town appointed by the Council to act as a bylaw enforcement officer for the purposes of this Bylaw.
- iv. "Council" means the Council of the Town of Pilot Butte.
- v. "Development Officer" means the Development Officer appointed or Council designated for the Planning and Development department of the Town of Pilot Butte.
- vi. "Diagonal Structural Member" means a part of an enclosure which is attached to horizontal or vertical structural members and which runs diagonal to grade and includes boards constructed of any material, iron rods or steel rods.
- vii. "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.
- viii. "Horizontal Structural Member" means a main part of an enclosure to which other parts are attached and which runs horizontal and parallel to grade and includes boards constructed of any material, iron rods or steel rods.
- ix. "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 millimetres or more in depth, and that hot tub does not exceed 2.5 metres across the widest portion of the water surface.
- x. "Municipal Inspector" means an employee or agent of the Town appointed by the Council to act as a municipal inspector for the purposes of this Bylaw.

- xi. "Occupant" includes a leaseholder, a person residing at a property upon which a swimming pool is situated or a person entitled to the property's possession if there is not a person residing there.
- xii. "Owner" means a person who has any right, title, estate or interest in a property upon which a swimming pool is situated other than that of an occupant, tenant or mortgagee.
- xiii. "Secondary Enclosure" means any structure constructed of an adequate material or any combination of material, which is a barrier and used to enclosed or screen the swimming pool from the remainder of the yard or property, and shall used where the swimming pool is only part of a bigger yard and it is not the main attraction or focus point of the space in where it is situate.
- xiv. "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 600 millimeters (2 feet) or more in depth, and includes pools situated on top of the ground and hot tubs.
- xv. "Town" means the Town of Pilot Butte.
- xvi. "Town Representative" shall mean the Fire Department of Pilot Butte that is appointed by Council to offer water filling service with prescribed service fees or fees to be determined at the discretion of the Fire Department.
- xvii. "Vertical Structural Member" means a part of an enclosure which is attached to horizontal structural members and which runs vertical and perpendicular to grade and includes boards constructed of any material, iron rods or steel rods.

4. Hot Tubs

- a) Section 8 and 14 of this Bylaw do not apply to hot tubs, as long as the following 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;
 - iii. the cover for the hot tub is maintained in place and locked at all time when the owner and/or the occupant is not supervising the use of the hot tub.

5. Above Ground Pools

- a) Only the ladders or stairs providing access to an above ground pool need 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 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 gated 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 pools walls or shall be enclosed in accordance with this Bylaw.

6. Permits

- a) No person shall construct, erect or demolish a swimming pool unless he or she has obtained a swimming pool permit from the Town.

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- b) Every applicant for a permit shall apply to the Town in a form prescribed by the Development Officer.
- c) The Development Officer shall only issue a permit to a person making an application and when that person:
 - i. provides the information required pursuant to the permit application;
 - ii. agrees to all the terms and conditions included in the permit application;
 - iii. executes the permit; and
 - iv. pays the applicable fees pursuant to the permit application.
- d) The Development Officer shall have the authority to refuse or revoke a permit if:
 - i. the person does not comply with clauses (c)(i) to (iv); or
 - ii. the proposed construction or demolition is dangerous to the public's safety or health

7. Uses and Location

- a) Swimming pools are an accessory use to a permitted use and shall meet the regulations of the Town's Zoning Bylaw.
 - i. all swimming pools and the appurtenances thereto shall be constructed and located so as to have a rear yard setback not less than 1.2 meters and a side yard setback not less than 0.61 meters. No swimming pool shall be located in a required front or side yard setback. (see sample plan view in Schedule "A")
 - ii. all swimming pools to be structurally detached from the principal residence and/or any other accessory building shall have no less than 1 meter separation from wall to wall. (see sample plan view in Schedule "A")
- b) Any maintenance equipment including heating, filtering, disinfectant and re-circulation equipment shall not be located at any point within 1.5 meters from adjacent property lines, and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties. No equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odours would be considered obnoxious or dangerous to the health and safety of the public.
- c) Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.

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 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.
- c) In cases where water filling service is needed, the property owner or occupant may contact the Town's Representative to arrange for the service with the following costs:
 - i. up to 20,000 litres - \$250.00 or as per Town's Representative discretion
 - ii. over 20,000 litres up to 40,000 litres - \$400.00 or as per Town's Representative discretion
 - iii. over 40,000 litres - \$0.014/litre or as per Town's Representative discretion

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- d) The water filling service fee shall be payable in advance at the Town's Office, and shall be given to the Town's Representative to compensate for their service. The schedule of service shall also be arranged at the availability of Town's representative.

9. Enclosure

- a) Every owner or occupant shall erect and maintain an enclosure around his or her swimming pool in accordance with this section.
- b) Every owner or occupant shall ensure that the enclosure meets the following requirements:
 - i. it is erected prior to the swimming pool being filled with water;
 - ii. it has a height of no less than 1.8 meters measured on the exterior non-pool side from the top of the enclosure to the nearest platform, deck or grade as illustrated in Schedule A;
 - iii. it does not have any gaps or opening which exceed 20 millimeters measured on the interior pool side, which is horizontally from one side of the gap or opening to the other side of the gap or opening as illustrated in Schedule A.
- c) 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.
- d) 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. This includes self-closing device, self-latching device and locking device which shall be maintained in working order at all times.

10. Enclosure made of boards, chain link, iron rods or steel rods

- a) Subsection 9(c) does not apply where an owner or occupant uses an enclosure made or 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 subsections 10(b) or 10(c).
- b) Where the owner or occupant uses an enclosure described pursuant to subsection 10(a), other than a chain link enclosure, he/she ensure the enclosure meets all 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 members is 1100 millimeters or more from the next lowest horizontal structural member as illustrated in Schedule "A";
 - ii. on the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 100 millimeters as illustrated in Schedule "A";
 - 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 millimeters as illustrated in Schedule "A".
- c) Where the owner or occupant uses chain link for an enclosure or as part of an enclosure, he/she shall ensure the mesh size does not exceed 50 millimeters and the wire core is at least 11 gauge as illustrated in Schedule "A".
- d) Where the swimming pool area is only part of a bigger yard and it is not the main attraction or focus point of the space in where it is situated, an enclosure surrounding which separates swimming pool shall be implemented. This may consider as a secondary

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enclosure and shall include any doors or gates with no less than 1.2 meters height surrounding the swimming pool and restricting access to it. (see sample in Schedule "A")

11. 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 height of 1.8 meters 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 20 millimeters measured horizontally 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 all of 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 closed position after each use; and
 - 3) a locking device.
 - v. every gate shall be anchored to fixed posts or secure structures on both the hinge and latch sides;
- b) Every self-closing device, self-latching device and locking device shall be maintained in working order at all times.
- c) 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.
- d) Notwithstanding subsection 11(a)(ii), where a gate is made of chain link, the owner or occupant shall ensure that the gate meets the requirements set out in subsection 10(c).
- e) Notwithstanding subsection 11(a)(ii), where a 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 subsection 10(b)
- f) The requirement in subsection 11(a)(iii) does not apply to swimming pools constructed before the passage of this Bylaw.

12. Securing of Swimming Pool Area

- a) When the owner or occupant is not supervising the use of the swimming pool, he or she shall ensure that all entrances to the swimming pool area, including gates, doors and windows are locked.

13. 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 as illustrated in Schedule "A".
- b) The walkway required pursuant to subsection 13(a) must be placed so that it is no more than 1200 millimeters below the top rim of an above-ground swimming pool as illustrated in Schedule "A".

14. Safety Devices

- a) Every owner or occupant shall ensure all of the following equipment is present at the swimming pool at all times:

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- i. a reaching pole that measure at least half of the width of the pool in length;
- ii. a first aid kit; and
- iii. a buoy and rope that measure at least the full width of the pool in length.

15. Drainage Systems

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

16. Inspections

- a) All newly constructed swimming pools will require an inspection to ensure compliance with the provisions of this bylaw before filling the pool with water and its first use.
- b) If, upon inspection of the property, water has been place in the swimming pool and the swimming pool enclosure does not meet that requirements of this bylaw, the inspector of the Town may issue an order to the owners requiring compliance with the provisions of this bylaw within 48 hours.
- c) All existing enclosures, gate and self-closing devices are required to be inspected for compliance with the provisions of this bylaw, within 1 year of the date of this bylaw's adoption.
- d) All deficiencies as a result of an inspection shall be corrected within 3 months of the inspection.
- e) Additional inspections by the Town Municipal Inspector or Bylaw Enforcement Officer may be done at random times to ensure continued compliance.

17. Penalties

- a) 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 Pilot Butte as adopted and/or amended pursuant to *The Municipalities Act*.

Effective Date

This Bylaw shall come into force on the date that 3rd reading is given by the Council of the Municipality of the Town of Pilot Butte.

Municipal Adoption

1st reading: July 22, 2019
 2nd reading: Aug 12, 2019
 3rd reading: Aug 12, 2019

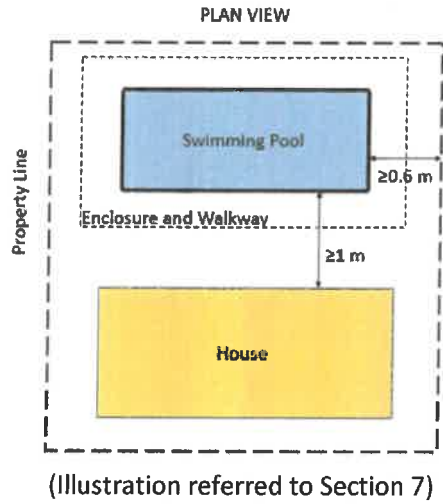


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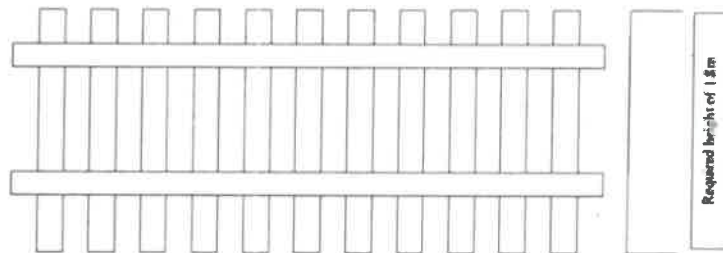
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Schedule A
Private Swimming Pool Regulations

- 1) Zoning Setbacks (≥ 1 m from the principal residence and/or any other accessory building or structure; and ≥ 0.6 m side-yard setback)

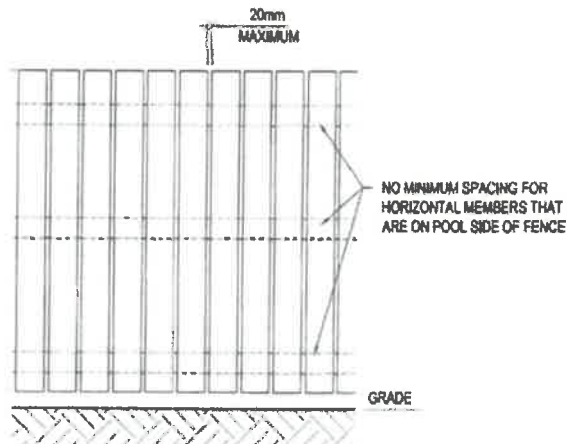


- 2) Enclosure, Gates and Self-Closing Devices height (≥ 1.8 m)



(Illustration referred to Subsection 9(b)(ii))

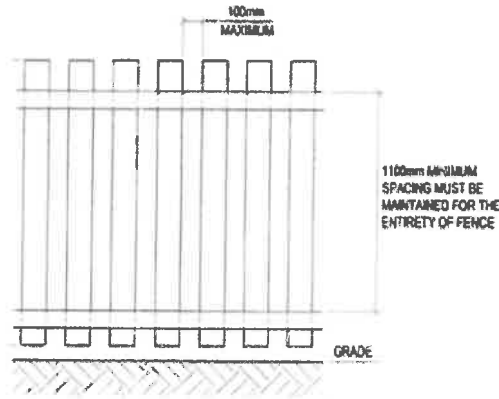
- 3) Interior pool side gap of enclosure (≤ 20 mm)



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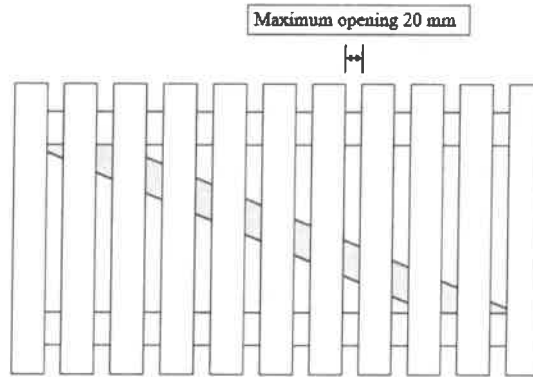
(Illustration referred to Subsection 9(b)(iii))

- 4) Exterior non-pool side gap of enclosure (≤ 100 mm) and minimum spacing between horizontal members (≥ 1100 mm)



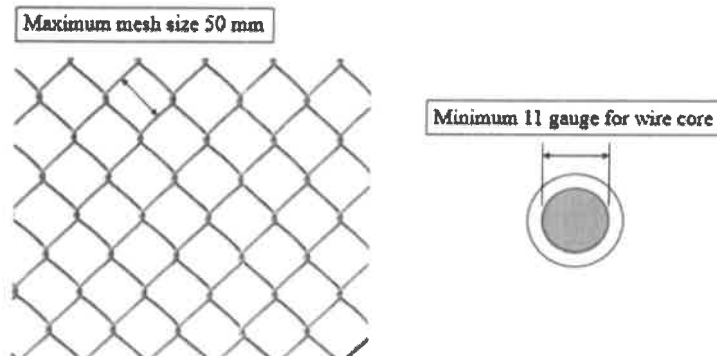
(Illustration referred to Subsection 10(b)(i) and 10(b)(ii))

- 5) Exterior non-pool side of enclosure. Maximum gap (≤ 20 mm) between vertical members when diagonal structural member used. Diagonal member must be on the interior pool side of the enclosure.



(Illustration referred to Subsection 10(b)(iii))

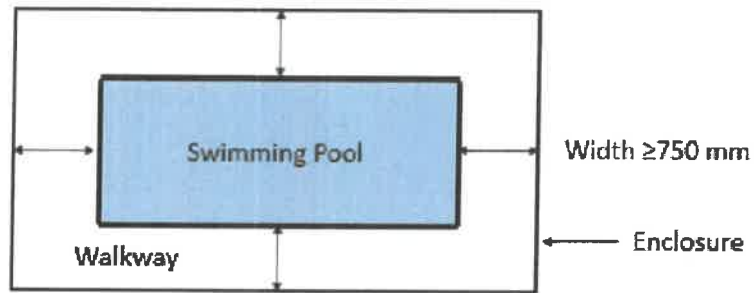
- 6) Maximum chain link mesh size (≤ 50 mm) and minimum gauge required for the wire core (≥ 11)



(Illustration referred to Subsection 10(c))

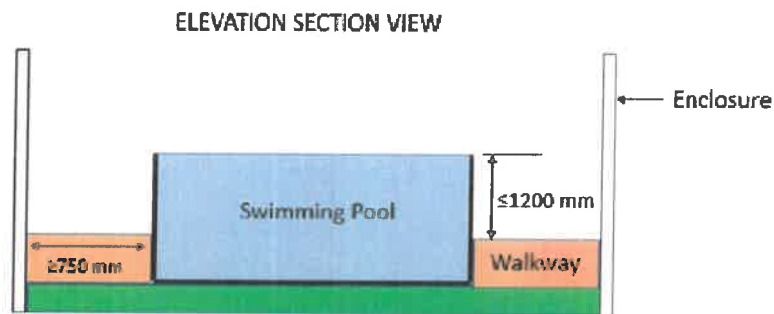
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- 7) Minimum walkway width (≥ 750 mm) that surrounds the perimeter of the swimming pool within the enclosure



(Illustration referred to Subsection 13(a))

- 8) Maximum dimensions from walkway to rim of pool (≤ 1200 mm)



(Illustration referred to Subsection 13(b))

- 9) Sample Enclosure



- 10) Sample Secondary Enclosure



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