

CITY OF MELFORT BYLAW NO. 2011-13

A BYLAW OF THE CITY OF MELFORT TO ESTABLISH REGULATIONS AND ENFORCE SAFETY MEASURES FOR PRIVATE SWIMMING POOLS

The Council of the City of Melfort enacts as follows:

Short Title

1. This Bylaw may be cited as The Private Swimming Pool Bylaw.

Purpose

2. The purpose of this Bylaw is:
 - a) To control and regulate the construction, erection, maintenance, repair and/or the 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) "City" means the City of Melfort;
 - b) "designated person" means any person designated by the City of Melfort to enforce Bylaws within the City;
 - c) "horizontal structural member" means a main part of a fence to which other parts are attached and which runs parallel to grade;
 - d) "occupant" includes a person residing at a property upon which a private swimming pool is situated;
 - e) "owner" means a person who has any right, title, estate or interest in a property upon which a private swimming pool is situated; and
 - f) "private swimming pool" means any structure, basin, chamber or tank 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 millimeters in depth at any point, and includes pools situated on top of the ground or in the ground and includes hot tubs.

Administration of Bylaw

4. The provisions of this Bylaw shall be administered and enforced by the City of Melfort or any person **designated** to enforce Bylaws within the City of Melfort.

Authority to Inspect Private Swimming Pools

5. Any designated person may, upon complaint of a person interested or without complaint or when a designated person deems it necessary, inspect the swimming pool and property within his jurisdiction, and for that purpose may at all reasonable hours enter onto the property to ensure compliance with the swimming pool regulations.

Application

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

Permit

7. (1) No person shall construct, install or place or allow to be placed or constructed, a private swimming pool on any property within the limits of the City of Melfort, without having first obtained a written permit to do so from the City of Melfort, in the Form 1 shown in Schedule 1 to this Bylaw.
- (2) In order to obtain a swimming pool permit a person must file an application in the prescribed form to the City which shall include a site plan as to the location of the suggested pool and pay the appropriate fee as outlined by the City.

Enclosure

8. (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 meet the following minimum standards:
 - (a) 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;
 - (b) the enclosure shall present an exterior surface such as to make it non-climbable; and
 - (c) if the fence is chain link, the mesh size must not exceed 38.1 millimeters (1½ inches) and the wire core must not be less than 11 gauge.

Gates and Self Closing Devices

9. (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 8 (4) a - c** of this Bylaw;
- (b) 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;
- (c) the self closing device, the self latching device and the locking device must be maintained in working order at all times; and
- (d) all gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.

Securing of Swimming Pool

10. 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.

Hot Tubs

11. In the case of a private swimming pool which is a hot tub, the requirements of Sections 8, 9, 10 and 12 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.

Safety Devices

12. 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; (a reaching pole or Shepherd's crook);
 - (b) a first aid kit;
 - (c) a ring buoy not more than 15 inches in diameter and attached to a rope of sufficient length to reach across the swimming pool; and

- (d) that steps or ladders shall be provided at the shallow end of the pool if the vertical distance from the bottom of the pool to the deck or walk is over two feet. Steps leading from a pool shall be of a non slip design. There shall be no abrupt drop-off or submerged projections into the pool, unless guarded by handrails.

Filtration System

- 13. That all pools shall be equipped with water filters, pumping equipment or purification systems as may be required by the Public Health Authority's Health Inspector for the City of Melfort.

Electrical

- 14. All electrical equipment attached to or within the vicinity of the pool shall follow the regulations under Section 68 of the Current Canadian Electrical Code.

Drainage System

- 15. (1) That the Drainage of all water from any swimming pool shall be pumped out at a controlled rate into the storm sewer system where available or into the sanitary sewer where a storm sewer system is not available.
- (2) That under no circumstances shall water be drained or discharged from a swimming pool onto or across private or public property unless within a system of pipes or hoses.

Annual Permit

- 16. (1) That an owner of a private swimming pool shall not permit or allow his or her private swimming pool to be operated or used for swimming before first obtaining an annual permit from the City of Melfort Building Department.
- (2) That in any case an application for such a use permit for a pool intended to be operated during any calendar year shall be applied for before June 1st in any year.
- (3) That a fee of Ten (\$10.00) dollars shall be paid to the City of Melfort upon application for the said use permit.

Offences and Penalties

- 17. (1) Every person who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a minimum fine of as laid out in the General Penalty & Enforcement Bylaw.
- (2) 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 specific time, to comply with the Bylaw.

18. That Bylaw 1980-06 is hereby repealed.

19. This Bylaw shall come into force and take effect upon its final reading.

INTRODUCED AND READ a first time this 16th day of May, 2011.

READ A SECOND TIME this 16th day of May, 2011.

READ A THIRD TIME and passed this 16th day of May, 2011.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2011-13
adopted by Resolution of Council on the 16th
day of May, 2011.

City Clerk

Schedule "A"
To Bylaw 2011-13

**PERMIT TO REGULATE THE CONSTRUCTION, INSTALLATION
AND USE OF A PRIVATE SWIMMING POOL**

Permit No. _____,

Permit is hereby issued to _____

Residing at _____

Postal address _____

New Renewal

Be allowed to build, install and/ or operate a swimming pool
according to the requirements of the Private Swimming Pool Bylaw.

It is the express condition of this permit that the applicant whose
signature appears hereunder shall be responsible for any injury or
damage to persons or property arising from the use of this permit.

Signature of Applicant

Signature of Municipal Official

Fee: \$10.00

Receipt No. _____

This Permit Expires December 31, _____

PRIVATE SWIMMING POOLS

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Fence meets height requirements around pools 6 min 5 feet. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Fence has lockable gates conforming to the Bylaw. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Gates equipped with self closing and latching device. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Exterior surface of the fence is non climbable. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. A reaching pole is supplied. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. A first aid kit is supplied. | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. A ring buoy and rope of sufficient length to reach across the swimming pool. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are steps or ladders required? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Is filtration system installed or appropriate chemical testing equipment provided as per public health requirements? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Electrical equipment attached to the pool should be ground fault protected. | <input type="checkbox"/> | <input type="checkbox"/> |