

TOWN OF CANORA

Bylaw No. 24-07

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

The Council of the Town of Canora 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 to ensure the safety, health and welfare of people within the town by:
 - a) controlling and regulating the construction, erection, maintenance, repair and demolition of private swimming pools; and
 - b) specifying, regulating and enforcing the use of safety measures in relation to the operation of private swimming pools.

Definitions

3. In this Bylaw:
 - b) “Above-ground pool” means a swimming pool constructed such that all or substantially all of the pool and any attached structure lies at or above the finished grade of the adjacent area;
 - c) “Act” means *The Municipalities Act*;
 - d) “Chief Administrative Officer” means the administrator of the Municipality appointed pursuant to *The Municipalities Act*; and
 - e) “Council” means Town of Canora Council;
 - f) “Designated officer” means a person employed or designated by the Municipality to enforce the provisions of this bylaw;
 - g) “Development officer” means the development officer appointed for the Planning and Development department for Town of Canora;
 - h) “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 including any doors or gates, or windows incorporated into the enclosure;
 - i) “Hot tub” means an artificially-created basin, intended to contain water for the use of persons for lounging, swimming, wading or other similar activity, which is 0.6 metres or more in depth but is less than 2.4 metres in width measured across the widest portion of water contained therein;
 - j) “Municipality” means the Town of Canora;
 - k) “Occupant” includes an adult 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 thereon;
 - l) “Owner” means an owner as defined in *The Municipalities Act*;

- m) "Private swimming pool" means an artificially-created basin that is intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is at least 0.6 metres in depth; and includes above-ground pools and hot tubs, but excludes water features or ponds not associated with a swimming pool;
- n) "Zoning bylaw" mean Bylaw No. 89-07 of the town, as amended and replaced from time to time.

Permit requirement

- 4. Swimming pools are an accessory use to a permitted use and shall meet the regulations of the Zoning Bylaw. This includes the setbacks required for an accessory use.
- 5. No person shall construct, erect, alter or demolish a private swimming pool unless they have first obtained a development permit, and if required, a building or demolition permit from the Municipality.
- 6. Every application for a permit related to a swimming pool shall be accompanied by a plan showing the location, depth and dimensions of the proposed pool, fences and enclosure specifications and the location of all buildings on site.
- 7. If a deck is attached or is part of an above-ground pool, the above-noted setbacks are to be taken to the outer edge of the deck.
- 8. This bylaw does not apply to swimming pools that are subject to *The Swimming Pool Regulations, 1999* pursuant to *The Public Health Act, 1994*;

Pool enclosures

- 9. No person shall use or operate a private swimming pool unless it is enclosed in accordance with the provisions of this bylaw.
- 10. Every enclosure shall be constructed to minimize the risk of unauthorized entry into the pool area by any person crawling under, climbing over, or climbing through the enclosure.
- 11. Every owner or occupant shall have an enclosure around their swimming pool in accordance with this Section:
 - a) Every owner shall ensure the enclosure is of sturdy construction 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 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 0.1 metres from the ground or grade level; and
 - iii) it does not have any gaps or openings that exceed 0.1 metres measured horizontally from one side of the gap or opening to the other side of the gap or opening.
 - b) Clause 11(a)(iii) does not apply where an owner or occupant uses an enclosure made of horizontal, diagonal or vertical boards, chain link, iron or steel rods as long as the owner meets the requirements set out in the following Subsections (c) and (d).
 - c) Where an owner or occupant uses an enclosure described pursuant to Subsection (b) 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 structural member;
 - ii) On the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 0.1 metres; 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 must not exceed 2.5 centimetres.
- d) 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 five (5) centimetres and the wire core is at least 11 gauge.
- e) Every enclosure shall be maintained in good working order and repair and adequate to perform its intended function.

Gates and self-closing devices

12. Every owner or occupant shall ensure that any gate that forms part of an enclosure meets all of the following requirements:
- a) Every gate shall have a height of 1.8 metres measured on the exterior non-pool side from the top of the gate to the nearest platform, deck or grade;
 - b) No gate shall have any gaps or openings which exceed 0.1 metres measured from one side of the gap or opening to the other side of the gap or opening;
 - c) Every gate shall be installed to swing outward in the direction away from the swimming pool;
 - d) Every gate shall be equipped with the following:
 - i) a self-closing device designed to return the gate to the closed position after each use;
 - ii) a self-latching device designed to hold the gate in a closed position after each use; and
 - iii) a locking device.
 - e) Every self-closing device, self-latching device and locking device shall be maintained in good working order at all times.
13. Notwithstanding Subsection 12(b), where the gate is made of chain link, the owner or occupant shall ensure that the gate meets requirements set out in Subsection 11(d).
14. Notwithstanding Subsection 12(b), 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 Subsection 11(c).
15. All entrances to the swimming pool area, including gates, doors and windows shall be locked when not under competent supervision.
16. Every owner or occupant shall ensure there is a walkway that is at least 0.9 metres in width that surrounds the perimeter of the swimming pool.
17. Where a dwelling or accessory building forms part of an enclosure, the exterior structure of the dwelling or accessory building shall comply with the requirements of this bylaw.

Above-ground pools and hot tubs

18. The requirements of Section 11 of this bylaw do not apply to an above-ground pool, provided that:
- a) the stairs, ladder, deck or other means of accessing the pool are:
 - i) enclosed by a permanent gated enclosure at least as high as the top rail of the pool, and which otherwise complies with the provisions of Section 11 of this bylaw; or
 - ii) temporarily installed during use and removed or stowed away whenever the pool is not in use, and which otherwise complies with the provisions of Section 11 of this bylaw; and
 - iii) no other pool equipment including pumps, filters and heaters, or any other equipment or structure is located within 1.2 metres in distance from the top rail of the pool unless located within an enclosure meeting the same requirements as set forth in Section 11.
19. Sections 9-18 of this bylaw do not apply to a hot tub, provided that the following provisions are complied with:
- a) the hot tub is equipped with a cover that will support the weight of person weighing 77 kilograms or less;
 - b) the hot tub cover has a lockable device to prevent access to the water by unauthorized persons; and
 - c) the cover is maintained in place and locked at all times when the hot tub is not under competent supervision.

Safety devices

20. Every owner and every occupant shall ensure the following equipment is present at the swimming pool at all times:
- a) a reaching pole that measures at least half the width of the pool in length;
 - b) a first aid kit; and
 - c) a buoy and rope that measures at least the full width of the pool in length.
21. Every owner and every occupant shall ensure that the foregoing safety equipment is at all times in good working condition, and that the first aid kit is properly stocked.

Water supply and drainage

22. The water in a private swimming pool shall be separated from any potable water supply by an approved and functioning backflow preventer that will ensure that the water in the pool system does not flow back into the municipal water supply and distribution system and shall comply with any other requirements of the bylaw(s) governing the municipal water supply utility.
23. All private swimming pools shall have and use a discharge system that allows the swimming pool to safely and securely drain into the municipal storm drainage system or into a domestic sewer where storm drainage is not available.
24. No person shall drain the water from a swimming pool onto any adjacent public or private property, lane, walkway, watercourse or water body. Water may be drained onto a street only for the purpose of accessing the municipal storm drainage system.

25. Swimming pool discharge shall be permitted between 8 p.m. and 8 a.m.
26. The rate of discharge shall not exceed 90 litres per minute.

Inspections

27. The inspection of property by a designated officer to determine whether this bylaw is being complied with is hereby authorized.
28. No person shall obstruct the designated officer who is authorized to conduct an inspection or a person who is assisting the designated officer.

Enforcement

29. Where a designated officer determines that there has been a contravention of this bylaw, they may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
30. The Municipality may take whatever actions or measures necessary to remedy a contravention of this bylaw. All costs associated with the remedy will be added to the taxes for the property to which the contravention applied.

Offences and penalties

31. Every person who contravenes a provision of this bylaw is guilty of an offence and liable on summary conviction to the penalties provided in the *General Penalty Bylaw* of the Municipality.

Coming into force

32. This bylaw shall come into force and take effect immediately and shall apply to all private swimming pools within the Municipality including those constructed prior to the adoption of this bylaw.

Mayor

Chief Administrative Officer

Introduced and read a first time the 18th day of June 2024.

Read a second and third time and adopted this 18th day of June 2024.