



Bylaw No. 2024-45

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 2024 -45

THE PRIVATE SWIMMING POOL BYLAW, 2024

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

PART I: GENERAL**Purpose**

- 1 The purpose of this Bylaw is to regulate:
- (a) the construction, erection, maintenance, repair and demolition of private swimming pools and pre-manufactured hot tubs or swim spas; and
 - (b) the safety measures used in relation to private swimming pools and pre-manufactured hot tubs or swim spas.

Authority

- 2 The authority for this Bylaw is subsection 8(1)(b), subsections 8(2) and (3) and sections 324, 325, 328, 329 and 330 of *The Cities Act*.

Definitions

- 3 In this Bylaw:

“**Act**” means *The Cities Act*;

“**City**” means the municipal corporation of the City of Regina or, where the context requires, the geographical area within the city limits;

“**enclosure**” means any structure constructed of any material or any combination of materials, which is a barrier and used to enclose or screen areas of land but does not include a building;

“**pre-manufactured hot tub or swim spa**” 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 or more in depth;

“**occupant**” means an occupant as defined in the Act;

“**owner**” means an owner as defined in the Act;

“**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 or more in depth, and includes pools situated on top of the ground and hot tubs but which does not include pre-manufactured hot tubs or swim spas;

Designation of Authority

4 For the purposes of the Act and this Bylaw, the persons in the following positions are designated and appointed to exercise the functions of a designated officer in relation to this Bylaw:

- (a) Manager of Building Standards & Inspections;
- (b) Coordinator, Building Permit Inspections;
- (c) Supervisor, Residential Inspection;
- (d) Supervisor, Permit Processing;
- (e) Supervisor, Mechanical & Plumbing Inspections
- (f) Building Code Engineer;
- (g) Building Official 1;
- (h) Building Official 2;
- (i) Building Official 3; and
- (j) such further persons as may be appointed by the City Manager.

Application

5 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*.

Owner Responsibility

6 The owner of each property in Regina shall ensure that the property complies with this Bylaw.

PART II: STANDARDS FOR PRE-MANUFACTURED HOT TUBS AND SWIM SPAS**Pre-manufactured Hot Tub and Swim Spa Standard**

7 The owner of a pre-manufactured hot tub or swim spa shall ensure that:

- (a) the pre-manufactured hot tub or swim spa is equipped with a cover that has been designed and constructed in conformance with ASTM F 1346, “Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs” or another design acceptable to the City of Regina;
- (b) the pre-manufactured hot tub or swim spa:
 - (i) has a lockable device to prevent unauthorized persons from entering the water; or
 - (ii) unauthorized access to the hot tub is prevented through the mechanisms described in sections 9 to 10 of this Bylaw;
- (c) the cover or mechanisms described in this section or in sections 9 to 10 of this Bylaw for the pre-manufactured hot tub or swim spa are maintained in place and locked at all times when the owner or occupant is not supervising the use of the pre-manufactured hot tub or swim spa; and
- (d) the drainage system is in accordance with section 13 of this Bylaw.

PART III: STANDARDS FOR SWIMMING POOLS

Permits

- 8(1) No person shall construct or erect a swimming pool unless they have first obtained a swimming pool permit from the City.
- (2) Notwithstanding (1), a permit is required for an above ground swimming pool capable of being disassembled each winter only before the first set-up of the pool at the property.
- (3) No person shall demolish an inground swimming pool unless they have first obtained a swimming pool demolition permit from the City.
- (4) Every application for a swimming pool permit or swimming pool demolition permit shall:
 - (a) be made in a form established by the City;
 - (b) identify and describe in detail the work for which the application is made;
 - (c) describe the land on which the work is to be done;

- (d) if the permit application is for construction of an inground pool, be accompanied by structural drawings signed and sealed by an architect or engineer licensed to practice in Saskatchewan;
 - (e) on request of the City, be accompanied by drawings, specifications or plans which are, in opinion of the City, necessary to determine the health and safety of the proposed work or compliance of the proposed work with legislation, regulations or other bylaws; and
 - (f) be accompanied by the applicable permit fee as established by Schedule “A” of this Bylaw.
- (5) An issued swimming pool permit or swimming pool demolition permit shall identify:
 - (a) the name of the person to whom the permit is issued;
 - (b) the property for which the permit is issued;
 - (c) the period for which the permit is valid;
 - (d) the scope of work authorized by the permit; and
 - (e) any terms and conditions with which the permit holder is required to comply.
- (6) A swimming pool permit or swimming pool demolition permit may be refused where:
 - (a) the permit application is incomplete;
 - (b) the fee established by Section “A” has not been paid;
 - (c) the proposed work is not accompanied by the structural drawings signed and sealed by an architect or engineer licensed to practice in Saskatchewan or other drawings, specifications or plans, if such designs were required to be submitted to the City;
 - (d) the proposed work would contravene any legislation, regulations or bylaws that apply to the proposed work; or
 - (e) if, in the opinion of the City, the proposed construction or demolition is dangerous to the public’s safety or health.

- (7) A swimming pool permit or swimming pool demolition permit may be revoked where:
- (a) the owner of the property requests in writing that it be revoked;
 - (b) if the permit was issued on mistaken, false or incorrect information;
 - (c) if the permit was issued in error;
 - (d) if, after six months of the permit's issuance, the work for which the permit was issued has not, in the opinion of the City, been seriously commenced;
or
 - (e) the work is, in the opinion of the City, dangerous to the public's safety or health.
- (8) When an application for a permit has not been completed in conformance with the provisions of this Bylaw within six months after the date of filing, the application may be deemed by the City to have been abandoned.

Enclosure

- 9(1) Unless the pool has a lockable cover in accordance with ASTM F 1346, "Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs" or another design acceptable to the City of Regina, every owner or occupant shall erect and maintain an enclosure around their swimming pool in accordance with this section.
- (2) Every owner or occupant shall ensure that the enclosure meets the following requirements:
- (a) it is erected prior to the swimming pool being filled with water;
 - (b) it has a height of 1.7 metres measured on the exterior non-pool side from the top of the enclosure to the nearest platform, deck or grade;
 - (c) it is constructed so that all diagonal support members only face the swimming pool side or that horizontal members located on the non-pool side are spaced more than 1100mm, measured vertically;
 - (d) it prevents objects greater than 100 mm from passing through the enclosure; and
 - (e) it cannot be easily climbed as determined by the City of Regina.

- (3) Every gate in an enclosure shall be equipped with all of the following:
- (a) a self-closing device designed to return the gate to the closed position after each use;
 - (b) a self-latching device designed to hold the gate in a closed position after each use; and
 - (c) a locking device.
- (4) Every self-closing device, self-latching device and locking device shall be maintained in working order at all times.
- (5) Every gate shall be anchored to fixed posts or secure structures on both the hinge and latch sides.

Securing of Swimming Pool Area

- 10 When the owner or occupant is not supervising the use of the swimming pool, they shall ensure that all required gate enclosures or pool covers are closed and locked.

Walkway

- 11(1) Every owner or occupant shall ensure that there is a walkway located within the enclosure that is at least 750 millimetres in width and that surrounds the perimeter of the swimming pool.
- (2) Where there is a swimming pool situated on top of the ground, the walkway required pursuant to subsection (1) shall be constructed so that it is raised off of the ground and is at least as high as 1200 millimetres measured from the top of the rim of the swimming pool to the ground, deck or grade.
- (3) Subsections (1) and (2) do not apply to swimming pools constructed prior to June 7, 1971.

Safety Devices

- 12 Every owner or occupant shall ensure all of 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.

Drainage system

- 13(1) Every owner or occupant of a property with a swimming pool or pre-manufactured hot tub or swim spa shall have and use a discharge system that allows the swimming pool or pre-manufactured hot tub or swim spa to drain into the sanitary sewer of the property where the swimming pool or pre-manufactured hot tub or swim spa is located.
- (2) The owner or occupant mentioned in (1) shall ensure that the discharge system complies with all relevant legislation governing plumbing and drainage.
- (3) The rate of discharge shall not exceed 90 litres per minute.
- (4) No person shall drain the water of a swimming pool or pre-manufactured hot tub or swim spa into any adjacent private property or any public property including any street, lane or walkway.

PART IV: INSPECTIONS, OFFENCES AND PENALTIES**Inspections**

- 14 The inspection of property by a designated officer to determine if this Bylaw is being complied with is hereby authorized.

Order to Remedy Contravention

- 15(1) If a designated officer finds that a property, or any part thereof, is in contravention of this Bylaw, the designated officer may, by written order in accordance with the Act, require the contravention to be remedied.
- (2) An order pursuant to this part shall be served in accordance with the requirements of the Act.

Offences

- 16 No person shall:
- (a) fail to comply with an order made pursuant to the Act and this Bylaw;
 - (b) obstruct or hinder any person acting under the authority of the Act or this Bylaw;
 - (c) fail to comply with any provision of this Bylaw; or
 - (d) remove, deface or destroy an order issued pursuant to the Act and this Bylaw.

Penalties

- 17 Any person who contravenes this Bylaw is guilty of an offence and liable on summary conviction to a fine in an amount provided for in the Act.

PART V: MISCELLANEOUS**Repeal and coming into force**

- 18 Bylaw No. 2004-81 is repealed.

- 19 This Bylaw comes into force on date of passage.

Severability

- 20 If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

READ A FIRST TIME THIS 26th DAY OF June 2024.

READ A SECOND TIME THIS 26th DAY OF June 2024.

READ A THIRD TIME AND PASSED THIS 26th DAY OF June 2024.

Mayor
Sandra Masters

City Clerk
Jim Nicol (SEAL)

CERTIFIED A TRUE COPY

City Clerk

SCHEDULE “A”

PERMIT FEES

1 An applicant shall pay the following applicable permit fees:

- a) Construction of an above ground pool: \$100.00
- b) Construction of an inground pool: \$450.00
- c) Demolition of an inground pool: \$100.00

ABSTRACT

BYLAW NO. 2024-45

THE PRIVATE SWIMMING POOL BYLAW, 2024

PURPOSE:	The purpose of this Bylaw is to regulate the construction and demolition of private swimming pools and the safety measures to be used in connection with private swimming pools, hot tubs and swim spas.
ABSTRACT:	This Bylaw regulates the construction and demolition of private swimming pools and establishes safety measures for private swimming pools, hot tubs and swim spas. The 2024 version of the Bylaw updates standards in relation to height and opening size of the protective fences surrounding swimming pools, clarifies which standards apply to swimming pools and not to pre-manufactured hot tubs and swim spas and aligns the administration and enforcement of the Bylaw with the administrative and enforcement procedures of other City regulatory regimes.
STATUTORY AUTHORITY:	Sections 8, 324, 325, 328, 329 and 330 of <i>The Cities Act</i>
MINISTER’S APPROVAL:	N/A
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	Regina Planning Commission, RPC24-20, May 31, 2024 City Council, CR24-65, June 12, 2024.
AMENDS/REPEALS:	This Bylaw repeals Bylaw 2004-41, <i>The Private Swimming Pool Bylaw</i>
CLASSIFICATION:	Regulatory
ORIGINATING DEPARTMENT:	Building Standards Branch