

## VILLAGE OF SEDLEY

### BYLAW NO 017-08

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

The Council of the Village of Sedley in the Province of Saskatchewan enacts as follows:

#### 1. Purpose

The purpose of this Bylaw is to regulate:

- a) the construction, erection, maintenance, repair and demolition of private swimming pools; and
- b) the safety measures used in relation to private swimming pools.

#### 2. Definitions

In this Bylaw:

**“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;

**“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;

**“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;

**“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 millimeters or more in depth and which is 2.5 metres or less across the widest portion of the water surface;

**“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;

**“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;

**“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;

**“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.

#### 3. Hot tubs

- a) Section 9 of this Bylaw does not apply to hot tubs.
- b) Sections 4 to 8 of this Bylaw do not apply to a hot tub as long as the owner or occupant ensures that all of the following requirements are met:
  - (a) the hot tub is equipped with a cover that can support the weight of 77 kilograms;
  - (b) the hot tub has a lockable device to prevent unauthorized persons from entering the water;
  - (c) the cover for the hot tub is maintained in place and locked at all times when the owner or occupant is not supervising the use of the hot tub.

#### 4. Permits

- (1) No person shall construct, erect or demolish a swimming pool unless he or she has obtained a swimming pool permit from the Village Office of the Village of Sedley.
- (2) Every applicant for a permit shall apply to the Village Clerk / Administrator in a form prescribed by the Village Clerk / Administrator.
- (3) Permit fees are pursuant to the Village of Sedley Building Bylaw.
- (4) There is no permit fee required for pools situated on top of the ground.

## **5. Enclosure**

- (1) Every owner or occupant shall erect and maintain an enclosure around his or her 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 1.8 metres measured on the exterior non-pool side from the top of the enclosure to the nearest platform, deck or grade as illustrated in the diagram in Schedule "B"; and
  - (c) it does not have any gaps or openings, which exceed 20 millimetres measured horizontally from one side of the gap or opening to the other side of the gap or opening.

## **6. Enclosures made of boards, chain link, iron rods or steel rods**

- (1) Clause 5(2)(c) does not apply where an owner or occupant uses an enclosure made of 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 (2) or (3).
- (2) Where an owner or occupant uses an enclosure described pursuant to subsection (1), other than a chain link enclosure, he or she shall ensure the enclosure meets all of the following requirements:
  - (a) 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 1100 millimetres or more from the next lowest horizontal structural member;
  - (b) on the exterior non-pool side of the enclosure, gaps or openings between vertical structural members shall not exceed 100 millimetres; and
  - (c) 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 millimetres.
- (3) 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 50 millimetres and the wire core is at least 11 gauge.

## **7. Gates and self-closing devices**

- (1) 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 20 millimetres measured horizontally 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 all of 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 working order at all times; and
  - (f) every gate shall be anchored to fixed posts or secure structures on both the hinge and latch sides.
- (2) Notwithstanding clause 9(1)(b), where a gate is made of chain link, the owner or occupant shall ensure that the gate meets the requirements set out in subsection 8(3).
- (3) Notwithstanding clause 9(1)(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 8(2).
- (4) The requirement in clause 9(1)(c) does not apply to swimming pools constructed before the passage of this Bylaw.

## **8. Securing of swimming pool area**

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, are locked.

## **9. Safety Devices**

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.

**10. Drainage system**

- (1) Every owner or occupant shall ensure that the drainage of all water from any swimming pool shall be pumped out at a controlled rate into a storm sewer, where same is available; or into a domestic sewer where the storm sewer 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.
- (3) No person shall drain the water of a swimming pool into any adjacent private property or any public property including any street, lane or walkway.

**11. Penalties**

Any person who contravenes this Bylaw is guilty of an offence punishable and subject to a \$500 fine. Fines will be issued by the Village / Clerk in a Notification of Violation.

**12. Repeal and coming into force**

- (1) 15 Bylaw No. 7-2004 is repealed.
- (2) 16 This Bylaw comes into force on August 19<sup>th</sup>, 2008.

(Seal)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator / Clerk

*Section 289 The Municipalities Act*

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Administrator