

## BYLAW NO. 2012-03

### A BYLAW OF THE VILLAGE OF BETHUNE TO CONTROL AND REGULATE PRIVATE SWIMMING POOLS

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The Council of the Village of Bethune enacts:

#### Short Title

- 1 This Bylaw may be cited as The Private Swimming Pools Bylaw.

#### Purpose

- 2 The purpose of this Bylaw is:
  - a) to control and regulate the construction, erection, maintenance, repair and 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) “Village” means the Village of Bethune;
  - b) “horizontal structural member” means a main part of a fence to which other parts are attached and which runs parallel to grade;
  - c) “occupant” includes a 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 there and a leaseholder;
  - d) “owner” means a person who has any right, title, estate or interest in a property upon which a private swimming pool is situated; and
  - e) “private swimming pool” means an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, constructed below ground level or above ground level, including hot tubs, intended for the containment of water for the use of persons for swimming, diving, wading or other similar activity, which is at least 600 millimeters in depth for use by the owner or tenant of the property upon

which the swimming pool is located or by their family or invited guests; and shall deem to mean permanent in place structures or structures considered moveable/temporary in nature.

### **Application**

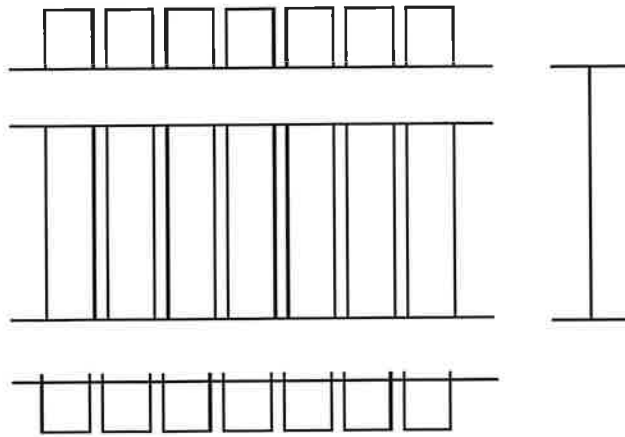
4. This Bylaw applies to all private swimming pools constructed after the final passage of this Bylaw.

### **Permit**

5. (1) A person must obtain a building permit from the Village prior to the construction, erection or demolition of a private swimming pool.
- (2) In order to obtain a building permit, a person must file with the Village a site plan and pool specifications.

### **Enclosure**

6. (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 must not contain any gaps or openings which exceed 20 millimeters measured horizontally from one side of the gap or opening to the other; and
  - c) notwithstanding subsection 6(4)b) of this Bylaw, if a fence forms part of an enclosure, the following will apply:
    - (i) parallel horizontal structural members, the tops of which are at least 1100 millimeters apart, as illustrated in the following diagram, may be located on the outside or non-pool side of the fence;



- (ii) parallel horizontal structural members, the tops of which are less than 1100 millimeters apart, must be on the inside or pool side of the fence;
- (iii) gaps of up to 100 millimeters are permitted between vertical fence boards or other vertical structural members if parallel horizontal structural members are spaced at least 1100 millimeters apart;
- (iv) where diagonal structural members are used, they must be on the inside or pool side of the fence and gaps between the vertical members must not exceed 20 millimeters; and
- (v) if the fence is chain link, the mesh size must not exceed 50 millimeters and the wire core must not be less than 11 gauge.

### **Gates and Self-Closing Devices**

- 7. (l) 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 6(4) of this Bylaw;
  - (b) all gates must be installed to swing outward in the direction away from the swimming pool;
  - (c) 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;
  - (d) the self-closing device, the self-latching device and the locking device

must be maintained in working order at all times; and

- (e) all gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.

### **Securing Of Swimming Pool**

- 8 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**

- 9. In the case of a private swimming pool which is a hot tub the requirements of Section 5, 6, 7, and 8 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.

### **Walkway**

- 10. Within the enclosure, a swimming pool must have a properly maintained access walkway around the swimming pool with a minimum width of 750 millimeters. The walkway must be within 1200 millimeters of the top of the swimming pool.

### **Safety Devices**

- 11. 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;
  - (b) a first aid kit; and
  - (c) a buoy and rope of sufficient length to reach across the swimming pool.

### **Drainage System**

- 12. (1) A swimming pool must have a discharge system which allows the swimming pool to drain into the sanitary sewer of the property upon which the swimming pool is

located and which complies with all relevant legislation governing plumbing and drainage. The rate of discharge must not exceed 90 liters a minute.

- (2) No person shall drain the water of a swimming pool into any adjacent public or private property or any street, lane or walkway.

**Offences And Penalties**

- 13. (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 \$100.00 and a maximum fine of \$1,000.00.
- (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 specified time, to comply with the Bylaw.

**Coming Into Force**

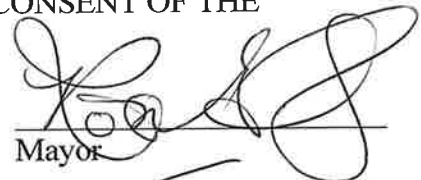
- 14. This Bylaw comes into force on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 2<sup>nd</sup> DAY OF OCTOBER, 2012.

READ A SECOND TIME THIS 2<sup>ND</sup> DAY OF OCTOBER, 2012.

READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT THIS 2<sup>ND</sup> DAY OF OCTOBER, 2012.

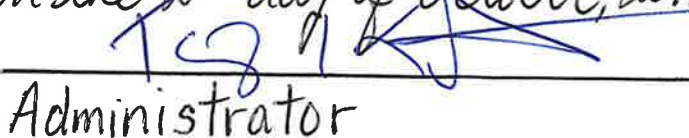


  
Mayor

  
Administrator



*Certified a true copy of the bylaw passed by the Council at its regular meeting held on the 2<sup>nd</sup> day of October, 2012.*

  
Administrator