

Bylaw No. 7981

The Private Swimming Pools Bylaw, 2000

**Codified to Bylaw No. 9635
(August 26, 2019)**

BYLAW NO. 7981

The Private Swimming Pools Bylaw, 2000

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Private Swimming Pools Bylaw, 2000.

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) "City" means The City of Saskatoon;
 - (a.1) "climbable member" means any part of a fence which is capable of being used as a foothold for a person and includes a horizontal or diagonal member, but does not include chain link fencing having a wire core of not less than 11 gauge and mesh size of not more than 50 millimetres;
 - (b) "horizontal structural member" means a main part of a fence to which other parts are attached and which runs horizontally;
 - (b.1) "municipal inspector" means an employee or agent of the City appointed by the Director of Building Standards or the Fire Chief to act as a municipal inspector for the purposes of this Bylaw;

- (c) “occupant” includes a person residing at a property upon which a private swimming pool is situate 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 situate;
- (e) “private swimming pool” means an artificially created basin, lined with concrete, fibreglass, 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 millimetres in depth, and includes pools situated on top of the ground and hot tubs;
- (f) “public” means all persons other than the owner or occupant; and
- (g) “vertical member” means a vertical part of a fence to which other parts are attached.

Application

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

Permit

- 5.
 - (1) A person must obtain a swimming pool construction permit from the City prior to the construction, erection or demolition of a private swimming pool.
 - (2) In order to obtain a swimming pool construction permit, a person must file an application in the prescribed form in writing with the City which includes a site plan and pool specifications and pay the applicable fee.
 - (3) The applicable fee shall be calculated on the basis of the current fee per \$1,000.00 of construction value set out in Schedule “A” as applied to the estimate of construction value of the proposed swimming pool.
 - (4) For the purposes of subsection (3), the estimate of construction value shall be the tender price quoted for construction of the private swimming pool or a reasonable estimate for construction of the private swimming pool as submitted by the applicant for a swimming pool construction permit, and acceptable to the City.
 - (5) Notwithstanding subsection (3), the minimum swimming pool construction permit fee shall be \$100.00.

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 be constructed so as to minimize the risk of unauthorized entry into the pool area by a member of the public by crawling under, climbing over, or climbing through. The enclosure must meet the following minimum standards:
 - (a) the enclosure must have a minimum height of 1.5 metres measured on the exterior, or non-pool, side from the top of the enclosure to the nearest platform, deck or grade;
 - (b) where an enclosure is a chain link fence, the mesh size must not exceed 50 millimetres and the wire core must not be less than 11 gauge;
 - (c) where an enclosure fence is constructed of any material other than chain link:
 - (i) horizontal structural members or other climbable members located on or accessible from the outside or non-pool side of the fence must be placed so that there is one continuous vertical separation of a minimum of 1,100 millimetres maintained between such members, as illustrated in Schedule "B", along any portion of the fence which is accessible to the public; and
 - (ii) there is no prescribed minimum separation required between horizontal structural members or other climbable members located on the inside or pool side of the fence;
 - (d) the gap or space between grade and the bottom of the enclosure must not exceed 100 millimetres;

- (e) maximum permissible gaps or openings between vertical members of an enclosure are as follows:
 - (i) gaps or openings of up to 100 millimetres are permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of 1,100 millimetres is maintained between horizontal structural members or other climbable members along the entirety of the fence, as illustrated in Schedule “B”;
 - (ii) gaps or openings of up to 20 millimetres are permitted if horizontal structural members or other climbable members are located less than 1,100 millimetres apart along any portion of the enclosure; and
 - (iii) notwithstanding subclause 6(4)(e)(i) and (ii), there is no prescribed limit to the size of gaps or openings in that portion of the enclosure having an elevation of greater than 1.5 metres above grade.

Gates and Self-Closing Devices

- 7. (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 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.
- (2) The requirement in Section 7(1)(b) does not apply to swimming pools constructed before the passage of this Bylaw.

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 Sections 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 metres 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. (1) Within the enclosure, a swimming pool must have a properly maintained access walkway around the swimming pool with a minimum width of 750 millimetres.
 - (1.1) The walkway required pursuant to subsection (1) must be placed so that it is no more than 1,200 millimetres below the top rim of an above-ground swimming pool.
 - (2) The requirement found in subsections 10(1) and (1.1) does not apply to swimming pools constructed before June 7, 1971.

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 litres 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.

Inspections

- 12.1 (1) The inspection of property by the City to determine whether this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 324 of *The Cities Act*.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this Section, or a person who is assisting a municipal inspector.

Order to Remedy Contravention

- 12.2 (1) If a municipal inspector finds that a person is contravening this Bylaw, the municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with Section 328 of *The Cities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with Section 347 of *The Cities Act*.

Registration of Notice of Order

- 12.3 If an order is issued pursuant to Section 12.2, the City may, in accordance with Section 328 of *The Cities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

Appeal of Order to Remedy

- 12.4 (1) A person may appeal an order made pursuant to Section 12.2 in accordance with Section 329 of *The Cities Act*.
- (2) Appeals shall be made initially to the Saskatoon Private Swimming Pools Appeal Board, which Board is hereby established.
- (3) The Board shall consist of five members appointed by Council. A quorum shall consist of three members.

City Remedying Contraventions

- 12.5 The City may, in accordance with Section 330 of *The Cities Act*, take whatever actions or measures necessary to remedy a contravention of this Bylaw.

Civil Action to Recover Costs

- 12.6 The City may, in accordance with Section 332 of *The Cities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

Adding Amounts to Tax Roll

- 12.7 The City may, in accordance with Section 333 of *The Cities Act*, add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

- 12.8 In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures necessary to eliminate the emergency in accordance with the provisions of Section 331 of *The Cities Act*.

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.
- (3) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

Bylaw No. 7055 Repealed

14. The Swimming Pool Bylaw No. 7055 is repealed.

Coming into Force

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

Read a first time this 16th day of October, 2000.

Read a second time this 16th day of October, 2000.

Read a third time and passed this 16th day of October, 2000.

"Henry Dayday"
Mayor

"Marlene Hall" "SEAL"
A/City Clerk

Schedule "A"

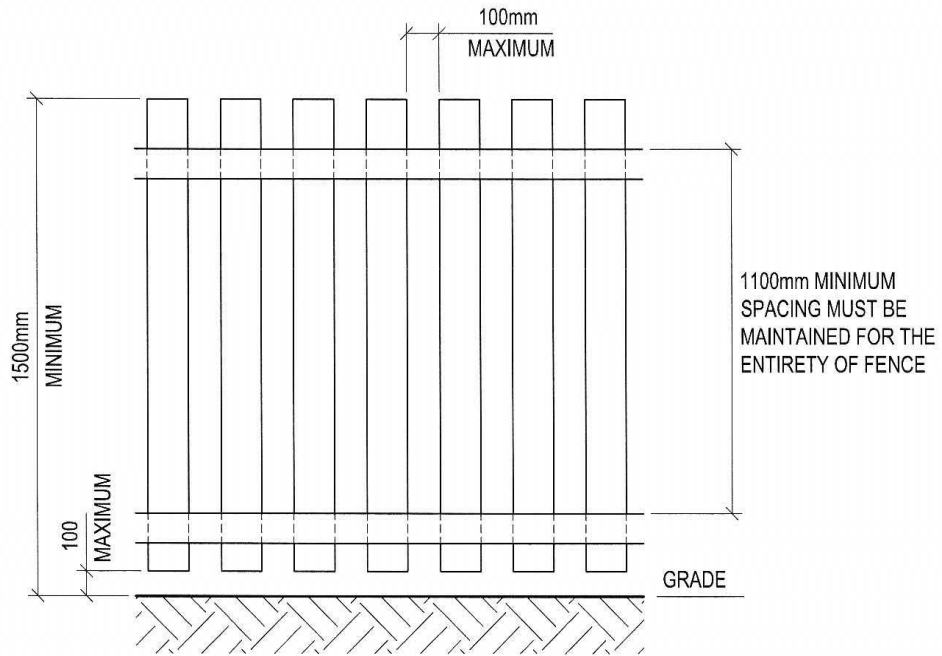
	June 1, 2012	January 1, 2013	January 1, 2014
Fee per \$1,000 of construction value	\$5.50	\$6.50	\$7.50

Minimum permit fee effective June 1, 2012 = \$100

Re-inspection fee effective June 1, 2012 = \$100

Schedule "B"

CLIMBABLE MEMBERS ON NON-PPOOL SIDE OF FENCE



CLIMBABLE MEMBERS ON POOL SIDE OF FENCE

