

Thomson Lake Regional Park

Bylaw No.: **23-2020**

Bylaw Title: **The Private Swimming Pool Bylaw**

1. Purpose:

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.

2. Definitions

In this Bylaw,

- (a) "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 (2) inches;
- (b) "Horizontal structural member" means a main part of a fence to which other parts are attached and which runs horizontally.
- (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 (2) feet in depth, and includes pools situated on top of the ground.
- (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.

3. Application

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

4. Permit

(1) A person must obtain a swimming pool construction permit from Thomson Lake Regional Park 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 Thomson Lake Regional Park office which includes a site plan and pool specifications.

5. Enclosure

(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 always be properly maintained to comply with this Bylaw.

(4) The enclosure must be constructed 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 five (5) feet 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 two (2) inches 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 four (4) feet maintained between such members, 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 four (4) inches.

(e) Maximum permissible gaps or openings between vertical members of an enclosure are as follows:

(i) gaps or openings of up to four (4) inches are permitted between vertical members of an enclosure fence if one continuous vertical separation of a minimum of forty three (43) inches is maintained between horizontal structural members or other climbable members along the entirety of the fence.

(ii) gaps or openings of up to one (1) inch are permitted if horizontal structural members or other climbable members are located less than four (4) feet apart along any portion of the enclosure; and

6. Gates and Self-Closing Devices

(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 5(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 always be maintained in working order; and

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

7. Securing of Swimming Pool

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.

8. Walkway

Every pool shall provide an access walkway around the pool, having a minimum width of three (3) feet

9. Safety Devices

(1) The owner or occupant must always have the following equipment present at the swimming pool:

(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.

(2) Steps or ladders shall be provided at the shallow end of the pool if the vertical distances from the bottom of the pool to the deck or walk is over two (2) feet; a metal ladder shall be provided at the deep end of the pool; steps leading into the pool shall be of non-slip design and shall have a minimum tread of twelve (12) inches and a maximum rise or height of ten (10) inches. There shall be no abrupt drop-off or submerged projections into the pool unless guarded by handrails.

10. Drainage System

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

11. Inspections

(1) The inspection of property by the Thomson Lake Regional Park Authority to determine whether this Bylaw is being complied with is hereby authorized.

(2) 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.

12. Order to Remedy Contravention

If a Thomson Lake Regional Park Authority inspector finds that a person is contravening this Bylaw, the Thomson Lake Regional Park Authority inspector maybe in contact by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.

13. Appeal of Order to Remedy

Appeals shall be made initially to the Thomson Lake Regional Park Authority board of directors.

14. Thomson Lake Regional Park Remedying Contraventions

Thomson Lake Regional Park take whatever actions or measures necessary to remedy a contravention of this Bylaw.

PENALTY CLAUSES

1. General Penalty Clause

Any person who contravenes any provision of these Bylaws is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:

- \$2,000 (Two Thousand Dollars) in the case of an individual.
- \$5,000 (Five Thousand Dollars) in the case of a public corporation; or

In default of payment by an individual, by imprisonment for a term of not more than 30 (thirty) days

Repeal

By-Law 22-2020 This hereby repealed.

Park Authority Readings and Adoption

Introduced and read for a first time this 8 day of June 2020.

Read for a second time this 8th day of June,2020

Read for a third time this 8th day of June,2020

Adoption of the Bylaw this day 8th day of June ,2020

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Chairperson

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Park Administrator

Thomson Lake Regional Park

Private Swimming Pool Permit Application

Date of Application: _____

Application submitted to: _____

Applicant Information:

Name: _____

Address: _____

Phone Number: _____ Email Address: _____

Project Details:

Fence Height: _____

Material of Fence: _____

Sketch of Pool Area: please attach

Declaration of Applicant

_____ declare that: (print name)

1. The information contained in this application, attached plans and specifications, and other attached documentation is true to the best of my knowledge.

2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Signature: _____

Application Approve by: _____

Title: _____ Date: _____

