

# TOWN OF EATONIA

## BYLAW NO. 4/12

### A BYLAW OF THE TOWN OF EATONIA TO REGULATE PRIVATE POOLS

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The Council of the Town of Eatonia, in the Province of Saskatchewan enacts as follows:

#### **SECTION I - SHORT TITLE:**

1. This Bylaw may be cited as the "Private Swimming Pools Bylaw".

#### **SECTION II - APPLICATION:**

2. All of the provisions and enactments set forth in this Bylaw relate to and shall be in full force within the limits of the Town of Eatonia.

#### **SECTION III - INTERPRETATION:**

3. In this Bylaw the following definitions apply:
  - (a) "Administrator" means the Town Administrator of the Town of Eatonia.
  - (b) "Bylaw Enforcement Officer" means the Bylaw Enforcement Officer appointed or Council designated for the Town of Eatonia.
  - (c) "Council" means the Council of the Town of Eatonia.
  - (d) "Owner" includes a person who is in possession of a private swimming pool under a contract by which he may become the owner of the private swimming pool upon full compliance with the terms of the contract.
  - (e) "Private in ground swimming pool" means an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water activity, which is at least 600 millimeters in depth, and below the grade level, this includes hot tubs.
  - (f) "Private above swimming pool" means an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water activity, which is at least 600 millimeters in depth, and above the grade level, this includes hot tubs.
  - (g) "Enclosures" means the fence or structure that encompasses the yard or part of the yard in which a pool is located.
  - (h) "Town" means the Town of Eatonia.

#### **SECTION IV - ENCLOSURE:**

1. Every private swimming pool must be enclosed in accordance with this section.
2. The enclosure must be built prior to the private 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 above grade for in ground pools, and no less than 0.61 meters (2 ft.) from the exterior wall, deck or platform for above ground pools.
  - (b) The enclosure must not contain any gaps or openings which exceed 10 cm measure horizontally from one side of gap or opening to the other; and
  - (c) Notwithstanding Section IV(4)b of this Bylaw, if a fence part of an enclosure, the following will apply:
    - (i) All requirements of the current fence Bylaw must be met.
    - (ii) In the event that the fence is chain link, the mesh size must not exceed 50 millimeters and the wire core must not be less than 11 gauge.
  - (d) Notwithstanding Section IV(4)b of this bylaw, a fence which contains horizontal cross members, and is immediately adjacent to the private swimming pool must ensure that additional precautions must be taken so that it is not reasonably practical for persons to climb the structure to access the private swimming pool.

#### **SECTION V - GATES AND SELF-CLOSING DEVICES:**

1. A gate which forms part of an enclosure must comply with the following.
  - (a) All gates must be installed to swing outward in the direction away from private swimming pool;
  - (b) 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.
  - (c) The self-locking device, the self-latching device and the locking must be maintained in working order at all times; and
  - (d) All gates must be anchored to fixed posts or secure structures on both the hinge and latch sides.
2. The requirements in Section V(1) does not apply to private swimming pools constructed before the passing of this Bylaw.

#### **SECTION VI - SECURING OF SWIMMING POOL:**

1. 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.

#### **SECTION VII - HOT TUBS:**

1. In case of a private swimming pool, which is a hot tub, the requirements of Sections IV, V, and VI 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 hard top cover;
  - (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.

**SECTION VIII - WALKWAY:**

1. Within the enclosure, a swimming pool must have 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.
2. The requirement found in Section VIII(1) does not apply to swimming pool constructed before the passing of this Bylaw.

**SECTION IX - SAFETY DEVICES:**

1. The owner of 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.

**SECTION X - DRAINAGE SYSTEMS:**

1. A private swimming pool below grade 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 exceed 90 liters a minute.
2. No person shall drain the water of a private swimming pool into any adjacent public or private property.

**SECTION XI - OFFENCES AND PENALTIES:**

1. Every person who contravenes a provision of this Bylaw is guilty of an offence liable on summary conviction to a minimum fine of \$100.00 and a maximum fine of \$1000.00.
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.

**SECTION XII - REPEAL AND COMING INTO FORCE:**

1. Bylaw No. 10/10 is hereby repealed.
2. This bylaw shall come into force and effect on the 10<sup>th</sup> day of July, 2012.



Introduced and read a first time this 10<sup>th</sup> day of July, 2012  
Read a second time this 10<sup>th</sup> day of July, 2012  
Read a third time and adopted this 10<sup>th</sup> day of July, 2012



*R. Peters*

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Mayor

*Cheryl Bailey*

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Administrator

Certified to be a true copy of Bylaw No. 4/12,  
adopted by the Council of the Town of Eatonia, on the  
10 day of July 2012

*Cheryl Bailey*  
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Administrator

