

Town of Sainte-Anne

By-Law 13-2013

BEING A BY-LAW of the Town of Ste. Anne to provide regulations governing private swimming pools.

WHEREAS Section 295 and 319 of The Municipal Act provides authority for the passage of by-laws to provide regulations concerning buildings and the controlling and maintaining of places in which water is collected (see also Sections 97, 321 and 362).

AND WHEREAS it is deemed that private swimming pools come within Section 295 (1)(b) and 319 (f) of the said Municipal Act.

NOW THEREFORE the Council of the Town of Sainte-Anne in meeting assembled enacts as follows:

1. DEFINITIONS:

“Enclosure” means a fence, wall or other structure, including doors and gates surrounding a swimming pool to restrict access thereto.

“Swimming Pool” means any body of water located outdoors which is partly or completely below grade or is completely above grade, contained in part or in whole by artificial means, in which the depth of the water at any point can exceed twenty-four inches and is used or capable of being used for swimming.

“Permit” means permission or authorization in writing by the Building Inspector upon approval of plans and payment of fees in accordance with the schedule as established from time to time by Town Council regarding building permit fees under its Building By-Law and may be terminated for non-compliance with this or any other applicable by-law or regulation.

“Service Entrance” means the entrance into a building which would normally be used by persons entering such building for the purpose of delivering goods or rendering maintenance service.

“Owner” includes a person in possession of the property on which the swimming pool is located.

“Person” means any firm, corporation, partnership, individual or association.

2. No swimming pool shall be constructed, used or installed unless the owner is in possession of a permit issued by the Operations Manager.
3. No person shall erect an enclosure for a swimming pool until plans for such enclosure have been submitted to and certified approval of such plans have been received from the Operations Manager.
4. A permit may be refused if the construction and/or installation of the swimming pool and enclosure do not comply with any by-law.
5. No person shall place water in a swimming pool or allow water to remain therein unless the enclosure prescribed by this by-law has been erected.


6. Enclosures:

- (a) The owner of a swimming pool shall erect and maintain an adequate enclosure surrounding the entire swimming pool area and sufficient to make such body of water not readily accessible to small children.
- (b) Except as further provided in clause 6 (c), such enclosure including gates therein, shall extend from the ground to a height, measured on the outside of the enclosure, of not less than 1.5 metres (5 feet).
- (c) When a wall of a building forms part of such enclosure, no main or service entrance to the building shall be located within the swimming pool area enclosure, except that this requirement shall not apply when all exterior service meters and intakes are located outside the enclosure and a sign is erected and maintained directing all service personnel to use the main entrance.


- (d) Except as provided in (e) (vi) (2), such enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- (e) A fence or its equivalent forming part of such enclosure.
 - (i) shall be of vertically boarded wood construction, chain link construction or of other materials and construction as provided for in clause (e) (vi):
 - (ii) if of chain link construction, shall
 - (1) be of not greater than 1½ inch diamond mesh;
 - (2) be constructed of galvanized steel wire not less than No. 12 gauge, or of minimum 14 gauge steel wire covered with a vinyl or other approved coating, forming a total thickness equivalent to No. 12 gauge galvanized wire;
 - (3) be supported by a least 1½ inch diameter galvanized steel posts each covered by a minimum two inches of concrete from grade to a minimum two feet below grade, such posts to be spaced not more than ten feet apart. Top and bottom horizontal rails shall be provided of 1¼ inch minimum diameter galvanized steel except that a ¾ inch minimum tension rod may be substituted for the bottom horizontal steel rail. A vinyl or other approved coating may be substituted for the galvanized coating;
 - (iii) if of wood construction, shall
 - (1) have the vertical boarding attached to supporting members all of which are arranged in such a manner so as not to facilitate climbing from the outside. Such vertical boards shall be not less than one inch by four inch nominal dimensions spaced not more than 1½ inches apart;
 - (2) be supported by a minimum of four inch square or four inch diameter cedar posts, nominal dimensions, spaced not more than eight feet on centres securely embedded to a minimum of two feet below grade. That portion of the wood post below grade shall be treated with a wood preservative. Top and bottom horizontal rails shall be provided of wood two inch by four inch minimum nominal dimensions;
 - (iv) shall include no part consisting of barbed wire or having similar dangerous characteristics and no device for projecting an electric current through the fence;
 - (v) shall be located not less than four feet from the swimming pool unless:
 - (1) a continuous hand hold is available along the edges of the pool for the purpose of providing, in an emergency, support for a person in the pool.
 - (2) such fences shall not, regardless of height, be located closer than four feet to any condition on the property that would contribute to the lessening of these minimum safety requirements by facilitating the climbing of the swimming pool fence;
- (f) Gates forming part of such enclosure shall:
 - (1) be of construction and height equivalent to that required for the fence;
 - (2) be supported on substantial hinges, and
 - (2) be self-closing and equipped with a locking device and with a self-latching device placed at the top and on the inside of the gate such that the device latches when the gate is in the closed position.
- (g) Subject to the provisions of Paragraph (c), doors, providing access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit or a rooming unit, shall each be self-closing and equipped with a locking device and with a self-latching device located not less than four feet above the bottom of the door.
- (h) The owners of every swimming pool shall ensure that every gate and door required by Paragraph (f) and (g) to be equipped with a locking device shall be kept locked at all times except when the opening thereof is required for the purpose of ingress and egress, if there is more than twentyfour inches of water in the pool and a responsible person is not present and supervising the pool.

7. Sewer and water connections must comply with the Town's plumbing by-law. All electrical connections must comply with regulations of Manitoba Hydro. All metallic objects in or within five feet (5') of a pool must be grounded in accordance with regulations contained in the current edition of the Manitoba Electrical Code.
8. Hot Tub Covers
- (a) In lieu of the enclosures specified under Article 6, the fence and gate are not required for a hot tub installed outdoors at a single-family dwelling if
 - (i) the hot tub does not exceed 2.4 m (8 feet) in diameter or 4.65m² in total surface area,
 - (ii) the hot tub has a cover that
 - (1) has the structural strength to support the weight of an adult walking across the top of the cover when it is in closed position, and
 - (2) is capable of being locked in the covered position to prevent access to the water by unauthorized persons, and
 - (iii) at all times when use is not supervised by an adult, the hot tub is covered by a cover that complies with clause (ii), and is locked
 - (b) A hot tub capable of containing water to depth 600 mm (24 inches) or greater shall have installed on it a cover that complies with Clauses (a)(ii) and (iii) if the hot tub is installed outdoors at a single-family dwelling.
9. Any person guilty of a breach of any of the provisions of this by-law shall be liable upon conviction thereof to a fine not exceeding One Hundred (\$100.00) Dollars plus costs and in default of payment to imprisonment in the Provincial Gaol for any period not exceeding thirty days.

Done and passed, in Council assembled, this 22nd day of October, A.D. 2013



Mayor, Bernard Vermette



Chief Administrative Officer,
Nicole Champagne

Read a first time this 8th day of October, A.D., 2013
Read a second time this 22nd day of October, A.D., 2013
Read a third time this 22nd day of October, A.D., 2013