

**CITY OF THOMPSON
BY-LAW NO. 973-79**

**BEING A BY-LAW OF THE CITY OF THOMPSON TO PROVIDE
REGULATIONS GOVERNING PRIVATE SWIMMING POOLS.**

WHEREAS Sections 281, 295 and 319 of The Municipal Act provide 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 desirable to pass a by-law under Section 281 for the protection of persons from accidents in and around swimming pools.

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 City of Thompson 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.

The above definition shall not include a pool operated for public accommodation.

“Permit” means permission or authorization in writing by the Building Inspector after approval of plans and payment of fees in accordance with the schedule as established from time to time by City 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 that 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 Building Inspector.
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 Building Inspector.
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. Gates in the fence shall be capable of being securely locked and shall be kept locked except when a responsible person is in attendance.

7. **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 five 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), 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 1 ½ 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 at least 1 ½ inch diameter galvanized steel posts each covered by a minimum two inches of concrete from grade to a minimum of two feet below grade, such posts to be spaced not more than ten feet apart. Top and bottom horizontal rails shall be provided of 1 ¼ inch minimum diameter galvanized steel, except that a ¼ inch minimum diameter galvanized steel 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 1 ½ inches apart;
 - 2) be supported by a minimum of four inch square or four inch diameter 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, and
 - 2) shall not, regardless of height, be located not less 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;
- vi) subject to the approval of the Building Inspector, may be of construction other than that specified provided an equivalent degree of safety is maintained and shall be constructed so that the height and rigidity is equal to that specified for those fences described in clauses 7 (b) and (e) (ii) or (iii).
- 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
 - 3) 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 five feet above the bottom of the door.
- h) The owner of every swimming pool shall ensure that every gate and door required by Paragraphs (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 twenty four inches of water in the pool and a responsible person is not present and supervising the pool.

- i) All metallic parts of the swimming pool including reinforcing steel shall be electrically grounded in accordance with the requirements of The Manitoba Electrical Code.
 - j) A swimming pool shall not be placed under or within three hundred centimetres horizontally of any overhead electrical wiring except as may be permitted by The Manitoba Electrical Code.
 - k) All electrical installations shall comply with the requirements of Section 68 of The Manitoba Electrical Code.
8. Sewer and water connections must comply with the City'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.
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.
10. That Clause 7 hereof shall not apply to pools already constructed as at date of passage of this by-law until August 31, 1979.
11. In cases where dimensions, sizes and measurements are referred to in Imperial Measurements in this by-law, conversion to standard metric measurements shall be made if and when metric equivalents are adopted by the Province of Manitoba.

DONE AND PASSED in Council assembled this 16th day of July A.D. 1979.