

Canada
PROVINCE OF QUEBEC
HULL DISTRICT

MUNICIPALITY OF PONTIAC

M.R.C. DES COLLINES-DE-L'OUTAOUAIS

BY-LAW NO. 01-08 **CONCERNING THE INSTALLATION OF PRIVATE POOLS** **AND THEIR SAFETY**

WHEREAS council considers it is appropriate and of public interest to regulate on certain provisions pertaining to the installation of private pools and their safety;

WHEREAS the notice of motion for the actual by-law was duly given at a council meeting held on January 10, 2008;

CONSEQUENTLY, it is

Moved by Dr. Jean Amyotte
Seconded by Garry Dagenais

AND RESOLVED THAT council decrees and rules the following :

BY-LAW No. 01-08 - « BY-LAW CONCERNING THE SAFE **INSTALLATION OF PRIVATE POOLS »**

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**PART I
INTERPRETIVE AND DECLARATORY PROVISIONS**

The system for designating various levels of subdivisions within the present by-law is illustrated by the following example:

- 1.part
 - 1.1.....section
 - 1.1.1.....sub-section
 - 1.1.1.1.....article
 - 1.1.1.1a) ...paragraph

1.1 Interpretation: The objective of the present by-law is to reduce dangers inherent to having a pool in a residential area. All provisions herein must be interpreted in order to ensure that this objective is being met.

1.2 Metric measures: In the present by-law, all dimensions described are metric; equivalents to imperial measures are noted in parentheses as a reference.

1.3 Abbreviations: Abbreviations used in the present by-law have the following signification:

metric	<i>cm</i>	centimetre
	<i>m</i>	meter
	<i>mm</i>	millimeter
	<i>kN</i>	kilonewton
	<i>kPa</i>	kilopascal
imperial	<i>ft</i>	feet
	<i>in</i>	inch
	<i>lb</i>	pound
	<i>lb / ft²</i>	pound / square foot

1.4 Definitions: In the present by-law, the signification of the defined terms, abbreviations as well as references to explanatory notes appear in italics. Unless the context indicates anything different, the following expressions and words signify or designate:

- 1) protected area: property or part of a property equipped with a surrounding wall.
- 2) surrounding wall: what surrounds a property or part of a property exclusive to pool owners, such as a fence that will restrict and limit its access for safety purposes.
- 3) railing: safety gate installed around openings in a floor, on the side openings of a walkway, a staircase, a landing, a raised entry or any other area in order to prevent an accidental fall in a gap or over the edge; may or may not include an opening.
- 4) dwelling: building including at least one dwelling unit.

- 5) insurmountable hedge: fence compliant to the requirements of a surrounding wall, hidden by a hedge.
- 6) average ground level: level determined by the ground's median altimetric behaviour on the periphery of the pool (see notes).
- 7) responsible officer: municipal building and environment officer responsible for issuing permits and clearance certificates and responsible for inspections.
- 8) pool: an outdoor artificial basin intended for swimming, as an accessory to a maximum 8-dwelling unit, with a depth of water of more than 60 cm (2 ft.) (see notes).
- 9) in-ground pool: a pool which, in any given area, has a depth reaching at least 30 cm (1 ft.) under the average ground level.
- 10) above-ground pool: a pool that is not in-ground.
- 11) walkway: the immediate surface around a pool to which swimmers have direct access.
- 12) owner: person having purchased or owing a pool.
- 13) active system: double-locking device or one requiring a key, a code or particular strength or knowledge of use.
- 14) passive system: access closed and locked by devices which require no manual intervention or voluntary action.
- 15) dwelling unit: one or more rooms within a building used by the owner, tenant or occupant, mainly for residential purposes (see notes).

PART II **GENERAL PROVISIONS**

2.1 Structural qualities:

2.1.1 Walkway: A structure with a walkway must be built to withstand a load according to the anticipated use and its values must be at least equal to the minimum excess load of 1.9 kPa (40 lb / sq.ft.).

2.1.2 Surrounding wall: A surrounding wall must be compliant to the following structural requirements:

2.1.2.1 A surrounding wall must be resistant to the following loads:

- a) a concentrated load of 0.5 kN (112 lbs.) applied horizontally, towards the exterior or the interior, on the top part of a surrounding wall.
- b) a concentrated load of 0.5 kN (112 lbs.) applied on any part of the base element of a surrounding wall.

2.1.2.2 When a railing consists of a surrounding wall, the railing must be resistant to double the load provided for in paragraph 2.1.2.1 a) (see notes)

2.2 Installation concerning safety:

2.2.1 Protected area: A pool must be situated within an area protected by a surrounding wall.

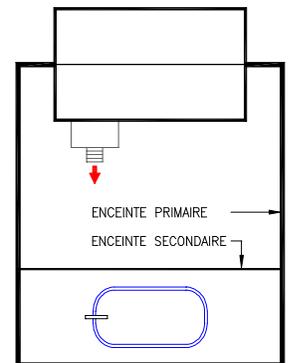
2.2.2 Surrounding wall: A surrounding wall may consist of a fence, a wall, a low wall, an insurmountable hedge, a railing or the peripheral vertical side of an above-ground pool, in order to limit direct access to any dwelling unit in a protected area.

2.2.3 Height of the surrounding wall: The height of a surrounding wall must comply with the following requirements:

2.2.3.1 A surrounding wall must be at least 1.2 m (4 ft.) high from the ground level or from the adjacent floor, whatever the case may be.

2.2.3.2 When an element consisting of a surrounding wall surmounts a retaining wall, the required minimum height must be calculated from the highest level of the adjacent ground.

2.2.3.3 When the use of a pool is exclusive to one dwelling unit, this dwelling may be situated within the primary surrounding wall or consist of part of the surrounding wall, the installation of which must be so that it may not be accessible directly from within the protected area of the dwelling. The minimum height of this secondary surrounding wall may be reduced to 90 cm (3 ft.) from the ground level or the adjacent floor, whatever the case may be.



2.2.3.4 A secondary surrounding wall must have an aperture of at least 50% and to allow adequate visibility within the pool's protected area of a dwelling.

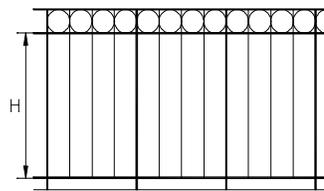
2.2.3.5 It is not mandatory to foresee the installation of a secondary surrounding wall as stipulated in articles 2.2.3.3 and 2.2.3.4 when the installation meets the following requirements:

- the pool is not connected to the dwelling by a walkway within the restricted area.
- the height of the pool's vertical wall which is in an area within a periphery of at least 90 cm (3 ft) high compared to the ground level or the adjacent floor, whatever the case may be.
- the access to the pool is equipped with an active or passive system (*see notes*).

2.2.3.6 The obligation of having a continuous surrounding wall with regard to all of the parts of this surrounding wall which is already inaccessible for specific reasons, such as the topographical configuration of the property.

2.2.4 Design: The surrounding wall must be in conformity with the following requirements:

2.2.4.1 It must not have any fastening devices, cover or aperture allowing or facilitating it to be climbed over on a continuous section of at least 90 cm (3 ft.) when the minimum required height of the surrounding wall is 1.2 m (4 ft.) and at least 75 cm (2 ft. 6 in.) when the minimal required height of the surrounding wall is 90 cm (3 ft.).



H.: Continuous section without any element allowing or facilitating it to be climbed over (*see notes*).

2.2.4.2 The open parts must not allow a spherical object of 10 cm (4 in.) in diameter to pass through or under the surrounding wall. This requirement applies to the minimum height requirement compared to the ground level or the adjacent floor, whatever the case may be, except if it is shown that the location and dimension of the openings do not pose a danger (*see notes*).

2.2.5 Fence: A fence constituent of a surrounding wall must be in conformity with the following requirements:

2.2.5.1 Materials used for a fence constituent of a surrounding wall must be of industrial fabrication, made for this purpose and treated against corrosion, rot, termites and stress of weather.

2.2.5.2 Materials such as barbed wire, chain-link with barbed tips, sheet metal or any other material designed with sharp edges and by their nature potentially causing injury, are prohibited.

2.2.5.3 A chain-link fence is accepted under the following conditions:

- a) the links must be no larger than 50 mm (2 in.).
- b) it must be made up of end-posts and lines distanced at no more than 2.4 m (8 ft.)
- c) it must be made up of upper cross beams.
- d) the lower part of the link must be attached with a span wire at the most, 50 mm (2 in.) from the ground.

(see notes)

2.2.6 Access to a surrounding wall: A gate may constitute part of a surrounding wall, under the following conditions:

2.2.6.1 It must be in conformity with the requirements as stipulated for a surrounding wall.

2.2.6.2 It must be equipped with a passive system (*see note*).

2.2.6.3 The passive system must be installed on the inside of the surrounding wall.

2.2.6.4 The passive system must be installed at no more than 15 cm (6 in.) from the top part of the gate. When the height of the gates allows it, the passive system must be installed at a height of at least 1.5 m. (5 ft.) from the ground level or adjacent floor, whatever the case may be.

2.2.6.5 The passive system must not be made accessible from the outside of the surrounding wall from at least 1.5 m. (5 ft.) from the ground level or the adjacent floor, whatever the case may be.

2.2.6.6 The passive system must be in good working order.

2.2.6.7 No component shall be allowed to cancel out the passive system.

2.2.6.8 The gate must not overhang the water surface or stairs, no matter what opening position it is in.

2.2.7 Location: A pool and its accessories must be at a distance of at least 2 m. (6 ft. 5 in.) from the limits of the property on which they are installed. In the case of a multifamily home or condominium apartments, the limits of the property are those exclusive to the dwelling unit.

2.2.8 Peripheral clearance: Subject to sub-section 3.1.3, any building, equipment or landscaping that prevent free circulation around the pool cannot be installed at a distance less than 90 cm (3 ft.) from the peripheral vertical side of the pool or water surface, whatever the case may be.

(see notes)

2.2.9 Walkway: A walkway must be in conformity with the following requirements:

2.2.9.1 The surface of a walkway must be level, in alignment, straight, non-slip and allow for adequate absorption, evacuation or drainage in order to keep its non-slip properties.

2.2.9.2 A walkway cannot have a usable area smaller than 60 cm (24 in.).

2.2.9.3 An accessible walkway as well as a fixed staircase must be protected by a railing of a minimum height of 90 cm (3 ft.) on all open sides, where the difference in level is greater than 60 cm (2 ft.).

(see notes)

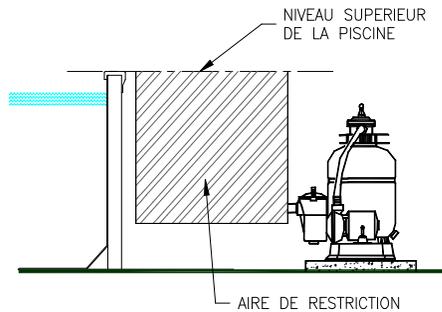
PART III PARTICULAR PROVISIONS

3.1 Above-ground pool:

3.1.1 Slide and diving board: An above-ground pool cannot be equipped with a slide or diving board.

3.1.2 Structure facilitating climbing: A pool must not consist of lateral supports or other components facilitating climbing.

3.1.3 Restrictive area: A restrictive area must be provided in order to limit the risk of climbing from a walkway or from the proximity of fixed accessories, such as a filter, a pump or a heat pump and their components that are alongside the pool. This area must be in conformity with the requirements of articles 3.1.3.1 through 3.1.3.5.



3.1.3.1 Subject to article 3.1.3.2, the restrictive area must have a width of at least 1 m (3 ft. 3 in.) and a height of at least 90 cm. (3 ft.) compared to the top level of the pool. This area must be provided at a distance of 10 cm (4 in.) at the most from the peripheral vertical side of the pool.

3.1.3.2 When the vertical peripheral side of the pool constitutes the primary surrounding wall, the height compared to the top level of the pool (edge) must be at least 1.2 m. (4 ft.)

3.1.3.3 Subject to article 3.1.3.5, a walkway, a fixed accessory, its components and the rigid piping cannot be situated in a restriction area.

3.1.3.4 The skimmers and flexible pipes may be situated within a restriction area. The flexible pipe must have a length of at least 1 ½ the distance, which separates the accessory equipment from the vertical side of the pool.

3.1.3.5 It is not mandatory to foresee the restriction area stipulated in articles 3.1.3.1 and 3.1.3.2 when a walkway or an accessory is in conformity with one of the following:

- a) when an accessory is under a walkway at a height not exceeding that of the pool.
- b) when an accessory is inside a building.
- c) when an accessory is in a shed that is in conformity with the requirements stipulated for a surrounding wall (*see notes*).
- d) when a walkway or a stair fixed to the perimeter of a pool is within the surrounding wall.

PART IV ADMINISTRATION

4.1 Implementation:

4.1.1 Competent authority: the municipality is in charge of implementing or to have the present by-law implemented, and in consequence, is authorized to issue any report of offence for offences in relation to this by-law.

4.1.2 The responsibility of the owner: The owner of a pool must ensure that the installation of the pool and its accessories complies with the provisions of the present by-law.

4.1.3 Setting of standards:

4.1.3.1 Subject to article 4.1.3.2, at the time of the present by-law came into effect, an existing pool must be rendered compliant with sub-sections 2.2.1 to 2.2.6 and 3.1.1 to 3.1.3, at the latest, at the expiration of the deadline provided for in sub-section 4.1.4 (*see notes*).

4.1.3.2 Sub-section 3.1.2 does not apply to a pool having a structure consisting of lateral props, which existed on the date the present by-law came into effect. Subject to the height of the vertical side of the pool being in an area with a periphery of at least 1.2 m. (4 ft.) high

compared to the ground level or the adjacent floor, whichever the case may be, the vertical side of the pool may constitute a primary surrounding wall stipulated in article 2.2.3.1 when the installation does not meet one of the following conditions:

- a) when a walkway of a height not exceeding that of the pool surmounts the props.
- b) when a railing, in conformity with article 2.2.4.2, surmounts props of a height of at least 90 cm. (3 ft.)
- c) when the props are substituted with components that do not allow for climbing, on a height of at least 90 cm. (3 ft.) compared to the top level of the pool (edge).

(see notes)

4.1.4 Mandatory declaration

4.1.4.1 The owner of a pool which existed at the date the present by-law came into effect, must fill out and hand in a duly signed declaration to the municipality, see appendix A, and thus within twelve (12) months of the by-law coming into effect. This obligation applies to all new purchasers who become owner before the expiration of the deadline.

4.1.4.2 The owner who is building, installing, modifying, using, allowing the construction, installation, modification or use of a pool must fill out and hand in the duly signed declaration to the municipality, see appendix A, before using it, or within ten (10) days following the end of the construction or the installation, whatever the case may be.

4.1.5 Remittance of the declaration: The declaration provided for in appendix A must be handed in to the officer in charge and include two (2) photographs on two different angles of the actual installation of the pool and its accessories.

4.1.6 Fines and recourse:

4.1.6.1 Is committing an offence, anyone who:

- a) builds, installs, modifies, uses, allows the construction, installation, modification or the use of a pool that is breach of any of the provisions of the present by-law;
- b) neglects to hand in the declaration, provided for in appendix A, within the set deadline;
- c) gives inaccurate information, rendering the declaration false;
- d) refuses to let the officer in charge visit and inspect, within reasonable hours, the property that he/she owns, rents or occupies, in order to verify if the provisions of the present by-law are being respected.

4.1.7 Penalties:

Whoever is declared guilty of a first offence is liable to paying a fine of at least one hundred twenty-five dollars (\$125) and at the most, one of five hundred dollars (\$500), this applies when an individual is concerned. And when a corporation is concerned, a fine of at least two hundred fifty dollars (\$250) and at the most, one of one thousand dollars (\$1000) applies.

Whoever is declared guilty of any subsequent offence, within a two-year period of the same offence, is liable to paying a fine of at least two hundred and fifty dollars (\$250) and at the most, one of one thousand dollars (\$1000), this applies when an individual is concerned. And when a corporation is concerned, a fine of at least five hundred dollars (\$500) and at the most, one of two thousand dollars (\$2000) applies.

PART V COMING INTO FORCE

The present by-law will come into force according to the Law.

**EDWARD J. MC CANN
MAYOR**

**SYLVAIN BERTRAND
DIRECTOR GENERAL**

Calendar

Notice of motion : January 10, 2008

Adoption of the by-law : February 12, 2008

Effective date : _____