



# **CITY OF STEINBACH**

## **SWIMMING POOL BY-LAW NO. 2206**

**A by-law of the City of Steinbach to provide regulations governing private swimming pools.**

**April 19, 2022 - First Reading**

**May 3, 2022 - Second and Third Reading**

WHEREAS Section 232 of The Municipal Act provides authority for the passage of by-laws to provide regulations concerning activities or things in or on private property;

NOW THEREFORE the Council of the City of Steinbach in meeting duly assembled enacts as follows:

### **SCOPE**

This By-Law applies to the whole City.

### **SECTION 1: DEFINITIONS**

*Authority Having Jurisdiction* means the City of Steinbach and its designated agents.

*Permit* means permission or authorization in writing by the Authority Having Jurisdiction to perform work regulated by this By-Law.

*Swimming Pool* means an artificially constructed basin either above or below grade that can contain a water depth greater than 24 inches and is located on the property of a zoning lot.

### **SECTION 2: PERMITS**

- 2.1 No Swimming Pool shall be constructed, used, or installed unless its owner is in possession of a permit issued by the Authority Having Jurisdiction pursuant to Building By-Law No. 2105 or any amended or subsequent versions thereof.
- 2.2 No person shall erect an enclosure for a Swimming Pool until plans for the enclosure have been submitted to, and approval of such plans has been confirmed by the Authority Having Jurisdiction.
- 2.3 A permit may be refused by the Authority Having Jurisdiction if the construction or installation of the Swimming Pool and enclosure do not comply with any by-law.
- 2.4 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.

### **SECTION 3: ENCLOSURES**

- 3.1 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.
- 3.2 An enclosure is not required for a hot tub, so long as the hot tub is equipped with a lockable cover as per Section 10.1.2.3 of the Manitoba Building Code Regulation (31/2011).
  - a. The cover must have the structural strength to support the weight of an adult walking across the top of the cover when it is in a closed position, and;
  - b. Is capable of being locked in the covered position to prevent access to the water by unauthorized persons, and;
  - c. At all times when use is not supervised by an adult, the hot tub is covered by a cover that complies with clauses a. & b.
- 3.3 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.
- 3.4 Such enclosure shall have no rails or other horizontal or diagonal bracing or attachments on the outside that would facilitate climbing.
- 3.5 The following are requirements for a fence or its equivalent forming part of such enclosure.

- a. The enclosure shall be of vertically boarded wood construction, chain link construction or of other materials and construction approved for by the Authority Having Jurisdiction
  - b. If of chain link construction, shall
    - I. Be of not greater than 1.5 inch diameter mesh
    - II. Be constructed of galvanized steel wire not less than no. 11 gauge, or of minimum no. 14 gauge steel wire covered with a vinyl or other approved coating, forming a total thickness equivalent to no. 11 gauge galvanized wire;
  - c. If of wood construction, shall
    - I. 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 installed so as to prevent the passage of a 4 inch diameter spherical object.
  - d. The enclosure shall include no part consisting of barbed wire or having similar dangerous characteristics and no device for projecting an electric current through the fence.
  - e. The enclosure shall be located not less than four feet from the Swimming Pool unless:
    - I. 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.
    - II. Such fence 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 each enclosure shall:
    - I. Be of construction and height equivalent to that required for the fence, and
    - II. Be self-closing and equipped with a locking device or 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. The owner of every Swimming Pool shall ensure that every gate and door required in Paragraph f. so equipped with a locking device shall be kept locked or securely latched when not in use.
  - h. If in the opinion of the Authority Having Jurisdiction, there is any undesirable feature pertaining to the enclosure, the owner shall be required to take suitable steps to correct the situation (MBC 10.1.2.1 (f)).
4. Sewer and water connections must comply with the City's plumbing by-law. All electrical connections must comply with regulations of Manitoba Hydro and the Manitoba Electrical Code.

#### **SECTION 4: PENALTIES AND ENFORCEMENT**

- 4.1 Subject to the Administrative Penalty By-Law, or a By-Law implemented under the Authority of The Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey any provision(s) of this By-Law is guilty of an offence and is liable to the fines listed in Schedule "A".

- 4.2 Where a corporation commits an offence against this By-Law, each person who is authorized, or consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in Section 4.1.
- 4.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the guilty person is liable to a separate offence for each day it continues.
- 4.4 The costs (including legal fees related to the enforcement) of an action or measure taken by the City under this by-law are an amount owing to the City by the person who contravened the by-law, The Municipal Act, The Planning Act, or any other Act the City is authorized to enforce.
- 4.5 In addition to all other rights of collection which the City may have at law, such amounts may be collected by the City in the same manner as a tax may be collected or enforced under The Municipal Act.

### **SECTION 5: INSPECTION**

- 5.1 The Authority Having Jurisdiction may enter land/property, buildings or structures at any reasonable time to carry out an inspection, enforcement or action, or request that anything be produced to assist in the inspection, remedy, enforcement or action taken.
- 5.2 The Authority Having Jurisdiction must display or produce upon request identification showing that they are authorized to make the entry.
- 5.3 The Authority Having Jurisdiction may take written notes of any violations that may exist, and may take photographic evidence, which will be kept on file.
- 5.4 The Authority Having Jurisdiction may conduct any further inspections necessary to determine whether the actions or measures set out in a Notice of Contravention or an Order to Remedy a Contravention have been taken to remedy the contravention or situation, or to prevent a reoccurrence of the contravention.
- 5.5 It shall be the Authority Having Jurisdiction opinion and discretion whether a Notice of Contravention or Order to Remedy a Contravention have been complied with.

### **SECTION 6: SEVERABILITY**

- 6.1 If any section, subsection, sentence, clause, phrase or other portion of this by-law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, for that portion shall be deemed a separate, distinct, and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the by-law.

### **SECTION 7: REPEAL**

- 7.1 That By-Law 679 of the City of Steinbach be repealed (1977).

DONE AND PASSED by the City of Steinbach, in Council duly assembled, this 3rd day of May, 2022.

Read a first time this 19th day of April, 2022.  
Read a second time this 3rd day of May, 2022.  
Read a third time this 3rd day of May, 2022.

Certified copy of By-Law No. 2206, given  
third reading on the 3rd day of May, 2022.

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City Clerk

  
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Mayor

  
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City Manager

**SCHEDULE A: PENALTY FINES**

*(subject to revision from time to time by Resolution of Council).*

<b>Steinbach Swimming Pool By-Law No. 2206</b>		<b>Fine</b>	
<b>Provision</b>	<b>Contravention</b>	<b>Full Penalty (\$)</b>	<b>Discounted Penalty (\$)</b>
2.1	Constructing a pool within the City of Steinbach without obtaining or possessing the proper building permit(s)	<b>100</b>	<b>50</b>
3.1	Constructing a pool without the proper enclosure surrounding the entire Swimming Pool	<b>200</b>	<b>100</b>
3.2	Installing and using a hot tub without the proper lockable cover or the proper enclosure	<b>200</b>	<b>100</b>

Penalty fines are discounted when paid within the timeframe given in the Steinbach Administrative Penalty By-Law.