

RESIDENTIAL POOL REGULATION

Authority: Building By-law 7258

Covers: All persons required to obtain a Swimming Pool Permit for the installation of a residential swimming pool or hot tub within the City of Brandon.

Effective: March 19, 2024

Purpose: This regulation establishes acceptable minimum requirements to the installation of residential swimming pools both in-ground and above-ground, and also includes outdoor hot tubs and ponds. This regulation addresses common significant safety parameters not covered in the building code which have an impact on privately owned residential swimming pools, hot tubs and ponds.

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1. **Definitions**

- (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this Regulation have the same meaning as the same words and expressions in the Building By-law.
- (b) In this Regulation:
 - (1) “Professional Engineer” means an engineer or firm licensed by the Engineers Geoscientists Manitoba to practice in the province of Manitoba and skilled in the appropriate section of work concerned.
 - (2) “Building” means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels or equipment and includes a carport
 - (3) “Decorative Pond” means any body of water (including fishponds, water gardens and water fountains) contained in whole or in part by artificial means in which the depth of the water can exceed 600mm at any point.
 - (4) “Disrepair” means that the Pool Enclosure does not function for its intended purpose in that it is dilapidated, broken, has missing components, is constructed of materials not approved by this regulation, or is constructed in a manner not approved by this regulation.
 - (5) “Grade” means the surface of the ground below a Pool Enclosure at each location where a structural support is embedded in the ground.
 - (6) “Inflatable Pool” means a pool, as defined in this regulation,

consisting of an air supported structure which contains or is capable of containing water with a depth in excess of 600mm at any point.

- (7) “Natural Body of Water” means a creek, stream, bog, marsh, river, pond or lake created by the forces of nature and which contains water and may include ponds maintained on lands where an active Golf Course, Cemetery or Agricultural Use is carried on, whether naturally occurring or manufactured.
- (8) “Person” means an Owner who may be a natural person, firm, corporation, partnership or association.
- (9) “Pool” means any body of water located outside of a building contained in whole or in part by artificial means in which the depth of water at any point can exceed 600mm and includes swimming pools, hydro massage pools, hot tubs, spas, whirlpools and decorative ponds but does not include a Storm Water Management Facility or a natural body of water.
- (10) “Pool Enclosure” means a fence, wall or other structure, including doors, gates and hardware used to completely enclose a Pool.
- (11) “Self-Closing Device” means a mechanical device or spring which returns a pool enclosure gate to its closed position within 30 seconds after it has been opened.
- (12) “Self-Latching Device” means a mechanical device or latch which is engaged each time the gate is secured to its closed position, which will not allow the gate to be re-opened by pushing or pulling, and which will ensure the pool enclosure gate remains closed until unlatched by either lifting or turning the device itself directly or by a key.
- (13) “Seasonal Pool” means any temporary above ground, prefabricated structure for holding water for swimming, recreational wading or bathing including wading pools and hot tubs.

2. Scope and Limitations

- (a) This regulation applies to the installation of private in-ground and above ground swimming pools, hot tubs and decorative ponds and enclosures.
 - (1) Pools with water depths greater than 600mm
 - (2) Construction of enclosures
 - (3) Maintenance of enclosures
 - (4) General electrical wiring requirements
 - (5) Plumbing requirements
 - (6) Structural requirements
- (b) Pools other than private pools shall conform to the requirements under the

- Public Health Act and regulations under that Act.
- (c) The requirements of this regulation do not apply to the use of Seasonal Pools.

3. Permit Application

- (a) A swimming pool permit shall be obtained for the installation of a new In ground swimming pool, above ground swimming pool, hot tub, enclosures and for swimming pool and enclosures that undergo substantial repair.
- (b) No person shall place water or allow water to remain in any pool that requires a permit unless a permit has been issued and the pool enclosure has been inspected and approved by the authority having jurisdiction and is constructed and maintained in compliance with this regulation.
- (c) The plans submitted with the permit application shall:
 - (1) Show complete details of the pool's construction including its size, depth and materials,
 - (2) Show the proposed location of the pool in relation to the pool enclosure, the property boundary lines and adjacent buildings or structures; and
 - (3) Provide complete details of the pool enclosure including the location, type of fence, fencing material, gates and latching devices

4. Structural Requirements

- (a) The structural details an in-ground swimming pool must bear the seal of a professional engineer competent in the structural designing of in ground swimming pools.

5. Plumbing Requirements

- (a) The water in a private pool and its recirculation system shall be separated from the make-up water supply and from the sewer or drainage system by air gaps or other backflow preventers.

6. Water Disposal

- (a) Pool wastewater shall not be disposed of into a public storm sewer system.

7. General Electrical Requirements

- (a) All electrical installations shall comply with the Manitoba Electrical Code.
- (b) All metallic parts of a private pool, including reinforcing steel, shall be electrically grounded in accordance with the requirements of the Manitoba Electrical Code.
- (c) No overhead wiring shall be situated above a private pool — including associated structures such as a diving structure, observation stand, tower, or platform — or above the area extending 5m horizontally from the pool edge, and no private pool or associated structure shall be placed within 5m, measured horizontally from the pool edge, of an existing overhead wire.

- (d) No private pool shall be placed within 1.5m of an underground electrical conductor, including a communication conductor, and no underground electrical conductor, including a communication conductor, shall be placed within 1.5m of the inside walls of the private pool.

8. Fences, Enclosures, Gates and Access

- (a) An outdoor private pool shall be enclosed with a fence or other suitable barrier constructed such that:
- (1) It is a minimum 1.5m in height;
 - (2) there shall be no openings, other than a door to a building or a gate, and it shall not be possible for a child to crawl under either the fence or the gate;
 - (3) any gate shall be self-closing, shall be at least 1.5m in height and shall be equipped with a lockable latch to prevent unauthorized entry;
 - (4) where a chain link fence is used, the mesh size of the fence or gate shall not exceed 50mm;
 - (5) where other than a chain link fence is used, the outside surface of the fence or gate shall be relatively smooth so as not to provide foot or toe holds; and
 - (6) if, in the opinion of the authority having jurisdiction, there is any undesirable feature pertaining to the enclosure, suitable steps shall be taken to correct the situation.
- (b) An Inflatable Pool with a wall height of at least 1.2m from the ground at any point or a Seasonal Pool with a wall height of 1.4m or more are not required to be surrounded by an enclosure if access to the pool is provided by a removable pool ladder that is stored when the pool is not in use.
- (c) The enclosure surrounding an outdoor private pool shall be maintained in good repair.

9. Hot Tub Covers

- (a) In lieu of the enclosures specified under Article 8, the fence and gate are not required for a hot tub installed outdoors at a dwelling if:
- (1) the hot tub does not exceed 2.4m in diameter or 4.65m² in total surface area, or
 - (2) the hot tub has a cover that:
 - i) has the structural strength to support the weight of an adult walking across the top of the cover when it is in the closed position;
 - ii) 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 9(a)(2) and is locked.

10. Owner Responsibilities

- (a) It is the responsibility of the property owner to ensure that these regulations are met, in particular that the fencing is in good repair and that the pool area is securely maintained at all times.

Conflict: Where there is a conflict or inconsistency between this Regulation and provisions contained within a statute or regulation of the Government of Canada or the Province of Manitoba, the Federal or Provincial statute or regulation shall supersede those impacted provisions of this Regulation.