



Dauphin

Everything you deserve

SWIMMING POOLS

Zoning Bylaw of the City of Dauphin to provide regulations governing private swimming pools.



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The City of Dauphin Building By-law is primarily an administrative document that adopts the Manitoba Building Code and related standards to provide construction requirements. Throughout this booklet the Manitoba Building Code will be referred to as the Building Code.

Every effort has been made to ensure the accuracy of information contained in this publication. However, in the event of a discrepancy between this booklet and the governing City of Dauphin By-law, the By-law will take precedence.

DEFINITIONS:

Enclosures 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 completed above grade, contained in part or in whole by artificial means, in which the depth of the water at any point can exceed two feet and is used or capable of being used for swimming.

The above definition shall not include a pool operated for public accommodation by a non-profit organization.

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 City Council regarding building permit fees under its Building By-law and may be terminated for noncompliance 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 good or rendering maintenance service.

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

Person means any firm, cooperation, partnership, individual or association.

City of Dauphin Bylaw No. 4349

- No swimming pool shall be constructed, used or installed unless the owner is in possession of a permit issued by the Building Inspector.
- 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.
- A permit may be refused if the construction and/or installation of the swimming pool and enclosure do not comply with any By-law or the Manitoba Building Code.
- No person shall place water in a swimming pool or allow water to remain therein unless the enclosure prescribed by this By-law and the Manitoba Building Code has been erected.
- Manitoba Building Code – The owner of a swimming pool shall comply with the requirements of the Manitoba Building Code as it relates to private swimming pools. At the time of the passing of this by-law the section of the Manitoba Building Code dealing with private swimming pools in Section 10.1.

- No person shall operate or maintain a swimming pool within the City of Dauphin without first having paid the Application License fee established by this By-law first having obtained a Permit from The City of Dauphin to do so.
- Every application for a license to operate or maintain a swimming pool within The City of Dauphin shall be approved by the Building Inspector of the City of Dauphin.
- 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 Five hundred (\$500.00) Dollars plus costs and in default of payment to imprisonment for any period not exceeding thirty days.

PRIVATE POOLS

SCOPE

1. This part applies to private pools.
2. Pools other than private pools shall conform to the requirements under The Public Health Act and regulations under that Act.

FENCES AND ACCESS

ENCLOSURES

1. An outdoor private pool shall be enclosed with a fence or other suitable barrier constructed in accordance with the following requirements:

- A minimum height of 1.5m
 - 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.
 - 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.
 - Where a chain link fence is used, the outside surface of the fence or gate shall be at least No. 11 gauge.
 - 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

- 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.

MAINTENANCE

1. It is the responsibility of the owner to ensure that the fencing around the pool is in good repair and that the pool area is always maintained.

HOT TUB COVERS

- The hot tub does not exceed 2.4m in diameter or 4.65m² in total surface area.
- The hot tub has a cover that 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.
- The cover must be capable of being locked in the covered position to prevent access to the water by unauthorized persons at all times when used is not supervised by an adult.

General Electrical Requirements

1. All electrical installations shall comply with the Manitoba Electrical Code.
2. All metallic parts of a private pool, including reinforcing steel, shall be electrically grounded in accordance with the requirements of the Manitoba Electrical Code.

ELECTRICAL WIRING

Overhead Wiring

1. 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 3m horizontally from the pool edge, and no private pool or associated structure shall be placed within 3m, measured horizontally from the pool edge, of an existing overhead wire.
2. The following overhead wiring may be situated within the area otherwise prohibited by sentence 1, in the opinion of the authority having jurisdiction, it is impractical to comply with that sentence:
 - Insulated communication conductors and neutral supported cables operating at 600v providing there is a clearance of at least 4.5m from the overhead wiring.
 - Conductors operating at not more than 50k phase-to-phase, providing there is a clearance of at least 7.5m from the overhead wiring.

Underground Wiring

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

PLUMBING REQUIREMENTS

Backflow Prevention

1. 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 preventors.

Water Disposal

1. Pool wastewater shall be disposed of into a sanitary sewer system, directly into a storm sewer or be contained within the confines of the owner's property.

STRUCTURAL REQUIREMENTS

Design

1. The structural design of a private pool that is an in-ground swimming pool must bear the seal of professional engineer competent in the structural designing of in-ground swimming pools.
2. According to City of Dauphin Zoning Bylaw 04/2015 Residential Bulk Table 5-2 requires that all outdoor pools and hot tubs shall be located a minimum of one decimal five (1.5) meters from any site line.

Who enforces all these requirements?

The City of Dauphin Building Inspector is assigned the responsibility of monitoring construction for compliance with the various Building Codes and By-Laws. This monitoring is carried out by means of the permit approval process and periodic site inspections.

The ultimate responsibility for compliance rests with the Owner and/or Contractor.

Is there any way that compliance with a certain aspect of the Building Code can be waived?

The Building Inspector does not have the authority to waive the requirements.

FEE SCHEDULE

The fee payable for a license/permit to operate and maintain a swimming pool pursuant to City of Dauphin Bylaw 16/2020—Fees and Charges Payable for Municipal Services is **\$80.00 for above ground and \$125.00 for in ground pools** and such fee shall be paid at the time the application is submitted.

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