

## Draft Regulations

### Draft Regulation

Residential Swimming Pool Safety Act  
(R.S.Q., c. S-3.1.02)

#### Residential swimming pool safety

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Residential Swimming Pool Safety Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication, and after examination by the competent committee of the National Assembly in accordance with the second paragraph of section 1 of the Residential Swimming Pool Safety Act.

The purpose of the draft Regulation is to establish safety standards for residential swimming pools (inground, aboveground or portable). The standards are intended essentially to control and restrict access to swimming pools. To ensure compliance with the standards, the draft Regulation provides that local municipalities will be required to issue permits for the construction, installation or replacement of swimming pools.

Further information may be obtained by contacting Élène Delisle, 10, rue Pierre-Olivier-Chauveau, 3<sup>e</sup> étage, Québec (Québec) G1R 4J3; telephone: 418 691-2022; fax: 418 644-6725.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Municipal Affairs, Regions and Land Occupancy, 10, rue Pierre-Olivier-Chauveau, 4<sup>e</sup> étage, Québec (Québec) G1R 4J3, within the 45-day period.

LAURENT LESSARD,  
*Minister of Municipal Affairs, Regions and  
Land Occupancy*

### Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act  
(R.S.Q., c. S-3-1.02, s. 1)

#### DIVISION I INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise,

(1) “swimming pool” means a permanent or temporary artificially constructed outdoor basin intended for swimming that has a water depth equal to or greater than 60 cm and to which the Regulation respecting safety in public baths (R.R.Q., c. S-3, r.3) does not apply, but excludes whirlpools and hot tubs where their capacity does not exceed 2,000 litres;

(2) “inground or semi-inground pool” means a swimming pool that is partially or completely buried under the ground surface;

(3) “aboveground pool” means a hard-sided swimming pool installed permanently on the ground surface;

(4) “portable pool” means a soft-sided swimming pool, inflatable or not, designed to be installed on a temporary basis;

(5) “installation” means a swimming pool and includes any equipment, construction, system and accessory designed to ensure proper functioning of the pool, to ensure the safety of persons or to allow or prevent access to the pool.

#### DIVISION II CONTROL OF ACCESS

**2.** All inground and semi-inground pools must be equipped with a ladder or steps used to enter or exit the water.

**3.** Subject to section 7, a swimming pool must be surrounded by an enclosure at least 1.2 metres in height to restrict access.

**4.** A fence forming all or part of an enclosure and every fence gate must prevent the passage of a spherical object having a diameter of 10 centimetres. They must be maintained in good order.

**5.** Every gate forming part of an enclosure must be equipped with a self-closing and self-latching passive security device installed on the inside of the enclosure in the upper part of the gate.

**6.** A wall forming part of an enclosure may not have an opening that allows entry to the enclosure.

**7.** An aboveground pool with a wall height of at least 1.2 metres from the ground at any point or a portable pool with a wall height of 1.4 metres or more is not required to be surrounded by an enclosure if access to the pool is by

(1) a ladder equipped with a self-closing and self-latching safety gate preventing its use by children;

(2) a removable ladder that is stored when the pool is not in use;

(3) a ladder access to which is protected by a fence having the characteristics described in sections 4 and 5;

(4) a platform surrounded by a barrier at least 1.2 metres in height, access to which is prevented by a gate equipped with a safety device complying with section 6; or

(5) a patio attached to the residence and laid out so that the part giving access to the swimming pool is protected by a barrier at least 1.2 metres in height, access to which is prevented by a gate equipped with a safety device complying with section 5.

A portable pool with a wall height of less than 1.4 metres is not required to be surrounded by an enclosure if, when it is not being used, it has a cover at all times to prevent children from falling into the water.

**8.** In order to prevent children from climbing up to the edge of an aboveground or portable pool, every device forming part of the heating system or filtration system must be installed more than 1 metre from the pool.

The pipes linking the devices to the swimming pool must be flexible and not provide support within 1 metre from the edge of the pool.

Despite the first paragraph, a device may be less than 1 metre from the swimming pool if it is installed

(1) inside an enclosure;

(2) under a structure that prevents access to the swimming pool from the device; or

(3) in a shed.

### DIVISION III PERMITS

**9.** To ensure compliance with the standards set by this Regulation, a permit issued by the local municipality in whose territory the work will be performed is required

for the construction, installation or replacement of a swimming pool or for the erection of a construction allowing or preventing access to a swimming pool.

A person holding a permit for the installation of a portable pool is not required to make a new application to re-install a portable pool at the same location in the same conditions.

Until the work is completed, the person to whom the permit required under the first paragraph is issued must ensure the safety of the premises and take any necessary temporary measures to control access to the pool.

### DIVISION IV APPLICATION

**10.** This Regulation does not apply to an installation existing before its coming into force. Despite the foregoing, when a swimming pool existing on the date of coming into force of this Regulation is replaced, the existing installation must be altered to comply with Division II.

### DIVISION V OFFENCES

**11.** Any contravention of a provision of this Regulation makes the offender liable to a fine

(1) of not less than \$100 and not more than \$300 in the case of a first offence;

(2) of not less than \$300 and not more than \$500 for a subsequent offence.

The amount of the fine is the property of the local municipality that institutes the penal proceedings.

### DIVISION VI FINAL

**12.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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