

Regulations and other Acts

Gouvernement du Québec

O.C. 515-2010, 23 June 2010

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

Residential Swimming Pool Safety

Residential Swimming Pool Safety Regulation

WHEREAS, under the second paragraph of section 1 of the Residential Swimming Pool Safety Act (R.S.Q., c. S-3.1.02), the Government may, by regulation, set residential swimming pool safety standards;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Residential Swimming Pool Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 July 2009, with a notice that it could be made by the Government on the expiry of 45 days following that publication and, in accordance with the third paragraph of section 1 of the Residential Swimming Pool Safety Act, after having been examined by the competent committee of the National Assembly;

WHEREAS the Commission de l'aménagement du territoire held special consultations and public hearings and studied the draft Regulation at sittings held on 20 January and 11 and 17 March 2010;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the Residential Swimming Pool Safety Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act
(R.S.Q., c. S-3-1.02, s. 1, 2nd par.)

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 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 6, a swimming pool must be surrounded by an enclosure to restrict access.

4. An enclosure must

- (1) prevent the passage of a spherical object 10 centimetres in diameter;
- (2) be at least 1.2 metres in height;
- (3) have no fixture, projection or open parts enabling it to be climbed.

A wall forming part of an enclosure must not have any opening enabling to enter the enclosure.

A hedge or bushes may not constitute an enclosure.

5. Every gate forming part of an enclosure must have the features described in section 4 and 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. 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 ladder or a platform access to which is protected by an enclosure having the features described in sections 4 and 5; or
- (3) a patio attached to the residence and laid out so that the part giving access to the swimming pool is protected by an enclosure having the features described in sections 4 and 5.

7. In order to prevent children from climbing to gain access to the swimming pool, every device linked to its operation must be installed more than 1 metre from the pool wall or, as the case may be, the enclosure.

The pipes linking the device to the swimming pool must be flexible and not be installed in a way that facilitates the climbing of the pool wall or, as the case may be, the enclosure.

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

(1) inside an enclosure having the features described in sections 4 and 5;

(2) under a structure that prevents access to the swimming pool from the device and that has the features described in subparagraphs 2 and 3 of the first paragraph of section 4; or

(3) in a shed.

8. Every installation intended to allow or prevent access to the swimming pool must be kept in good working order.

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 to build, install or replace a swimming pool or to erect a construction allowing or preventing access to a swimming pool.

A person holding a permit to install 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.

During the time of the work, the person to whom the permit provided for in the first paragraph is issued must take any temporary measures to control access to the pool. Those measures replace those required in Division II provided that the work is completed within a reasonable time.

DIVISION IV APPLICATION

10. This Regulation does not apply to an installation existing before the date of its coming into force or to an installation whose swimming pool was acquired before that date, provided that the pool is installed not later than 31 October 2010.

Re-installing a swimming pool referred to in the first paragraph on the same ground does not make this Regulation applicable to the installation that includes the pool.

Despite the foregoing, when a swimming pool referred to in the first paragraph is replaced, the existing installation must then comply with the provisions of Division II.

DIVISION V
OFFENCES

11. A swimming pool owner who contravenes a provision of this Regulation is liable to a fine of not less than \$500 and not more than \$700. Those amounts are increased to \$700 and \$1,000 respectively in the case of a subsequent offence.

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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Gouvernement du Québec

O.C. 524-2010, 23 June 2010Environment Quality Act
(R.S.Q., c. Q-2)

Approval of Éco Entreprises Québec's 2008 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes

WHEREAS sections 53.31.1 to 53.31.20 of the Environment Quality Act (R.S.Q., c. Q-2) establish a regime intended to compensate municipalities for part of the net costs of the services they provide for the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Act, Éco Entreprises Québec, as a certified body for the "containers and packaging" and "printed matter" classes, may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

WHEREAS, under section 53.31.14 of the Act, the contributions payable are to be established on the basis of a schedule of contributions to be approved by the Government, which may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, in accordance with the requirements of that section, Éco Entreprises Québec conducted a special consultation of the persons concerned before determining such a schedule and submitting it to the government for approval;

WHEREAS, under section 53.31.15 of the Act, RECYC-QUÉBEC is to give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC as regards the 2008 schedule of contributions established by Éco Entreprises Québec;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, the Regulations Act (R.S.Q., c. R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the schedule of contributions established by Éco Entreprises Québec, entitled 2008 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif
