

Draft Regulations

Draft Regulation

Residential Swimming Pool Safety Act
(chapter S-3.1.02)

Residential swimming pool safety — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Residential Swimming Pool Safety Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain safety standards applicable to residential swimming pools (inground, aboveground and portable) and makes the Residential Swimming Pool Safety Regulation (chapter S-3.1.02, r. 1) applicable to certain swimming pools that are not currently subject to that Regulation.

Further information may be obtained by contacting Ghislain Brisson, Policy Advisor, Direction des orientations et de la gouvernance municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, 3^e étage, Québec (Québec), G1R 4J3; telephone: 418 691-2015, extension 83196; email: ghislain.brisson@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Ghislain Brisson at the above-mentioned contact information.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

Regulation to amend the Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act
(chapter S-3.1.02, s. 1)

1. The Residential Swimming Pool Safety Regulation (chapter S-3.1.02, r. 1) is amended in section 4

(1) by inserting the following after the first paragraph:

“Where the enclosure is a chain-link fence, the mesh must have a maximum width of 38 mm. If slats are inserted in the mesh, their width may be greater than 38 mm but they must not allow the passage of a spherical object more than 38 mm in diameter.

The space between the ground and the bottom of the enclosure must not be more than 5 cm where the ground under the enclosure is made of a malleable material such as soil, gravel or grass.”;

(2) by adding the following sentence at the end of the second paragraph: “Such a wall may have a window if the window is situated at a minimum height of 3 metres from the ground on the inside of the enclosure, or, otherwise, if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter.”.

2. Section 5 is replaced by the following:

“5. Every gate forming part of an enclosure must

(1) have the features described in section 4; and

(2) only open away from the enclosure.

The gate referred to in the first paragraph must also be equipped with a self-closing and self-latching passive security device. The device may be installed on the inside of the enclosure in the upper part of the gate or on the outside of the enclosure at a minimum height of 1.5 m from the ground.”.

3. Section 7 is amended by adding the following paragraph at the end:

“A structure or fixed equipment likely to be used for climbing over the wall must also be installed at more than 1 metre from the pool wall or, as the case may be, the enclosure.”.

4. The following is inserted after section 8:

**“DIVISION II.1
DIVING BOARD**

8.1. A swimming pool with a diving board must comply with standard BNQ 9461-100/2009, Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board.”.

5. Section 9 is amended by inserting “, install a diving board” after “replace a swimming pool” in the first paragraph.

6. Section 10 is replaced by the following:

“10. This Regulation applies to any new installation installed as of (*insert the date of coming into force of this Regulation*).

It also applies to an installation existing before (*insert the date of coming into force of this Regulation*), except the second and third paragraphs of section 4, subparagraph 2 of the first paragraph of section 5, the fourth paragraph of section 7 and section 8.1. Such an installation must comply with the applicable provisions of this Regulation not later than 1 July 2023.

Re-installing a swimming pool referred to in the second paragraph on the same ground does not make the second and third paragraphs of section 4, subparagraph 2 of the first paragraph of section 5, the fourth paragraph of section 7 and section 8.1 applicable to the installation that includes the pool. Despite the foregoing, when such a pool is replaced, the existing installation must then comply with those provisions.”.

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