THE CITY OF WINNIPEG

BY-LAW NO. /2024

A By-law of THE CITY OF WINNIPEG to amend the Winnipeg Building By-law in respect of private pools.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Winnipeg Building By-law amended

1 The Winnipeg Building By-law No. 4555/87 is amended by this by-law.

Definitions added

2 Subsection 3.3 is amended by adding the following definitions in alphabetical order:

"pool" means any artificially constructed basin, lined with concrete, fiberglass, vinyl or like material, that is capable of containing a water depth greater than 60 cm, whether in-ground or above-ground, including a spa, swim spa and a hot tub;

"private pool" means pool that is not a public pool;

"public pool" means any pool in respect of which The Public Health Act, CCSM c. P210, or any regulations under that Act, applies;

"seasonal pool" means a private pool that is designed and intended to be erected and used seasonally or temporarily only, and that is easily disassembled or moved without the use of specialized equipment or heavy machinery.

Subsection 14.2.1 amended

3 Subsection 14.2.1 is amended

(a) in subsection (1), by replacing "*Except as permitted in items (2) and (2.1) herein*" with "*Subject to subsections (2), (2.1) or (2.2)*";

(b) in subsections (2) and (2.1), by replacing "*A building permit*" with "*Despite subsection 1, a building permit*"; and

(c) by adding the following after subsection (2.1):

(2.2) Despite subsection 1 and subject to subsection (2.3), a building permit is not required for the erection of seasonal pools.

(2.3) Despite subsection (2.2), the Designated Employee is authorized to determine that a pool is not a seasonal pool and, where the Designated Employee has so determined, the Designated Employee is authorized to issue an order requiring an owner to obtain a building permit.

Subsection 15.1.2.1 amended

4 Subsection 15.1.2.1 is amended by deleting clause (f).

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Section 23 amended

5 Section 23 is amended

(a) in subsection 23.1.1, by replacing "*subsection 23.4*" with "*the Manitoba Plumbing Code and all applicable by-laws*"; and

(b) by deleting subsections 23.1.2 to 23.5.1, inclusively.

Section 24-1 added

6 The following is added after subsection 24.3:

Section 24.4: Private Pools

Scope

24.4.1 This section applies to private pools.

Design

24.4.2 The structural design for a private pool that is an in-ground swimming pool must bear the seal of a professional engineer competent and qualified in the structural designing of in-ground swimming pools.

Enclosures

24.4.3 A private pool that is located outdoors must be enclosed with a fence, or other suitable barrier, constructed in accordance with the following requirements:

(a) the fence or barrier must have a minimum height of 1.5m;

(b) there must be no openings in the fence or barrier, other than a door to a building or a gate as described in clause (d);

(c) it must be constructed so as to prevent a person from crawling under the fence or barrier and any gate in the fence or barrier;

(d) any gate in the fence or barrier must be

(i) self-closing;

(ii) at least 1.5m in height; and

(iii) equipped with a lockable latch so as to prevent unauthorized entry;

(e) where the fence or barrier, or any gate, is chain-link style, the outside surface of the fence or barrier, and any gate, must be at least No. 11 gauge; and

(f) where the fence or barrier, or any gate, is not chain-link style, the outside surface of the fence or barrier, and any gate, must be smooth so as to not provide hand, foot or toe holds.

24.4.4 Where the designated employee determines that the fence or barrier, or any gate, required under this section contains any feature that the designated employee deems undesirable or unsuitable, the designated employee is authorized to order the owner to correct the situation.

Hot Tub and Swim Spa Covers

24.4.5 Despite 24.4.5 and 24.4.6, where a private pool is an outdoor hot tub or swim spa, a fence or barrier and a gate, are not required if the hot tub or swim spa is equipped with a cover, provided that:

(a) the cover has the structural strength to support the weight of a person walking across the top of the cover when it is in the closed position; and

(b) the cover is locked in the closed position so as to prevent access to the water by unauthorized persons at all times when the hot tub or swim spa is not in use.

DONE AND PASSED this day of , 2024.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property
and Development

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor