
**BY-LAW CONCERNING SWIMMING POOLS
IN THE CITY OF CÔTE SAINT-LUC**

At a Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard,
on Monday, March 11, 2024 at 8:00 p.m. at which were present:

Councillor Dida Berku, B.C.L., presiding

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Mitch Kujavsky, B. Comm.

Councillor Oren Sebag, B.Sc., R.N., M.B.A.

Councillor Andee Shuster

ALSO PRESENT:

Me Jonathan Shecter, City Manager

Ms. Florine Agbognihoue, Assistant City Clerk, acted as Secretary of the meeting

BY-LAW N° 2618

**BY-LAW CONCERNING SWIMMING POOLS
IN THE CITY OF CÔTE SAINT-LUC**

ADOPTION PROCESS	
Notice of motion	2024-02-12
Adoption of By-law	2024-03-11
Effective date	2024-03-20

AMENDMENTS		
By-law n°	Effective date	Object

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CHAPTER 1. DECLARATORY, ADMINISTRATIVE, AND INTERPRETATIVE PROVISIONS

1.1 DECLARATORY PROVISIONS

1.1.1 TITLE OF THE BY-LAW

The present By-law is entitled: “*By-law concerning swimming pools and wading pools in the City of Côte Saint-Luc*” and may also be referred to as By-law n° 2618.

1.1.2 SCOPE OF THE BY-LAW AND APPLICABLE TERRITORY

This By-law, whose provisions are binding on natural persons as well as legal persons under public or private law, is applicable to the entire territory of the City of Côte Saint-Luc.

1.1.3 PURPOSE OF THE BY-LAW

The purpose of this By-law is to establish the requirements to be respected by the owner or the operator of a pool or a wading pool in order to ensure that proper safety and security measures are in place.

1.1.4 REPEALING

The present By-law repeals Section 8-4 of the Zoning By-law n° 2217, and Section 5.2 of the Construction By-law n° 2593.

1.1.5 APPLICATION OF THE BY-LAW

The provisions of the present By-law and other regulations to which they refer are permanent in nature and must be met, where appropriate, not only at the time when a permit is issued, but at any given time following its issuance until the provisions are replaced or repealed by other by-laws. To this end, the present By-law applies to all swimming pools and wading pools within the territory of the City of Côte Saint-Luc, including those already built or installed upon its effective date.

1.1.6 LEGISLATIONS AND BY-LAWS

None of this By-law's provisions may be interpreted as having the effect of exempting a person from the application of a law or a regulation of a superior jurisdiction, such as provincial or federal laws.

To this end, the present By-law is complementary to the following provincial regulations, each of which also apply to the City's territory:

- 1° *The Residential Swimming Pool Safety Regulation (CQLR, s-3.1.02, r. 1)*
- 2° *The Regulation respecting safety in public baths (CQLR, B-1.1, r. 11)*
- 3° *The Regulation respecting water quality in swimming pools and other artificial pools (CQLR, Q-2, r. 39).*

1.1.7 SUBJECTED INTERVENTIONS

Following the coming into force of this By-law, any intervention (construction, modification, transformation, repair, altering, etc.) regarding a swimming pool or wading pool (or part of it), including works, must be undertaken in compliance with the present By-law. Moreover, the operation of a public or semi-private swimming pool or wading pool is subject to the present By-law.

1.1.8 DELAY TO COMPLY WITH THE BY-LAW

The owner or operator of a swimming pool or wading pool that does not comply with one or any provision of the present By-law must restore its compliance within one hundred and eighty (180) days, beginning on the effective date of the present by-law.

1.1.9 STRUCTURE OF THE BY-LAW

This By-law is divided into chapters, identified by a whole number (e.g., Chapter 1).

Each chapter is divided into sections represented by a number followed by a period and a second number (e.g., 1.1)

The sections include articles consisting of the first number of the chapter followed by the number of the section and lastly by a digit in numerical order (e.g., 1.1.1). In some sections, an additional division with four digits appears to refer to a common article (e.g., 1.1.1.1). These are subsections.

1.1.10 ADOPTION

The City Council adopts this By-law in its entirety as well as chapter by chapter, section by section, article by article, clause by clause, paragraph by paragraph, subparagraph by subparagraph, and subsection by subsection so that if any chapter, section, article, clause, paragraph, subparagraph, or subsection should be deemed null and void by a court of competent jurisdiction, all other provisions of this By-law shall remain valid and fully applicable.

1.2 ADMINISTRATIVE PROVISIONS

1.2.1 ADMINISTRATION AND ENFORCEMENT OF THE BY-LAW

The administration and enforcement of the present By-law is assigned to the Director of Urban Development, or to any other person assigned by the Director as a "designated official".

1.2.2 POWERS AND DUTIES OF THE DESIGNATED OFFICIAL

The person (or persons) assigned as a "designated official" have the following powers and duties:

- 1° To report an offense to the present By-law to the offender in one of the following ways:
 - a. By a bailiff
 - b. By registered or certified mail
- 2° Upon presentation of a piece of identification, visit and examine any property as well as the inside or outside of dwellings, constructions, or any other buildings to verify their compliance with this by-law, and for the purpose of conducting intermediate and final inspections of a construction site. The owner, tenant or occupant of the property must allow the designated official to enter the premises at their discretion and convenience. Failure to comply with this authority constitutes an infraction and is subject to penalties under Chapter 4.
- 3° To issue a notice to the owner, tenant, occupant, mandatary or anyone contravening a provision of this By-law, prescribing to solve a situation which constitutes an infraction to this By-law.

- 4° To issue a statement of offence to the owner, tenant, occupant, mandatary or anyone contravening a provision to this By-law and which constitutes an infraction.
- 5° To institute a penal proceeding on behalf of the city for any contravention to this By-law.
- 6° To issue any permit set forth in this By-law.
- 7° To require the owner, tenant, occupant or mandatary to suspend the dangerous or non-compliant work and the exercise of a use contravening this By-Law, whether the works are executed on a new construction or an existing construction.
- 8° To require tests of materials that must be used or that have already been used for any construction, and to require to cease or solve works when the test results prove that norms are not complied with.
- 9° To require any report prepared by a registered engineer member of the Ordre des ingénieurs du Québec in order to confirm the structural integrity of any construction.
- 10° To take any necessary measure to cease a contravention to this By-law.
- 11° To require to evacuate provisionally any building that may constitute a danger to persons.
- 12° To require to carry out any repair work if he or she thinks it expedient for the stability of a construction and for the safety of persons and to recommend any urgent measure to the City Council.
- 13° To require to fence or enclose a lot, or part of it, if it constitutes a danger to persons.

1.2.3 MEASUREMENT UNITS

Dimensions, areas, and other measures set forth in this By-law are expressed in metric units of the *International System (IS)*.

1.2.4 REFERRALS AND CROSS-REFERENCING

All referrals and cross-references to another By-law mentioned in the present By-law remain open, which means that they apply to all amendments of the By-law, even if such amendments are made after the coming into force of this By-law.

1.2.5 OFFENCES, CONTRAVENTIONS, PENALTIES AND RECOURSES

The provisions relating to offences, contraventions, penalties and recourses are enacted in the Chapter 4 of the present By-law.

1.3 INTERPRETATIVE PROVISIONS

1.3.1 INCOMPATIBILITY OF PROVISIONS

In case of incompatibility between two provisions of this By-law or between a provision of this By-law and one contained in another by-law, a specific provision shall prevail over a general provision.

In case of incompatibility between restrictive or prohibitory provisions contained in this By-law, or in case of incompatibility between a restrictive or a prohibitory provision contained in this By-law and one contained in another regulation, the most restrictive or prohibitory provision prevails, unless otherwise indicated.

1.3.2 PRECEDENCE OF PROVISIONS

In this document, unless otherwise specified, the following rules shall apply:

- 1° In the event of a contradiction between the text and the title, the text shall take precedence.
- 2° In the event of a contradiction between the text and any other form of expression, the text shall take precedence.
- 3° In case of a contradiction between the data in a table and a graph, the data in the table shall take precedence.

1.3.3 TEXT INTERPRETATION

The following rules of interpretation shall apply to this By-law, unless otherwise noted:

- 1° The singular includes the plural and vice versa.
- 2° The masculine gender includes the feminine gender.
- 3° The use of the words “SHALL” and “MUST” implies an absolute obligation.
- 4° The use of the word “MAY” implies an option.
- 5° The use of the words “ANYONE” and “WHOEVER / WHOMEVER” includes individuals, legal entities, or associations.

1.3.4 TERMINOLOGY

The expressions, terms and words used that are not defined in the present By-law shall be interpreted according to their conferred meaning in the current reference publications including acts, codes, and dictionaries.

In this By-law, unless the context otherwise requires, the following words shall have the meaning that is conferred by their respective definitions listed below:

“Aboveground pool”: a hard-sided swimming pool installed permanently on the ground surface.

“Appurtenance”: a water slide, a dry slide and any structure in or projecting into a public bath.

“City”: The City of Côte Saint-Luc.

“Deck”: the surface immediately surrounding the pool and to which bathers have direct access when leaving the water.

“Deck adjoining an above-ground swimming pool”: platform attached to an above-ground pool, whether or not connected to a building, to facilitate access to the water.

“Designated official”: the Director of Urban Development of the City of Côte Saint-Luc, or any other person assigned by the Director as a "designated official", who is responsible for the administration and enforcement of the present by-law.

“Diving platform”: a rigid and non-flexible, stationary diving platform.

“Inground or semi-inground pool”: a swimming pool that is partially or completely buried under the ground surface.

“Installation”: a swimming pool and any equipment, construction, system and accessory designed to ensure proper functioning of a pool, to ensure the safety of persons or to allow or prevent access to a pool.

“Portable pool”: a soft-sided swimming pool, inflatable or not, installed on a temporary basis.

“Safety supervisor”: a lifeguard or an assistant lifeguard.

“Swimming pool”: an indoor or outdoor artificial pool having a water depth which exceeds 600 mm.

“Wading pool”: an indoor or outdoor artificial pool with a water depth not exceeding 600 mm.

CHAPTER 2. PROVISIONS AND REQUIREMENTS RELATED TO PERMITS

2.1 REQUIREMENT TO OBTAIN A PERMIT

2.1.1 SWIMMING POOL PERMIT

A permit is required to build, install or replace a swimming pool, install a diving board 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 Chapter 3 provided that the work is completed within a reasonable time.

2.1.2 ANNUAL OPERATING PERMIT FOR A SEMI-PRIVATE OR PUBLIC SWIMMING POOL

No semi-private or public swimming pool may be operated or used before a permit of annual operation has been issued by the designated official. A permit of annual operation for a semi-private or public swimming pool is valid for a period of 12 months only, and may be issued if the following conditions are met:

- 1° The application and its contents demonstrate that the semi-private or public pool complies with the present by-law.
- 2° The documentation provided by the applicant demonstrates that the semi-private or public pool complies with the provisions of the *Regulation respecting safety in public baths (CQLR, B-1.1, r. 11)* and the *Regulation respecting water quality in swimming pools and other artificial pools (CQLR, Q-2, r. 39)*.
- 3° The swimming pool and its premises have been inspected by the designated official, and the inspection report has been filed within the application.

A permit of annual operation may be revoked at any time by the designated official if it is found that the owner committed an infraction to any of the above conditions. To this end, the owner or operator must allow open access of the swimming pool and its premises to the designated official at any given time.

2.2 TRANSMISSION AND CONTENTS OF THE PERMIT APPLICATION

2.2.1 TRANSMISSION OF THE PERMIT APPLICATION

A permit application must be submitted by the applicant or his or her representative to the designated official. The application must be in writing, with two (2) hard copies and an electronic version (PDF), and contain the information and documents set out in this by-law.

2.2.2 CONTENTS OF THE PERMIT APPLICATION

A permit application must be accompanied by the following information and documents:

- 1° A duly completed and signed permit request form comprising:
 - a. Date of application

- b. Name and address of applicant or authorized representative
 - c. Telephone number and e-mail address of applicant or authorized representative
 - d. All relevant information aiming at identifying and contacting the work executor(s)
- 2° A written proof of details and costs incurred by the works (invoice, estimate, etc.)
- 3° A certificate of location prepared by a land surveyor
- 4° Plans and specifications, drawn to scale and showing all dimensions
- 5° Any other plans or documents requested by the designated official, such as the examples listed below, but without limitation to the following:
- a. Architectural plans
 - b. Structural plans
 - c. Mechanical plans
 - d. Electrical plans
 - e. Landscaping plans
 - f. Signage plans
 - g. Samples of materials
 - h. Trees and green spaces protection plan, including site preparation.

2.2.3 TARIFFS

The fees for the review of an application for pool permits are set out in the *By-law concerning tariffs for the City of Côte Saint-Luc* applicable to the current fiscal year.

The applicant must pay the fees at the time that his or her pool permit application is submitted to the designated official. These fees are not refundable.

2.3 PROCESSING AND ISSUANCE OF THE PERMIT

2.3.1 PROCESSING OF THE APPLICATION AND ISSUANCE OF THE PERMIT

The designated official shall ensure that all information, documents, and fees associated with the application have been submitted.

If the application is incomplete, the designated official shall so inform the applicant. The application shall be suspended until all of the required documents have been submitted.

The designated official shall issue the permit or certificate, if the following conditions are met:

- 1° The application filed by the applicant is considered complete and conforming to the applicable by-laws that are in effect.
- 2° The fees for the review of the application have been paid by the applicant.

2.3.2 RESPONSIBILITY OF THE APPLICANT

The applicant is responsible for complying with all applicable conditions and requirements in the present by-law, and for the provision of any additional documentation or information that may be requested by the designated official at his or her discretion.

2.3.3 NULLITY

The permit shall become null and void if any documentation or information provided during the application process is found to be misleading, untruthful, or inaccurate.

CHAPTER 3. PROVISIONS AND NORMS RELATED TO SWIMMING POOLS

3.1 PROVISIONS APPLICABLE TO RESIDENTIAL SWIMMING POOLS

The present Section applies to any residential swimming pool that is not covered by the *Regulation respecting safety in public baths (CQLR, B-1.1, r. 11)*.

It applies to any new installation installed as of July 1, 2021. The second paragraph of Article 3.1.2, the fourth paragraph of Article 3.1.5 and Article 3.1.7 do not apply to a new installation built before that date, provided that such an installation is installed not later than September 30, 2021.

It also applies to an installation existing before July 1, 2021, except the second paragraph of Article 3.1.2, the fourth paragraph of Article 3.1.5 and Article 3.1.7. Such an installation existing before November 1, 2010, must comply with the applicable provisions of this Section not later than 30 September 2025.

Re-installing a swimming pool referred to in the second paragraph on the same ground does not make the second paragraph of Article 3.1.2, the fourth paragraph of Article 3.1.5 and Article 3.1.7 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.

3.1.1 WATER ENTRY AND EXIT

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

3.1.2 ENCLOSURE

Subject to Article 3.1.4, a swimming pool must be surrounded by an enclosure to restrict access. An enclosure must:

- 1° Prevent the passage of a spherical object 10 cm in diameter.
- 2° Be at least 1.2 m in height.
- 3° Have no fixture, projection or open parts enabling it to be climbed.

Where the enclosure is a chain-link fence, the mesh must have a maximum width of 30 mm. If slats are inserted in the mesh, their width may be greater than 30 mm but they must not allow the passage of a spherical object more than 30 mm in diameter.

A wall forming part of an enclosure must not have any opening enabling to enter the enclosure. Despite the foregoing, such a wall may have a window if the window is situated at a minimum height of 3 m 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.

A hedge or bushes may not constitute an enclosure.

3.1.3 ACCESS TO AN ENCLOSURE

Every gate forming part of an enclosure must have the features described in Article 3.1.2.

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.

3.1.4 ACCESS TO AN ABOVE-GROUND OR REMOVABLE SWIMMING POOL

An aboveground pool with a wall height of at least 1.2 m from the ground at any point or a portable pool with a wall height of 1.4 m 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 Articles 3.1.2 and 3.1.3.
- 3° A deck adjoining an above-ground swimming pool, 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 Articles 3.1.2 and 3.1.3.

3.1.5 SWIMMING POOL DEVICES AND EQUIPMENT

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 m 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 m from the swimming pool or enclosure if it is installed:

- 1° Inside an enclosure having the features described in Articles 3.1.2 and 3.1.3.
- 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 Article 3.1.2.
- 3° In a shed or an accessory building.

A structure or fixed equipment likely to be used for climbing over the wall or the enclosure must also be installed at more than 1 m from the pool wall or, as the case may be, the enclosure. That minimum distance applies to a window situated less than 3 m from the ground, except if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter.

3.1.6 MAINTENANCE AND CONDITION

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

3.1.7 DIVING BOARD

A swimming pool with a diving board must be installed in accordance with *BNQ Standard 9461-100 "Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board"* in force at the time of the installation.

3.1.8 POOL AND DECK LIGHTING

An outdoor pool used after sundown, or an indoor pool shall have a lighting system which illuminates the underwater areas of the pool and illuminates all parts of the deck and water surface with an illumination level of at least:

- a. 30 decalux for an indoor pool.
- b. 10 decalux for an outdoor pool.

Deck lighting shall be directed towards the deck, away from property lines and glare shall be avoided.

The lighting system shall be maintained in operation after sunset for the duration of the use of the pool. It shall only be turned off after all bathers have left the premises.

The lighting panel in a private installation shall be in a well-protected location within the dwelling on the property on which the pool is located.

3.2 PROVISIONS APPLICABLE TO PUBLIC AND SEMI-PRIVATE POOLS

In addition to the provisions of the *Regulation respecting safety in public baths (CQLR, B-1.1, r. 11)* and the *Regulation respecting water quality in swimming pools and other artificial pools (CQLR, Q-2, r. 39)*, the present Section applies to any swimming pool or wading pool situated in a public building or dependency, or that is operated for public bathing or for a particular public group in the City of Côte Saint-Luc.

3.2.1 POOL AND DECK LIGHTING

A public or semi-private outdoor pool used after sundown, or an indoor pool shall have:

- 1° A lighting system which illuminates the underwater areas of the pool and illuminates all parts of the deck and water surface with an illumination level of at least:
 - a. 30 decalux for an indoor pool
 - b. 10 decalux for an outdoor pool
- 2° In case of failure of the electric power necessary for the lighting, an emergency lighting system insured by a generator or a recharging battery with automatic relays to illuminate the bottom of the pool, the deck, and the undressing room. Any installation after 21 November 1979 shall conform to the CSA standard (C22.2 No. 141-1972) Unit Equipment for Emergency Lighting.

Deck lighting shall be away from property lines and shall be directed to strike the deck and glare shall be avoided.

The lighting system shall be maintained in operation after sunset for the duration of the use of the pool. It shall only be turned off after all bathers have left the premises.

Lighting panels for semi-private and public swimming pools shall be installed within the same space as the pump filtration equipment.

3.2.2 HOURS OF USE AND ACCESS

The premises and enclosure of a public or semi-private swimming pool or wading pool shall not be accessible to the public at nighttime, between 11 pm and 7 am. It is forbidden to use or allow the use of a swimming pool at night, between 11 p.m. and 7 a.m.

3.2.3 SUPERVISION

All persons under the age of 16 must be accompanied and supervised by an adult for the entire duration of their use of any public and semi-private swimming pool or wading pool.

Unaccompanied or unsupervised users under the age of 16 shall be forbidden to enter the premises of any public and semi-private swimming pool or wading pool.

3.2.4 EMERGENCY TELEPHONE

An emergency telephone must be installed visibly within the premises of any public and semi-private swimming pool or wading pool and must be always functional.

3.2.5 BREAKABLE GLASS EMERGENCY CONTAINER

A breakable glass container containing the key to the pool enclosure must be installed visibly within the premises of any public and semi-private swimming pool or wading pool to allow immediate access to emergency services and passersby in the case of an emergency.

3.2.6 PORTABLE OXYGEN TANK

A portable oxygen tank must be installed visibly within the premises of any public and semi-private swimming pool or wading pool and must be always functional.

3.2.7 BILINGUAL SIGNAGE

All public signage installed within the premises of a swimming pool or a wading pool must be bilingual in French and in English.

CHAPTER 4. FINAL PROVISIONS

4.1 PROVISIONS CONCERNING INFRINGEMENTS AND PENALTIES

4.1.1 INFRINGEMENT

No one shall infringe or allow the infringement of any provision of this By-law.

4.1.2 FINES

A swimming pool owner or operator who contravenes a provision of this By-law 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.

4.1.3 ENTRY INTO FORCE

This By-law shall come into force in accordance with the law.

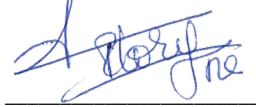
(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Florine Agbognihoue

FLORINE AGBOGNIHOU
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



FLORINE AGBOGNIHOU
ASSISTANT CITY CLERK

BY-LAW N° 2618

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IN THE CITY OF CÔTE SAINT-LUC**

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