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RESIDENTIAL SWIMMING POOL SAFETY REGULATION

**APPLICATION GUIDE FOR
MUNICIPAL OFFICERS**

June 2021

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INTRODUCTION

CONTEXT

Residential pools, whether semi-inground, in-ground or even portable, pose a significant risk of drowning to young children, especially when they are away from adult supervision and the facilities are not adequately secured.

At the beginning of the 2000s, Quebec had a worrying picture in terms of drowning in residential pools, notably because of the size of the pool park and variable regulations on the territory.

A consensus was reached on the need for a uniform set of rules throughout Québec. Among others, in 2006, the Institut national de santé publique du Québec published a notice on safety in residential swimming pools which recommended the adoption of Québec legislation to this effect.

In response, the [Residential Swimming Pool Safety Act](#) was passed in 2007. The Act empowers the government to establish, by regulation, a uniform framework for residential pool safety and gives municipalities the responsibility to enforce it. Municipalities retain the authority to adopt more stringent standards within their jurisdiction.

The *Residential Swimming Pool Safety Regulation* (the Regulation) came into effect in July 2010. The primary purpose of the regulation is to control access to residential swimming pools by young children. It provides that a municipal permit is required for work related to the construction of a pool and its installations (patio, platform, enclosure).

Adopted in 2010, the Regulation was grandfathered for pools that existed at the time it came into force. Therefore, owners of these pools were not required to ensure compliance with the *Regulation*.

As a result of drowning investigations in recent years, several coroners have recommended that the Regulation be amended to include all residential pools.

In May 2021, the Regulation was amended to include all residential pools. Additional changes were made to enhance pool safety, including addressing the risk of diving accidents. The amendments come into force on July 1, 2021.

PRESENTATION OF THE GUIDE

The purpose of this guide is to provide clarification on the application of the provisions of the Regulation. It is intended primarily for municipal officials responsible for its application. The guide may also be a source of relevant information for any owner wishing to install or replace a residential pool.

1. SCOPE (s. 1)

For the purposes of the Regulation, a swimming pool is an artificial outdoor pool:

- permanent or temporary;
- intended for swimming;
- has a water depth of 60 cm or more
- that is not subject to the Regulation respecting safety in public baths;
- that is not a whirlpool or hot tub of 2,000 liters or less.

Within this framework, the *Residential Pool Safety Regulation* applies to above-ground pools, in-ground and semi-in-ground pools, and portable pools, whether these are inflatable or not. Hot tubs and spas with more than 2,000 liters of water are to be considered above-ground pools for the purposes of the Regulation.

Are not covered by the Regulation:

- natural water bodies (lakes, ponds, rivers);
- water gardens and other artificial decorative ponds;
- indoor swimming pools;
- pools with a maximum water depth of less than 60 cm;
- public pools;
- outdoor residential pools in buildings with more than 2 stories and more than 8 dwelling units and rooming houses with more than 9 rooms
- hot tubs and spas of 2,000 liters or less

Special case: natural pools and swimming ponds

Artificial lakes and ponds are not subject to the Regulation when they are not intended for swimming.

However, there are natural swimming pools and swimming ponds which, as the name implies, are intended for swimming but have a natural appearance.

These facilities must therefore comply with the Regulation.

The concept of facility is central to the application of the Regulation (see specifically the section 9 of this guide). A facility includes:

- „ the pool and its operating devices;
- „ the various elements aimed at ensuring the safety of people and giving or preventing access to a pool.

This definition therefore covers, among other things, enclosures and access doors, platforms and patios giving access to a pool and diving boards.

^{1 1} These pools are governed by the *Regulation respecting safety in public baths* and, to some extent, the *Québec Construction Code*.



A swimming pond.

2. WATER ENTRY AND EXIT (S. 2)

All in-ground or semi-in-ground pools must be equipped with a ladder or stairway to enter and exit the water.

This requirement does not apply to above-ground pools and portable pools. However, the presence of a ladder allowing a child to get out of the water is still recommended.

3. ACCESS CONTROL (S. 3 TO 6)

3.1 ENCLOSURE (ART. 3 AND 4)

- The following pools shall be enclosed in such a manner as to protect access:
- in-ground and semi-in-ground pools
- above-ground pools with a wall height of less than 1.2 m at any point above ground
- portable pools with a wall height of less than 1.4 m.

An enclosure required under the Regulation must meet the following characteristics:

Minimum height

An enclosure must have a minimum height of 1.2 m at any point from the ground.

Maximum spacing

An enclosure must prevent the passage of a spherical object 10 cm in diameter.

This standard applies to the spacing between the components of the enclosure (e.g., between the bars of a wooden or iron fence) and between the ground and the enclosure.

It also applies to any ornamental openings in an enclosure.



Example of stairs for entering and exiting the water.



Required dimensions for an enclosure.



Example of a portable pool less than 1.4 m height to be surrounded by an enclosure.

Fixing elements, projection or open parts

A pool enclosure shall be free of any fasteners, projections or open parts that may facilitate climbing.

For example, the boards of a wooden fence should not be installed horizontally unless there is insufficient space between the boards for a young child to step on them.

Similarly, horizontal rails of a fence, when protruding, should be installed at a distance sufficient to prevent a child from climbing or be installed on the interior side of the enclosure.

Ornamental fences with multiple openings and projections are also prohibited.

Chain-link fences

Chain-link fences shall be slatted when the mesh is greater than 30 mm wide. The addition of slats must be such that a spherical object greater than 30 mm in diameter cannot pass through.

Special features of application

This requirement applies only to fences installed or replaced on or after July 1, 2021.

In addition, a chain-link fence acquired before July 1, 2021, but installed on or before September 30, 2021, is also exempt from this requirement.

See section 9 for more details.



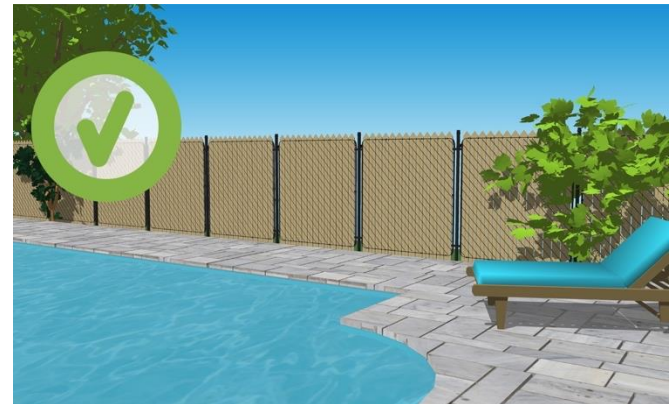
Example of a chain-link fence with a mesh less than 30 mm wide.



The horizontal rails are too close together and could allow a child to climb the fence.



Example of an ornamental fence that can be easily climbed.



Example of a slatted chain-link fence.

Hedges and shrubs

A hedge or shrubs may not under any circumstances constitute an enclosure.

Special case: removable fence

The installation of a removable fence of the *Pool Guard* or *Child Safe* type is not prohibited, if it respects the characteristics provided for in the Regulation.

Although removable, such a fence must always remain in place and be kept in good working condition (see section 6). If the fence must be removed for any reason (work, maintenance, etc.) temporary access control measures must be put in place (see section 8).

It is recommended that pool owners ensure that their removable fence meets the ASTM F2286-16 – *Standard Design and Performance Specification for Removable Mesh Fencing for Swimming Pools, Hot Tubs, and Spas*.

This international standard describes the performance and design requirements for removable mesh fences used as pool or spa enclosures.



A hedge is not an enclosure.



Although removable, this fence is solidly anchored to the ground.

3.2 DOOR OF AN ENCLOSURE (s. 5)

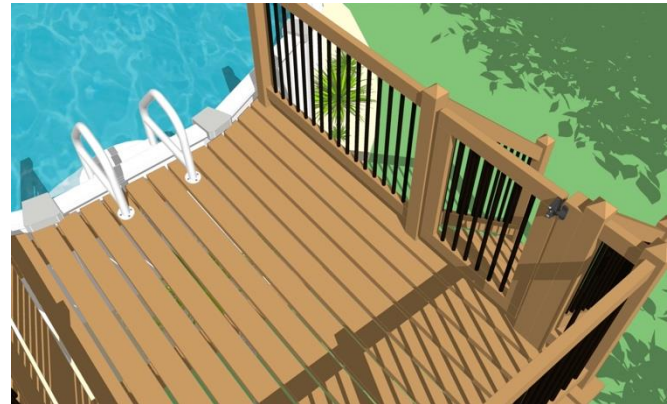
A door in an enclosure giving access to a swimming pool must:

- be at least 1.2 m high;
- prevent the passage of a spherical object of 10 cm in diameter;
- be free of any fastener, projection or open parts that could facilitate climbing;
- be slatted, if the door is made of chain link with a width of more than 30 mm;
- be equipped with a passive safety device that allows it to close and lock automatically and that can be installed either :
 - on the interior side of the enclosure, in the upper part of the door,
 - on the outside of the enclosure, at a minimum height of 1.5 m.

Special case: vertical action latches

Some types of latches allow the release button to be positioned higher than the enclosure itself.

Such a system can be installed on the outer side of the enclosure when the release button is located at least 1.5 m from the ground.



Example of a door with the latch on the inside of the enclosure



Example of a latch that allows the door to lock automatically. The door should also be equipped with spring hinges to close automatically.



Example of a latch that can be installed on the outside of the side of the enclosure, even when the enclosure is less than 1.5 m high.

3.3 ACCESS TO AN ABOVE-GROUND OR PORTABLE POOL (S. 6)

Access to an above-ground or portable pool that is not surrounded by an enclosure shall be gained by either of the following means.

Access by a ladder

When access is by ladder, the ladder must be equipped with a safety door that closes and locks automatically.

It is also possible to install an enclosure around the ladder. The enclosure and any door to the enclosure shall meet the characteristics listed in sections 3.1 and 3.2.

Access from a platform

Access to the platform must be protected by an enclosure and respect the characteristics listed in sections 3.1 and 3.2.

Access from a patio

If access to the pool is from a patio attached to the residence, the patio must be constructed so that the portion of the patio that opens onto the pool is protected by an enclosure that meets the characteristics listed in sections 3.1 and 3.2.



Example of a ladder with a safety door



Example of a platform with an access protected by an enclosure.



Example of a patio connecting the pool to the residence. The part opening onto the pool is adequately protected by an enclosure.

3.4 WALL FORMING PART OF AN ENCLOSURE (S. 4)

The wall of a building may form part of an enclosure. However, the portion of the wall that forms part of the enclosure shall not have any opening to allow entry into the enclosure, subject to the following.

Window

A window located 3 m or more from the floor on the inner side of the enclosure is allowed.

A window located less than 3 m away is also permitted if its maximum opening does not allow the passage of a spherical object larger than 10 cm in diameter. For this purpose, it is possible to install an opening restrictor, provided that the municipal regulations allow it.

Door

To comply, a door in a wall forming part of the enclosure must meet the requirements of section 3.2. This means that it should close and lock automatically and the latch on the interior side of the building should be at least 1.5 m high.

Special case: access to the enclosure from the residence

Where access to the interior of a pool enclosure is directly from the residence, such as from a rear patio door, an enclosure may be installed around the door. This enclosure must meet the specifications listed in sections 3.1 and 3.2.

In such a case, any window in the wall of the building forming part of the enclosure shall meet the characteristics listed earlier in this section.



Window opening restrictor.



Patio door surrounded by a fence to prevent direct access inside the pool enclosure.

4. LANDSCAPING AROUND THE ENCLOSURE OR THE POOL (s. 7)

4.1 POOL-OPERATING DEVICES

Devices related to the operation of the pool must be located more than one metre :

- from the pool, when the pool is not surrounded by an enclosure;
- „ from the enclosure, where the equipment is located outside the enclosure.

However, these devices may be located less than one meter away if they are :

- under a structure that is at least 1.2 m high, has no elements that could facilitate climbing, and prevents access to the pool from the devices
- surrounded by an enclosure that meets the specifications listed in sections 3.1 and 3.2;
- in a shed.

Ducts connecting the equipment to the pool must be flexible and not be installed in such a way as to facilitate climbing of the pool or enclosure.

4.2 OTHER EQUIPMENT AND FIXED STRUCTURES

No structure or fixed equipment that can be used to climb over the wall of a pool or enclosure, as the case may be, shall be installed within one metre of the pool, such as:

- a doghouse;
- a children's play module;
- a retaining wall;
- a stairway to a platform, where such stairway is not enclosed by a fence.

This requirement does not apply to mobile equipment such as lawn furniture, nor to trees. However, pool owners should ensure that such equipment is not left in close proximity to the pool or pool enclosure. They should also trim back any branches that may pose a hazard.



The operating devices of the pools are located at more than 1 m from it. In addition, there is no fixed equipment that can be used to climb over the wall within 1 m of it.



Example of a pool enclosure located more than 1 m from a retaining wall.

Special features of application

This requirement applies only to pools and enclosures installed or replaced on or after July 1, 2021, as well as those acquired before that date but installed on or after October 1, 2021.

See section 9 for additional details.

4.3 WINDOW NEAR THE ENCLOSURE OR POOL

A window in a building shall be located more than 1 m from a pool or enclosure, as the case may be, where the window is located less than 3 m from the ground (on the exterior side), unless the maximum opening of the window does not permit the passage of a spherical object greater than 10 cm in diameter.

This measure is designed to prevent a child from entering the pool through a window.

Special features of application

This requirement applies only to pools and enclosures installed or replaced on or after July 1, 2021, as well as those acquired before that date but installed on or after October 1, 2021.

See section 9 for additional details.



An enclosure must be installed more than 1 m away from a window that could allow a child to enter the window.

5. POOLS WITH DIVING BOARDS (S. 8.1)

A pool equipped with a diving board must be installed in accordance with the Standard BNQ 9461-100 in effect at the time of installation. This standard specifies the dimensional and geometric characteristics of the minimum water envelope necessary to provide a safe environment for diving in a residential pool.

The Standard [BNQ 9461-100](#) is intended to reduce the risk of cervical spinal cord injuries related to diving accidents that occur in pools that are inadequately sized for diving boards. These accidents often leave victims quadriplegic.

For all applicable requirements, it is important to refer directly to the complete normative document of the Standard BNQ 9461-100. This document can be obtained free of charge from the [Bureau de normalisation du Québec](#).

Homeowners should seek professional advice to ensure compliance with the standard. The standard requires that site and construction plans be prepared for any residential pool with a diving board.

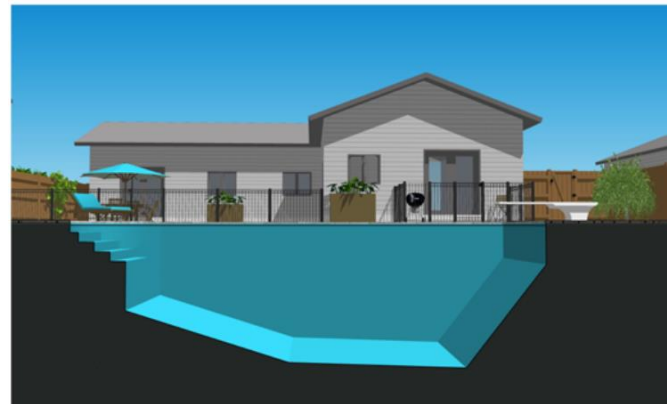
Where applicable, the "Diving Board Compliant" logo must be affixed to the plans. If the plans do not meet the minimum requirements of the standard, the "Non-compliant for diving boards" logo must be affixed.

It is therefore recommended that plans be required in the case of an application for a permit to install a pool with a diving board or to install a diving board on an existing pool.

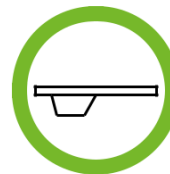
Specific application

This requirement only applies to pools and diving boards installed or replaced on or after July 1, 2021, as well as those acquired before that date but installed on or after October 1, 2021.

See Section 9 for additional details.



BNQ 9461-100



COMPLIANT
for diving board

BNQ 9461-100



NON-COMPLIANT
for diving board

6. MAINTENANCE (s. 8)

It is the responsibility of pool owners to ensure that facilities intended to provide or prevent access to a pool are maintained in good working order. This includes but is not limited to:

- ensure that the automatic closing and locking device of an enclosure door is functioning properly and is not obstructed;
- repair broken or deteriorated parts of an enclosure;
- prevent the gap between the bottom of the enclosure and the ground from increasing to more than 10 cm due to erosion and soil movement;
- maintain a 1 m clearance strip around the pool or enclosure, as applicable.

An installation must comply with the Regulation at all times.

7. WORK AND PERMIT (s. 9)

A municipal permit is required for the following work:

- build, install or replace a pool;
- install a diving board
- erect a structure providing or preventing access to a swimming pool, including :
 - an enclosure,
 - a platform
 - a patio opening onto a pool.

In the case of a portable pool, a permit is only required for the first installation, if the reinstallation is done in the same location and under the same conditions.

8. TEMPORARY SECURITY MEASURES (s. 9)

Where necessary, temporary measures to control access to the pool should be put in place for the duration of the work. The choice of measures is left to the discretion of the owner, for example:

- installing temporary site fencing;
- padlocking access doors that are not already equipped with an automatic locking system;
- installing an alarm system specifically designed for pools;
- avoiding filling the pool until the installation is complete.

Despite these temporary measures, the work must be completed within a reasonable time frame.

9. ENFORCEMENT OF THE *REGULATION* (S. 10)

All facilities must comply with the Regulation. However, depending on the date of installation, a component of a facility may be exempted from certain provisions of the Regulation.

The date by which a facility must comply with the provisions applicable to it also varies depending on the date of installation.

The table below summarizes this information.

Date of installation	Date on which installation compliance is required	Exemptions
Before November 1 st , 2010	July 1 st , 2023	2nd paragraph of Article 4 ” Mesh size of chain-link fences and slats, where applicable 4th paragraph of article 7 ” 1 m clearance strip around an enclosure or pool (fixed structures and equipment and windows) Article 8.1 ” Compliance with the Standard BNQ 9461-100
between November 1 st , 2010 And June 30, 2021	Facilities must already be compliant.	
From July 1 st 2021	July 1 st 2021	No exemptions, except in the case of a facility acquired prior to July 1, 2021 and installed no later than September 30, 2021. In this case, the exemptions above apply.

It is important to note that these terms and conditions apply to facilities. Therefore, the construction of a new chain link fence will be subject to the new mesh size regulations, even if it is to protect access to a pool built before July 1, 2021.

Examples

- A pool built prior to November 1, 2010 is located on a lot surrounded by a 50 mm chain-link fence. In order to comply with the installation requirements, the owner must install a fence wall between his residence and the pool that joins the existing fence on both sides.

The owner wishes to install a 50 mm chain-link fence. As this is a new installation, this portion of the fence will need to be slatted. However, it will not be required to add slatting to the pre-existing portions of the fence.

- A pool built in 2013 is surrounded by a wooden fence that is showing signs of deterioration. The owner wishes to replace it in the fall of 2021 with a chain-link fence. Since this will be a new enclosure, it will need to use a mesh size that is 30 mm or smaller, or it will have to be slatted.

By the same logic, a new diving board cannot be installed on a pool built before July 1, 2021 if it does not meet the requirements of the Standard BNQ 9461-100.

Example

- An in-ground pool built in 2002 is equipped with a diving board. This installation is considered compliant, even though it does not meet the Standard BNQ 9461-100, since it is grandfathered under the Regulation. However, the replacement of the diving board will not be permitted following July 1, 2021 (unless the board was acquired prior to that date and will be installed prior to October 1, 2021).

Where a pool is replaced, the entire facility must be brought into compliance with all provisions of the Regulation, without exception.

Example

- An above-ground pool installed in 2005 is being replaced by an in-ground pool in August 2021. The owner wishes to use the fencing on his property as part of the pool enclosure. These fences are 50 mm chain link and are not slatted. As the pool is being replaced, the entire installation must be brought into compliance with all the standards of the Regulation. The property owner will be required to replace the chain-link fence, add slatting or install a new pool enclosure within the property boundary.

10. PENAL PROVISIONS (s. 11)

A pool owner who is in violation of any provision of the regulation is liable to a fine of not less than \$500 and not more than \$700. These amounts are increased to \$700 and \$1,000 respectively for a subsequent offence.

A local municipality may also provide for more severe penalties in its own by-law applicable to residential swimming pools, pursuant to Sections 455 of the *Municipal Code of Québec* and 369 of the *Cities and Towns Act*.

