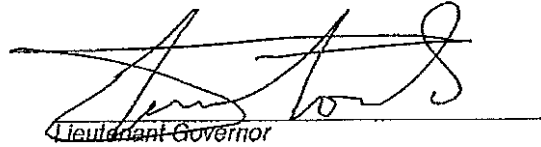


PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 624, Approved and Ordered OCT - 7 2010

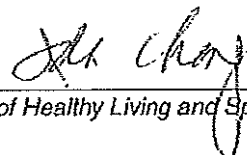
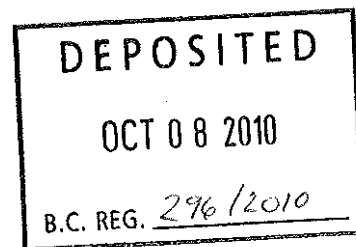


Lieutenant Governor

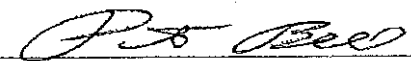
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Swimming Pool, Spray Pool and Wading Pool Regulations, B.C. Reg. 289/72, and the Pool Exemption Regulation, B.C. Reg. 256/98, are repealed,
- (b) section 13 of the Public Health Act Transitional Regulation, B.C. Reg. 51/2009, is repealed,
- (c) the attached Pool Regulation is made
  - (i) effective on the date of deposit under the Regulations Act, except sections 6 (2) (a) (ii) and 13, and
  - (ii) one year after the Pool Regulation is made, sections 6 (2) (a) (ii) and 13 come into force, and
- (d) effective one year after the attached Pool Regulation is made, section 17 (2) of the Pool Regulation is repealed and the following substituted:
  - (2) A public pool operator must ensure that, when the pool is open to the public, pool supervision is provided by
    - (a) at least one lifeguard and one assistant, and
    - (b) any additional lifeguards and assistants as required by the pool safety plan.



Minister of Healthy Living and Sport



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: Public Health Act, S.B.C. 2008, c. 28, ss. 111, 115 and 126

Other: OIC 4190/72; 886/98 and 128/2009

September 14, 2010

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Resub 2 R/Log 28/2010/3

# POOL REGULATION

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### **PART 1 - DEFINITIONS, APPLICATION AND PRESCRIBED TERMS**

#### **Definitions**

**1** In this regulation:

“Act” means the *Public Health Act*;

“commercial pool” means an artificially created body of water that

- (a) has a surface area of 170 m<sup>2</sup> or less,
- (b) has a depth of at least 61 cm,
- (c) is owned or operated by, or in conjunction with, an educational, recreational or business enterprise, or a strata corporation as defined in the *Strata Property Act*, and
- (d) is to be used only by members, shareholders, tenants or patrons of the enterprise or strata corporation, or their guests;

“construction” includes the design, installation, repair, renovation and alteration of a pool;

“hot tub” means an artificially created body of water that is used as a hydrotherapy pool or swirl pool, or for similar recreational bathing or therapeutic purposes;

“pool” means a commercial pool, hot tub, public pool, spray pool or wading pool, and includes any

- (a) facilities,
  - (b) auxiliary structures,
  - (c) equipment,
  - (d) play equipment, and
  - (e) moving water features such as wave or whirlpool actions
- that are associated with the use or operation of a swimming pool;

“pool patron” means a person within the pool enclosure, whether or not the person is using the pool or has paid a fee to be within the pool enclosure;

“public pool” means an artificially created body of water that

- (a) has a depth of at least 61 cm,
- (b) is available for swimming, recreational bathing or physiotherapy purposes, either free of charge or for a fee, and
- (c) is not a commercial pool;

“spray pool” means an artificially created depression or basin into which water is sprayed but not permitted to accumulate;

“wading pool” means an artificially created body of water intended for wading purposes and having a depth of less than 61 cm.

#### Application

2 (1) This regulation applies to all pools except the following:

- (a) a private residential pool that
  - (i) has been installed, whether permanently or temporarily, for the use of the occupants and guests of one single family dwelling or duplex, whether the dwelling or duplex is owned or leased or occupied with permission of the owner or lessor, and
  - (ii) is not a common facility owned by a strata corporation or other corporate body;
- (b) a pool located within an individual room of
  - (i) a hotel, or
  - (ii) another place in which private rooms are maintained for the accommodation of the public;
- (c) a pool that is drained and cleaned following each use.

(2) Despite subsection (1),

- (a) sections 7 (1), 8 (2) (a) (ii), 9 (b), 10 (2) (a) and (j), 14 and 17 do not apply to spray pools,

- (b) section 10 (2) (d) to (i) does not apply to spray pools that use a continuous supply of water of a quality satisfactory to a health officer, and
- (c) this regulation does not apply, in the manner set out in Schedule 1, to a pool contained in a swimming facility described in Schedule 1.

**Prescribed terms**

- 3 For the purposes of the Act,
- (a) risks to sanitation, water quality and public safety in relation to a pool are prescribed as health hazards, and
  - (b) the construction and operation of a pool are prescribed as regulated activities.

**PART 2 – CONSTRUCTION AND OPERATING PERMITS**

**Definitions for this Part**

- 4 In this Part:
- “architect” means a person who is registered or licensed under the *Architects Act*;
  - “engineer” means a person who is registered or licensed as a professional engineer under the *Engineers and Geoscientists Act*.

**Construction permit required**

- 5
- (1) Subject to subsection (6), a person must not construct a pool unless the person
    - (a) holds a construction permit issued under this regulation, and
    - (b) complies with the terms and conditions, if any, of the permit.
  - (2) A person may apply for a construction permit by submitting to a health officer an application accompanied by the plans and specifications for the construction as prepared, sealed and certified by an engineer or architect.
  - (3) A health officer may issue a construction permit in respect of a pool if satisfied that the pool, if constructed according to the plans and specifications submitted with the application, will not likely constitute a health hazard.
  - (4) If an application indicates that a pool will be constructed in phases, and the plans and specifications submitted with the application relate only to one or more phases,
    - (a) the health officer may issue a construction permit that authorizes construction only of that phase or those phases,
    - (b) a new application must be submitted for each subsequent phase or set of phases, and
    - (c) subsection (3) applies to each new application, considered in the context of the previous phases.
  - (5) Without prior written approval from a health officer, a person must not construct a pool other than in accordance with the plans and specifications submitted with the application.

- (6) Despite subsection (1), a health officer may waive the requirement for a construction permit
  - (a) on request of a person and after receiving any information the health officer may require, and
  - (b) if the proposed construction is a repair or alteration
    - (i) performed for emergency purposes, or
    - (ii) that is so minor that requiring a construction permit is not necessary to protect the public interest.

#### Operating permit required

- 6 (1) A person must not operate a pool unless the person
  - (a) holds an operating permit issued under this regulation, and
  - (b) complies with the terms and conditions, if any, of the permit.
- (2) A person may apply for an operating permit by submitting to a health officer an application accompanied by the following:
  - (a) if no operating permit has ever been issued for the pool, or the pool has undergone construction since an operating permit was last issued,
    - (i) a signed statement from an engineer or architect that the pool has been constructed so as to substantially comply, in all material respects, with the plans and specifications submitted under section 5 (2) [*construction permit required*], and
    - (ii) a copy of the pool safety plan prepared in accordance with section 13;
  - (b) the fee required under Schedule 2.
- (3) A health officer may issue an operating permit in respect of a pool if satisfied that the operation of the pool will not likely constitute a health hazard.
- (4) An operating permit
  - (a) is not transferable,
  - (b) must be posted in a prominent place on the premises, and
  - (c) expires on the earlier of the date specified in the permit, if any, and one year following the permit's issue.

### PART 3 - OPERATION AND MAINTENANCE

#### Pool enclosure

- 7 (1) An operator must erect and maintain around the pool and its walkways a fence or other barrier with controlled access to prevent access by animals and persons who are not pool patrons.
- (2) Subsection (1) does not apply to the operator of a wading pool that is drained before dark and left empty overnight.

#### Posting of rules

- 8 (1) An operator must post in a prominent position within the pool enclosure a sign stating the rules of the pool.
- (2) The rules posted under subsection (1) must prohibit the following behaviours:
- (a) entering the pool
    - (i) with an illness, including open sores, bandages, head colds, discharging ears or noses or infected eyes, or
    - (ii) without having first taken a cleansing shower;
  - (b) running, fighting or engaging in other conduct likely to cause an injury while in the pool enclosure;
  - (c) contaminating or fouling the pool;
  - (d) failing to immediately report to the operator or lifeguard an injury suffered while in the pool enclosure, or contamination or fouling of the pool;
  - (e) failing to supervise children for whom one is responsible while in the pool enclosure;
  - (f) diving into the pool in water that is less than 2 m deep.

#### Cleanliness

- 9 An operator must ensure that
- (a) the pool is kept clean and clear of obstructions,
  - (b) soap in dispensers, and either air dryers or single-use hand towels, are supplied near the hand basins, and
  - (c) if supplied by the operator, bathing suits and bath towels are laundered after each use and stored and handled in a sanitary manner.

#### Pool water

- 10 (1) In this section, "design flow rate" means the rate at which water must be recirculated or replaced in order to turn over the entire volume of pool water within a period of time specified in the plans submitted under section 5 [*construction permit required*].
- (2) An operator must meet the following requirements in respect of water in the pool:
- (a) pool water must be clear enough that
    - (i) the pattern of the main drain, or
    - (ii) a black disc of 150 mm in diameter over a white background, located at the deepest point of the pool, can be seen clearly by a person standing on the edge of the pool overlooking the main drain or disc;
  - (b) pool water, except in a hot tub, must be maintained at a temperature of no more than 37°C;
  - (c) the microbiological quality of pool water must not present a risk to the health of pool patrons;
  - (d) the pH level of pool water must be tested at least twice daily and maintained at no less than 7.2 and no more than 7.8;

- (e) the alkalinity of pool water must be tested at least weekly and maintained at a level no less than 80 parts per million and no more than 120 parts per million;
  - (f) disinfectants used in pool water must be tested at least twice daily and maintained in accordance with Schedule 3;
  - (g) the combined chlorine in pool water must be tested at least twice daily and maintained at a concentration of less than one part per million;
  - (h) if cyanuric acid stabilizer is used in pool water, it must be tested at least weekly and maintained at a concentration of less than 80 parts per million;
  - (i) pool water must be recirculated or replaced at the design flow rate;
  - (j) pool water must be circulated through the skimmers or overflow gutters at a rate of flow at least equal to 50% of the design flow rate while the pool is in use;
  - (k) subject to subsection (3), pool water must not pass through any drain grate at a speed greater than 46 cm per second when the pool is operating at the design flow rate.
- (3) A health officer may waive, in writing, the requirement set out in subsection (2) (k) in relation to a specified swimming pool if
- (a) the swimming pool is used for exercise, commonly known as a "swim in place" pool, and
  - (b) the health officer is satisfied that the design of the pool will not create a suction hazard.
- (4) In addition to any other power that may be exercised under the Act, a health officer may require an operator to test for chemical, physical or biological characteristics of water in a pool.

#### Maintenance

- 11 (1) An operator must ensure that the pool is
- (a) maintained on a regular basis by a person who, in the opinion of a health officer, has appropriate training, and
  - (b) kept in good repair so that no health hazard exists, including ensuring that
    - (i) water intakes do not present a suction hazard to pool patrons, and
    - (ii) nothing in the pool presents an entrapment hazard to pool patrons.
- (2) An operator must ensure that
- (a) the pool enclosure is sufficiently lit so that all areas are visible to pool patrons, lifeguards and operators,
  - (b) pool equipment is regularly tested for safety and maintained in accordance with the manufacturers' specifications,
  - (c) pool aprons, walkways and floors have a surface that
    - (i) is slip-resistant when wet, and
    - (ii) slopes away from the pool such that, when the aprons, walkways and floors are wet, water does not accumulate or flow back into the pool,

- (d) the nose of any step or ledge in the pool is marked in a contrasting colour to the remainder of the step or ledge,
- (e) handrails at steps, ladders and diving boards are secure,
- (f) the depth of water in the pool is clearly marked in both metric and imperial units of measurement,
- (g) hot water provided in pool facilities is no more than 49°C, and
- (h) chemicals are stored in a safe manner and location.

#### **Animals prohibited**

- 12 An operator must not permit an animal to enter the pool enclosure, other than a guide animal as defined in the *Guide Animal Act*.

#### **Pool safety plans**

- 13 (1) An operator must
- (a) prepare a written pool safety plan in accordance with subsection (2) to ensure the health and safety of pool patrons,
  - (b) make the plan readily available to pool employees,
  - (c) train each pool employee in the procedures and in the use of the equipment described in the plan, and
  - (d) review and update the pool safety plan at least once each year.
- (2) The pool safety plan must include
- (a) procedures to be followed in the event of a serious injury, emergency or incident,
  - (b) the type of lifesaving, lifeguarding and first aid equipment to be kept within the immediate vicinity of the pool,
  - (c) the number of lifeguards and other employees who are to be on duty while the pool is in use in order to ensure adequate supervision of pool patrons,
  - (d) operating procedures for the pool, and
  - (e) the program of cleaning and maintenance of the pool, including the nature and frequency of the cleaning and maintenance.

#### **Telephone access**

- 14 An operator of a public pool must ensure that
- (a) a telephone for use in an emergency is accessible without charge to pool patrons,
  - (b) the location of the telephone is marked conspicuously with a sign, and
  - (c) telephone numbers of the nearest hospital, ambulance service, police department and fire department are displayed near the telephone.

#### **Drinking water**

- 15 An operator must ensure that drinking water is reasonably accessible by pool patrons.

#### **Hot tubs**

- 16 The operator of a hot tub must ensure that



- (a) the hot tub enclosure has, in easy view of all users of the hot tub,
  - (i) a clock prominently displaying the time, and
  - (ii) instructions for the safe use of the hot tub, and
- (b) the water in the hot tub is maintained at a temperature of no more than 40°C.

#### Public pool supervision

17 (1) In this section:

“assistant” means a person who is

- (a) at least 16 years of age, and
- (b) familiar with the pool safety plan for the pool;

“lifeguard” means a person who

- (a) is at least 16 years of age,
- (b) is familiar with the pool safety plan for the pool,
- (c) is responsible for the conduct and safety of all pool patrons, and
- (d) is performing no duty other than pool surveillance.

- (2) A public pool operator must ensure that, when the pool is open to the public, pool supervision is provided by at least one lifeguard and one assistant.
- (3) A public pool operator may operate the pool without lifeguards during any period of time that all of the following circumstances apply:
  - (a) the only persons permitted access to the pool are
    - (i) members, tenants or patrons of an educational, recreational or business enterprise, or
    - (ii) persons receiving aquatic instruction who are closely supervised by an aquatic instructor and an assistant;
  - (b) a clearly visible sign is posted at each entrance to the pool stating that no lifeguard is on duty and that children must be supervised by an adult;
  - (c) the pool is equipped with a reaching assist and a throwing ring, as described in section 18 (2) (a) and (b).

#### Other pool supervision

- 18 (1) The operator of a commercial pool, hot tub, spray pool or wading pool must ensure that, when the pool is open to bathers and no lifeguard is on duty, a clearly visible notice is posted at each entrance to the pool stating that no lifeguard is on duty and that children must be supervised by an adult.
- (2) In addition to the requirement under subsection (1), the operator of a commercial pool, or a hot tub with an area of more than 10 m<sup>2</sup>, must ensure that, when the pool is open to bathers, it is equipped with
  - (a) a non-conducting reaching assist of at least 3.5 m in length, with a shepherd's hook, and
  - (b) a throwing ring, securely attached to a line of at least 6 mm diameter and having a length of at least half the width of the pool plus 3 m.

## Records

- 19 (1) An operator must ensure that, for each pool operated by the operator, a daily record is kept of the following:
- (a) all injuries sustained at or within the pool;
  - (b) all occurrences of contamination by feces or vomit at or within the pool;
  - (c) the amount and types of chemicals added to the pool water;
  - (d) the results of all tests performed as required under section 10 (2) and (4) [pool water].
- (2) The operator must ensure that the records required under subsection (1) are available for inspection by a health officer on request.

## Transitional – certificate of authorization and operating permit grandfathered

- 20 (1) In this section, “former regulation” means the Swimming Pool, Spray Pool and Wading Pool Regulations, B.C. Reg. 289/72.
- (2) A certificate of authorization issued under section 4 [certificate of authorization] of the former regulation is deemed to be a construction permit issued under section 5 of this regulation, and is valid until the earlier of
- (a) the completion of the construction for which the certificate was issued, and
  - (b) the date on which the certificate is surrendered, suspended or cancelled.
- (3) An operating permit issued under section 6 [operating permit required] of the former regulation is deemed to be an operating permit issued under section 6 of this regulation, and is valid until the earlier of
- (a) the expiration date as shown on the operating permit, and
  - (b) the date on which the permit is surrendered, suspended or cancelled.
- (4) This section is repealed one year after the date sections 5 and 6 of this regulation are brought into force.

## SCHEDULE 1 – EXEMPTIONS

{section 2 (2) (c)}

### Exemptions from entire regulation

- 1 The following are exempt from the regulation:
- (a) the swimming facility in Dawson Creek known as “Rotary Lake”;
  - (b) the swimming facility in Ladysmith known as “4 All Seasons Resort Pool”;
  - (c) the swimming facility near Ladysmith known as “Yellow Point Lodge Salt Water Pool”;
  - (d) the swimming facility near Pemberton known as “Meager Creek Hotsprings Pools”;
  - (e) the swimming facility in Whistler known as “H2Air Water Ramp”.

**Exemptions from circulation rate and public pool supervision requirements**

- 2 The following are exempt from sections 10 (2) (j) and 17 of the regulation:
- (a) the swimming facility in Ainsworth known as "Ainsworth Hotspring Pool";
  - (b) the swimming facility in Nakusp known as "Nakusp Hotspring Pool";
  - (c) the 3 upper level pools at the swimming facility near Nakusp known as "Halcyon Hot Springs".

**SCHEDULE 2 - FEES**

*[section 6]*

**General fee for operating permit**

- 1 A person who submits, under section 6 of the regulation, an application for an operating permit must include with the application a fee of
- (a) \$150, if the area of the pool is less than 19 m<sup>2</sup>, or
  - (b) \$250, if the area of the pool is 19 m<sup>2</sup> or more.

**Discount for multiple pools**

- 2 Despite section 1 of this Schedule, if a person intends to operate more than one swimming pool, each of which is located either in or adjacent to a single building or on a site that has a hotel, the person must include with the applications
- (a) the fee as determined under section 1 of this Schedule for the largest pool, and
  - (b) a fee of \$75 for each of the remaining pools.

**Pro-rated fees**

- 3 Despite section 1, if a person is applying for an operating permit that is to be issued for only part of a fiscal year, the person must include with the application a fee calculated using the following formula:

$$\text{pro-rated fee} = (\text{months} \times \text{fee}) / 12$$

where

"months" is the number of calendar months of the fiscal year in which the permit will apply, and

"fee" is the applicable fee under section 1 of this Schedule.

### SCHEDULE 3 -- DISINFECTANTS

[section 10]

#### Concentration of disinfectants

- 1 (1) In this section, "ppm" means parts per million.
- (2) For the purposes of section 10 [pool water] of the regulation, an operator must use a disinfectant listed in Column 1 of the table, maintained at least in the concentration set out in
  - (a) Column 2, if the temperature of the water in the pool is less than or equal to 30°C, and
  - (b) Column 3, if the temperature of the water in the pool is greater than 30°C.

Item	Column 1 Disinfectant	Column 2 ≤ 30°C	Column 3 > 30°C
1	Free Available Chlorine	0.5 ppm	1.5 ppm
2	Chlorine Cyanurate	1.0 ppm	2.0 ppm
3	Bromine	1.5 ppm	2.5 ppm