

Memorandum

Date: April 29, 2020

Submitted by: Planning and Development Department – Building, Bylaw, and Licensing Division

Subject: Additional Building Bylaw Information

At the April 28, 2020 Special Council Meeting, Council considered a report dated February 28, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Housekeeping Amendments to the Building Bylaw (**Attachment 1**). Questions were raised regarding the regulations for pools in the Building Bylaw; the following resolution was passed:

SC20/186

THAT the Housekeeping Amendments to the Building Bylaw be referred to staff for reporting back on infinity pools, temporary pools, pool sizes, pool depths, and pool aprons.

This memo is meant to clarify the questions raised during the April 28, 2020 meeting.

The requirement for a one-metre apron to surround a pool was adopted in 2002 under Building Bylaw, No. 2577. Unfortunately, this requirement was missed in the drafting of Building Bylaw, No. 3200. This requirement was implemented to restrict pools from being located tight up against a fence, retaining wall, or building face, which could create an area of the pool in which a person could not assist someone in the pool who was in distress. The *BC Building Code* does not regulate pools and, therefore, each local government has regulations in their respective building bylaws to regulate the design of pools. Regulations across local governments in BC are very similar and pool designers have never opposed having to meet these safety requirements.

The requirement for a pool apron is meant to allow for space surrounding a pool to facilitate the rescue of someone in the pool that is in distress. This apron is not a defined term because it can be accomplished in many ways depending on the type of pool. For an in-ground pool, the adjacent surface, whether it be concrete patio or wood decking, would be considered the apron. For an above-ground pool, the adjacent ground would be considered the apron. The requirement for an apron does not require an additional structure to be constructed around an above-ground pool.

Many infinity pools have been constructed in Port Moody. Infinity pool designs allow for pool water to flow over one edge of the pool and into a gutter where the water is then recirculated back into the pool. This gutter is designed to allow for a person to stand at the pool's edge and reach into the pool.

Pools are considered temporary when they contain untreated water and are in use for only a few days at a time. These types of pools do not require a permit and the requirement for fencing or an available sanitary connection for draining are not enforced.

A pool is defined as a structure or depression in the ground meant to contain water and have a depth greater than two feet. Although it is recognized that a person could drown in two feet of water, it is not the intention of the Bylaw to prohibit water features in front yards; therefore, a fence is not required to surround it. This depth of water is consistently accepted throughout BC by authorities.

Hot tubs do meet the definition of a pool and do have the same regulations associated with them; however, hot tub installations can typically meet the intent of the Bylaw in different ways. If the hot tub is equipped with a solid lid, the fencing requirements can be waived. An apron is also not typically required because the width of a hot tub does not often exceed the reach of a person. Hot tubs also do not have the same depth as a pool, so it is reasonable to assume a person could step into a hot tub safely to assist a person in distress.

This additional information hopefully answers the questions raised at the April 28, 2020 Council meeting; however, staff will be present at the May 12, 2020 meeting to answer any further questions with respect to Draft City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping) (**Attachment 2**).

The following resolution is recommended by staff for Council consideration:

THAT City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping) be read a first, second, and third time as recommended in the memorandum dated April 29, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Additional Building Bylaw Information;

AND THAT, as permitted by section 12 of Ministerial Order No. MO 139/2020, City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping) be now adopted.

Attachments:

1. Report considered at April 28, 2020 Special Council meeting.
2. Draft City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping).

Report Approval Details

Document Title:	Additional Building Bylaw Information.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 – Report considered at April 28, 2020 Special Council meeting.pdf- Attachment 2 – Draft City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping).pdf
Final Approval Date:	May 4, 2020

This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer, Corporate Officer - Apr 29, 2020 - 2:41 PM

Rosemary Lodge, Manager of Communications and Engagement - Apr 30, 2020 - 10:56 AM

Paul Rockwood, General Manager of Finance and Technology - Apr 30, 2020 - 10:58 AM

André Boel, General Manager of Planning and Development - Apr 30, 2020 - 4:38 PM

Tim Savoie, City Manager - May 4, 2020 - 11:04 AM