



Province of Alberta

PUBLIC HEALTH ACT

# **PUBLIC SWIMMING POOLS REGULATION**

**Alberta Regulation 204/2014**

Extract

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**ALBERTA REGULATION 204/2014**

**Public Health Act**

**PUBLIC SWIMMING POOLS REGULATION**

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**Definitions****1** In this Regulation,

- (a) “bed and breakfast” means a bed and breakfast as defined in the *Food Regulation* (AR 31/2006);
- (b) “executive officer” means an executive officer as defined in the Act;
- (c) “natural pool” means an artificially created ecosystem that reproduces the conditions of a natural body of water where water is purified by biological and physical treatment;
- (d) “owner” means the owner of a pool;
- (e) “owner’s agent” means the person designated under section 5 as an owner’s agent;
- (f) “patron” means an individual who enters the public swimming pool premises and might or might not enter or use the public swimming pool;
- (g) “pool” means a public swimming pool and the public swimming pool’s premises;
- (h) “pool operator” means an individual who operates and maintains a pool on a day-to-day basis and meets the qualifications set out in the Pool Standards in order to do so;
- (i) “Pool Standards” means the Pool Standards, July 2014 declared in force by section 2;
- (j) “public swimming pool” means a structure that contains water that is used for recreational, therapeutic or other similar purposes and includes a swimming pool, wading pool, water spray park, whirlpool and any fountain or other artificially created pool of water;
- (k) “public swimming pool premises” means the buildings and equipment used in connection with a public swimming pool;
- (l) “suction outlet” means a fitting or fitting assembly and related components, including a cover or grate and sump, that provide a localized low pressure area for the transfer of water from a public swimming pool;
- (m) “swimming pool” means a structure containing water that is deeper than 60 centimetres at its deepest point;

- (n) “wading pool” means a structure containing water the depth of which is 60 centimetres or less throughout the structure;
- (o) “water spray park” means a structure on which water is sprayed or released but does not accumulate;
- (p) “whirlpool” means a structure containing water at a temperature above 30°C and that
  - (i) is not drained, cleaned and refilled before use by each individual, and
  - (ii) utilizes hydro-jet circulation or air induction bubbles, or both.

**Pool standards**

**2** The Pool Standards, July 2014 published by the Department, as amended from time to time, are declared in force and form part of this Regulation.

**Application**

**3(1)** This Regulation applies to all pools.

**(2)** This Regulation does not apply to

- (a) a structure containing water constructed for the sole use by owners of a single family dwelling and their families and guests,
- (b) a natural pool, or
- (c) a pool of water that is drained, cleaned and filled after each use by each individual.

**Responsibilities**

**4(1)** The owner, or the owner’s agent, if any, and the pool operator must ensure that the pool is equipped, operated and maintained in compliance with

- (a) this Regulation,
- (b) the written policies and plans referred to in section 24,
- (c) the permit issued in respect of the pool, and
- (d) the approvals, if any.

(2) Subject to section 5(2), the owner and the owner's agent, if any, must

- (a) reside in Alberta,
- (b) have care and control of the operation of the pool, and
- (c) be readily available
  - (i) for contact by the regional health authority, and
  - (ii) to accept service, under the Act, of orders, notices and other documents.

(3) An owner or the owner's agent, if any, must ensure the pool is operated and maintained by a pool operator.

#### **Owner's agent**

**5(1)** An owner may designate an agent to act on behalf of the owner and may delegate any powers, duties and responsibilities of the owner to that agent.

(2) If an owner does not reside in Alberta, the owner must designate an agent who resides in Alberta to act on behalf of the owner, and that agent has the responsibilities set out in section 4(1) and (3).

(3) If an owner designates an agent to act on the owner's behalf under this Regulation, the owner is not relieved from liability for any action performed or failed to be performed by the designated agent.

#### **Pool operator**

**6** An executive officer may

- (a) require a pool operator to obtain additional training in accordance with the Pool Standards,
- (b) authorize an owner or the owner's agent, if any, to employ, contract with or otherwise engage the services of an individual to operate and maintain a pool in accordance with the Pool Standards if that individual will be qualified as a pool operator under the Pool Standards within 90 days of commencing employment, the contract or the engagement of services, or
- (c) authorize an owner or the owner's agent, if any, to engage the services of a pool operator who is off-site.

**Permits**

**7(1)** No person shall operate a pool without a permit issued in accordance with this section.

**(2)** An application for a permit must be made to the regional health authority where the pool is located, in the form required by the regional health authority.

**(3)** An application for a permit must be in writing and must include the following:

- (a) a site plan;
- (b) a floor plan;
- (c) a structural plan;
- (d) a mechanical plan;
- (e) a description of the method of waste water disposal;
- (f) a diagram showing the location and dimensions of the diving, swimming and deck areas, if any;
- (g) the volume of each public swimming pool;
- (h) the maximum design bather load at any given time;
- (i) a description of the type of disinfectant, delivery system, chlorinator capacity, automatic monitoring and feeding equipment;
- (j) detailed drawings of the water circulation system, filtration equipment, disinfection equipment and all related equipment;
- (k) a description of
  - (i) the filter area, type and rate,
  - (ii) the filtration gauges for measuring pressure change,
  - (iii) the turnover rate,
  - (iv) the rate of flow indicators,
  - (v) temperature indicators to be installed on the inlet and outlet of all heating equipment,
  - (vi) the number of inlets,
  - (vii) the number of skimmers or gutter drains,

- (viii) the pool finishes and colour of basin,
  - (ix) the make up water source,
  - (x) the type of backflow prevention used on the make up water source,
  - (xi) the main drains,
  - (xii) the anti-entrapment devices, including information about the certification of submerged suction outlets, and
  - (xiii) the water testing equipment;
- (l) if the application relates to construction of a new pool, a copy of the design plans for the pool for which all aspects of the operation and construction have been reviewed and stamped by a professional engineer or architect and for which a permit has been issued under the *Safety Codes Act* if a permit is required by that Act;
  - (m) the name of the owner;
  - (n) the name of the owner's agent, if any;
  - (o) the name of the pool operator;
  - (p) any other information required at any time by the regional health authority.
- (4)** On receipt of a complete application, the regional health authority, if it is satisfied that the requirements of this Regulation are met, must issue a permit.
- (5)** A regional health authority may impose conditions on a permit that it issues.
- (6)** A permit remains the property of the regional health authority that issued it.
- (7)** A permit is not transferable.
- (8)** The owner or the owner's agent, if any, must ensure that the permit is displayed in a conspicuous place where it may be easily seen by patrons.
- (9)** The owner must forthwith notify the regional health authority in writing if there is any change to who owns or operates the pool or to who is the owner's agent for the pool.

**(10)** On the coming into force of this Regulation, a permit in good standing under the *Swimming Pool, Wading Pool and Water Spray Park Regulation* (AR 293/2006) is deemed to be a permit issued under this section.

#### **Operating, alterations approvals**

**8(1)** The owner or the owner's agent, if any, must apply to the regional health authority for a written approval

- (a) before making a change in pool operating procedures, or
- (b) before making renovations or alterations to the pool that affect the hydraulic system, disinfection or filtration system, or the integrity of the basin.

**(2)** For the purposes of considering an application under subsection (1), the regional health authority may require the owner or the owner's agent, if any, to provide an engineer's report.

**(3)** A regional health authority may impose conditions on an approval that it grants under this section.

**(4)** Despite subsection (1), the owner or the owner's agent, if any, does not need an approval to perform routine maintenance on the pool.

#### **Suspension, cancellation**

**9(1)** A regional health authority may suspend or cancel a permit or an approval granted under this Regulation if a provision of the Act, the regulations, an order under section 62 of the Act, a permit or an approval is contravened.

**(2)** If a permit or approval is suspended or cancelled, the owner or an owner's agent, if any, must forthwith return the permit or approval to the regional health authority on request.

#### **Water quality**

**10** A pool must be operated and maintained by the owner or the owner's agent, if any, or the pool operator so that the water it contains is microbiologically, chemically and physically safe for use.

#### **Pool maintenance**

**11** In accordance with the Pool Standards, a pool

- (a) must be maintained so that

- (i) all the floors and decks that are wet traffic areas used by patrons with bare feet are impervious to moisture, easily cleaned and easily maintained,
  - (ii) all the surfaces in the public swimming pool premises with which patrons come into contact are maintained in a clean and sanitary condition, and
  - (iii) the basins and liners are structurally sound and maintained in good repair,
- (b) must be maintained in a state of repair that provides for the safe and sanitary operation of the pool, and
  - (c) must be operated so that all the activities are conducted so as to minimize contamination of the public swimming pool water and provide for safety of the patrons.

**Filtration, circulation, disinfection standards**

**12(1)** A public swimming pool must have filtration and circulation systems and disinfection equipment that are

- (a) in place and operated in accordance with the pool's design plans, and
- (b) serviced and maintained to provide bacteriologically and chemically safe water.

**(2)** The filtration and circulation systems must always be in operation except

- (a) during swimming competitions, if an executive officer has given approval to shut down the equipment,
- (b) while being maintained or repaired,
- (c) during backwashing of the filters, and
- (d) during fecal response procedures.

**(3)** Recirculation must be maintained at an acceptable rate as determined in accordance with the Pool Standards.

**Disinfection**

**13(1)** Subject to section 12(2), water in a public swimming pool must be continuously disinfected when in use.

**(2)** The method of disinfection must provide a free chlorine residual in the public swimming pool at the levels set out in the Pool Standards when the public swimming pool is in use.

(3) The free chlorine residual referred to in subsection (2) must be achieved using a mechanical feeder that

- (a) is adjustable,
- (b) provides a consistent, adequate concentration of disinfectant, and
- (c) utilizes non-stabilized chlorine products.

(4) The mechanical feeder described in subsection (3) must be maintained, operated and calibrated in accordance with the manufacturer's requirements.

#### **Chlorine, pH and other chemical parameters**

**14(1)** The free chlorine residual level, total alkalinity and pH of the water in a public swimming pool must be sufficient to maintain the water in a bacteriologically safe condition in accordance with the Pool Standards.

(2) The use of non-chlorinated oxidation products in a public swimming pool must be in accordance with the Pool Standards.

(3) No cyanuric acid or products containing cyanuric acid may be used or be present in an indoor public swimming pool.

(4) The cyanuric acid level in an outdoor public swimming pool must be maintained in accordance with the Pool Standards.

#### **Automated pH, chlorine equipment**

**15(1)** A public swimming pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.

(2) The equipment referred to in subsection (1) must be

- (a) maintained in good working condition, and
- (b) calibrated and manually tested in accordance with the Pool Standards to ensure that it is working properly.

(3) Despite subsection (1), any public swimming pool operated at a bed and breakfast is not required to be equipped with automated chemical feeding and monitoring equipment for pH and chlorine.

#### **Water spray park**

**16(1)** A water spray park that uses non-recirculating water is exempt from the requirements of sections 4(3), 12 to 15, 17, 19 and 21.

(2) Water used in a water spray park must be from a potable source.

#### **Testing, monitoring and recordkeeping**

**17(1)** An owner, the owner's agent, if any, or the pool operator must monitor the quality of water in the public swimming pool routinely and keep proper records of testing results and readings.

(2) Tests and readings for free chlorine, combined chlorine and pH must be conducted in accordance with the Pool Standards during the normal operating hours of a public swimming pool as often as is necessary to enable the owner, the owner's agent, if any, or the pool operator to demonstrate water quality.

(3) An executive officer may order the owner, the owner's agent, if any, or the pool operator to conduct any tests for purposes of ensuring water quality.

#### **Microbiological requirements**

**18** The microbiological quality of water in a public swimming pool must be maintained in accordance with the Pool Standards.

#### **Microbiological sampling**

**19(1)** A sample of the water in a public swimming pool must be taken and submitted to the Provincial Laboratory of Public Health for microbiological testing in accordance with the Pool Standards

- (a) every week, or
- (b) at the intervals set out in a schedule established by the Chief Medical Officer or by an executive officer with the approval of the Chief Medical Officer.

(2) If microbiological testing indicates that the requirements of this Regulation or the Pool Standards are not met, the owner, the owner's agent, if any, or the pool operator must immediately take steps to ensure that the requirements are met.

#### **Water clarity**

**20(1)** Water in a public swimming pool, other than in a water spray park, must be sufficiently clear so that

- (a) the patterns of lines on the bottom of the public swimming pool floor are clearly visible at all times, or
- (b) a contrasting disc 150 millimetres in diameter on a white background located on the bottom of the public swimming

pool at its deepest point is clearly visible from any point on the deck 9 metres away from the disc.

(2) If a public swimming pool is open for use and the clarity of water in the public swimming pool decreases to a level where the visibility requirements of subsection (1) are not met, the owner, the owner's agent, if any, or the pool operator must direct all patrons to leave the public swimming pool until the clarity of water meets the requirements of subsection (1).

(3) Where the clarity of water in a public swimming pool does not meet the requirements of subsection (1), an executive officer may require monitoring of turbidity in accordance with the Pool Standards.

#### **Maximum bather load**

**21(1)** The maximum design bather load, as calculated by the designer of the public swimming pool, must not be exceeded during the operation of the public swimming pool.

(2) Where the maximum design bather load for a public swimming pool is not known, a maximum bather load may be calculated and applied by an executive officer in accordance with the Pool Standards.

#### **Nuisance strategy**

**22** If a nuisance is present in a public swimming pool, the owner, owner's agent, if any, or the pool operator must direct all patrons to leave the public swimming pool until the nuisance is removed.

#### **Anti-entrapment devices**

**23(1)** A public swimming pool, other than a water spray park, must be equipped with anti-entrapment devices that meet the requirements set out in the Pool Standards to prevent the entrapment of patrons on suction outlets.

(2) For the purposes of assessing the effectiveness of an anti-entrapment device referred to in subsection (1), the regional health authority may require the owner or the owner's agent, if any, to provide an engineer's report.

#### **Written policies and plans**

**24(1)** The owner or the owner's agent, if any, must develop and maintain written policies and implement plans for those policies in accordance with the Pool Standards respecting

- (a) safety and supervision of all patrons,

- (b) education of all patrons regarding use of the pool, including posting of rules regarding use of the pool,
- (c) response to water quality issues, including fecal contamination,
- (d) general sanitation, and
- (e) any other matters required by an executive officer.

(2) The written policies and plans referred to in subsection (1) must be reviewed with the staff of the pool and be accessible at all times to the staff and to an executive officer.

(3) The owner or the owner's agent, if any, or the pool operator must ensure that the pool is operated in accordance with the written policies and plans referred to in subsection (1).

#### **Restrictions on use of pool**

**25** No individual shall

- (a) use a public swimming pool if the individual has been instructed not to do so by a regional health authority or a physician,
- (b) urinate or defecate in or otherwise pollute the water of a public swimming pool, or
- (c) bring an animal onto a public swimming pool premises other than a guide dog or a dog used to assist an individual with disabilities.

#### **Rental mobile whirlpools**

**26(1)** No person shall operate or use a rental mobile whirlpool unless an approval for the operation of the rental mobile whirlpool has been granted by an executive officer.

(2) Despite subsection (1), a rental mobile whirlpool may be used, without an approval, at a single family dwelling unit by the owners of the single family dwelling unit and their non-paying guests.

#### **Consequential amendment**

**27** The *Waiver Regulation (AR 298/2003)* is amended by repealing section 1(1)(g) and substituting the following:

- (g) the *Public Swimming Pools Regulation* except sections 10 and 13(1) and (2);

**Repeal**

**28** The *Swimming Pool, Wading Pool and Water Spray Park Regulation* (AR 293/2006) is repealed.

**Expiry**

**29** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2019.

**Coming into force**

**30** This Regulation comes into force on November 30, 2014.



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