



[Français](#)

## Health Protection and Promotion Act

### R.R.O. 1990, REGULATION 565

#### PUBLIC POOLS

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***This is the English version of a bilingual regulation.***

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#### Definitions

1. (1) In this Regulation,

“apartment building” means a building that is divided into multiple dwelling units or suites whether leased or not but does not include a condominium, co-operative or commune property; (“immeuble d’habitation”)

“assistant lifeguard” means a person designated by the owner or operator to assist a lifeguard to supervise bather safety; (“sauveteur adjoint”)

“automatic sensing device” means a device that,

(a) determines and continuously displays,

(i) sanitizer residual in a public pool or public spa’s water, and

(ii) pH value of a public pool or public spa’s water, and

(b) regulates the operation of chemical feeders to maintain sanitizer and pH levels in accordance with this Regulation; (“détecteur automatique”)

“bather” means a person dressed for bathing; (“baigneur”)

“campground” means land or premises used as an overnight camping facility other than a recreational camp; (“terrain de camping”)

“child care centre” means a child care centre as defined in the *Child Care and Early Years Act, 2014*; (“centre de garde”)

“circulation system” means a system that,

(a) maintains circulation of water through a public pool or public spa by pumps,

(b) draws water from a public pool or public spa for treatment and returns it to the pool or spa as clean water, and

(c) provides continuous treatment that includes filtration and chlorination or bromination and other processes that may be necessary for the treatment of the water; (“système de circulation”)

“clean water” means water added to a public pool or public spa after treatment in the pool or spa circulation system; (“eau propre”)

- “club” means an organization that operates facilities for the use of its members and their guests; (“club”)
- “daily use period” means the period of time during which a public pool or public spa is open for use in an operating day; (“période d’utilisation quotidienne”)
- “day camp” means a camp or resort that admits persons for temporary custody for a continuous period not exceeding twenty-four hours; (“camp de jour”)
- “deck” means the area immediately surrounding a public pool or public spa; (“terrasse”)
- “diving board” means a flexible board and “board” has a corresponding meaning; (“tremplin de plongeon”)
- “diving platform” means a rigid platform and “platform” has a corresponding meaning; (“plate-forme de plongeon”)
- “general area” means an area adjacent to the deck within a pool or spa enclosure that is used for activities other than bathing; (“zone d’usage général”)
- “guest” means a person who contracts for sleeping accommodation in a hotel and includes each member of the person’s party; (“client”)
- “hotel” means a hotel, inn, motel, resort or other building or premises operated to provide sleeping accommodation for the public; (“hôtel”)
- “lifeguard” means a person appointed by the owner or operator to maintain surveillance over the bathers while they are on the deck or in the pool and to supervise bather safety; (“sauveteur”)
- “make-up water” means water added to a public pool or public spa from an external source; (“eau d’appoint”)
- “mobile home park” means land or premises maintained to provide a temporary or permanent location for mobile homes; (“parc de maisons mobiles”)
- “modified pool” means a public pool that has the form of a basin-shaped depression in the earth, the floor of which slopes downward and inward toward the centre from the rim; (“piscine modifiée”)
- “operating day”, in relation to a public pool or public spa, means a day on which the pool or spa is in operation; (“jour d’ouverture”)
- “operator” means a person designated by the owner of a public pool or public spa as being responsible for the operation of the pool or spa; (“exploitant”)
- “owner” means a person who is the owner of a public pool or spa; (“propriétaire”)
- “public spa” means a hydro-massage pool containing an artificial body of water that is intended primarily for therapeutic or recreational use, that is not drained, cleaned or refilled before use by each individual and that utilizes hydrojet circulation, air induction bubbles, current flow or a combination of them over the majority of the pool area; (“spa public”)
- “public spray pad or public splash pad” means an indoor or outdoor installation that includes sprayed, jetted or other water sources contacting bathers and not incorporating standing or captured water as part of the bather activity area, other than a private residential spray pad or splash pad or a spray pad or splash pad for display or promotional purposes only; (“aire de jets d’eau publique ou aire de jeux d’eau publique”)
- “public wading pool” means any structure, basin, chamber or tank containing or intended to contain an artificial body of water having a depth of water equal to 75 centimetres or less at any point, that is provided for the recreational or instructive use of young children, other than a private residential wading pool or a wading pool for display or promotional purposes only; (“pataugeoire publique”)
- “recreational camp” means a recreational camp within the meaning of Ontario Regulation 503/17 made under the Act; (“camp de loisirs”)
- “wave action pool” means a public pool that is provided with a means for inducing wave motion in the water. (“piscine à vagues”) R.R.O. 1990, Reg. 565, s. 1; O. Reg. 494/17, s. 1 (1-9); O. Reg. 141/18, s. 1.

(2) Where a notice is required to be posted under this Regulation, the equivalent notice in French may be posted instead or in addition. O. Reg. 494/17, s. 1 (10).

#### **Class A and B pools**

2. The following classes of public pools are established:

1. Class "A" pool, being a public pool to which the general public is admitted or that is,
  - i. operated in conjunction with or as part of a program of an educational, instructional, physical fitness or athletic institution or association, that is supported in whole or in part by public funds or public subscription, or
  - ii. operated on the premises of a recreational camp, for use by campers and their visitors and camp personnel.
2. Class "B" pool, being a public pool that is,
  - i. operated on the premises of an apartment building that contains six or more dwelling units or suites or a mobile home park, for the use of the occupants and their visitors,
  - ii. operated as a facility to serve a community of six or more single-family private residences, for the use of residents and their visitors,
  - iii. operated on the premises of a hotel for the use of its guests and their visitors,
  - iv. operated on the premises of a campground for the use of its tenants and their visitors,
  - v. operated in conjunction with,
    - A. a club for the use of its members and their visitors, or
    - B. a condominium, co-operative or community property that contains six or more dwelling units or suites for the use of the owners or members and their visitors,
  - vi. operated in conjunction with a child care centre, a day camp or an establishment or facility for the care or treatment of persons who have special needs, for the use of those persons and their visitors, or
  - vii. neither a Class A pool, nor exempt from the provisions of this Regulation. O. Reg. 494/17, s. 2.

#### **Class C facilities**

2.1 The class of Class C facility is established, being any of the following:

1. A public wading pool.
2. A public spray pad or public splash pad.
3. A water slide receiving basin that serves solely as a receiving basin for persons at the bottom of a water slide. O. Reg. 141/18, s. 2.

3. REVOKED: O. Reg. 494/17, s. 2.

#### **Application**

4. (1) This Regulation applies to public pools and all buildings, appurtenances and equipment used in the operation of public

pools. R.R.O. 1990, Reg. 565, s. 4.

(2) Where this Regulation refers to public spas, it applies to the following public spas, whether or not they are operated in conjunction with a Class A pool or a Class B pool, and to all buildings, appurtenances and equipment used in their operation:

1. A public spa operated on the premises of an apartment building that contains six or more dwelling units or suites, or a mobile home park, for the use of the occupants and their visitors.
2. A public spa operated as a facility to serve a community of six or more single-family private residences, for the use of the residents and their visitors.
3. A public spa operated on the premises of a hotel for the use of the hotel's guests and their visitors, subject to subsection 4.1 (2).
4. A public spa operated on the premises of a campground, for the use of the campground's tenants and their visitors.
5. A public spa operated in conjunction with,
  - i. a club, for the use of its members and their visitors, or
  - ii. a condominium, co-operative or commune property that contains six or more dwelling units or suites, for the use of the owners or members and their visitors.
6. A public spa operated in conjunction with a child care centre, a day camp or an establishment or a facility for the care or treatment of persons who have special needs, for the use of such persons and their visitors. O. Reg. 494/17, s. 3.

#### **Exemptions**

**4.1** (1) The following public pools are exempt from this Regulation:

1. Pools used by the occupants and their visitors of an apartment building, condominium or co-operative or commune property with fewer than six dwelling units or suites.
2. Pools used by members of a community of less than six single-family private residences.
3. Pools operated on the premises of a hotel that has fewer than six units or suites for the use of its guests, if the following notice is displayed in a conspicuous place within the pool enclosure printed in letters at least 25 millimetres high with a minimum five millimetre stroke:

CAUTION

SWIM AT YOUR OWN RISK

THIS POOL IS NOT SUBJECT TO THE REQUIREMENTS OF ONTARIO REGULATION 565 (PUBLIC POOLS)

4., 5. REVOKED: O. Reg. 141/18, s. 3.

O. Reg. 494/17, s. 4; O. Reg. 141/18, s. 3.

(2) A public spa operated on the premises of a hotel that has fewer than six dwelling units or suites for the use of its guests and their visitors is exempt from this Regulation if the following notice is displayed in a conspicuous place within the public spa enclosure, printed in letters at least 25 millimetres high with a minimum five millimetre stroke:

CAUTION

USE SPA AT YOUR OWN RISK

THIS SPA IS NOT SUBJECT TO THE REQUIREMENTS OF ONTARIO REGULATION 565 (PUBLIC POOLS)

O. Reg. 494/17, s. 4.

#### **Notification**

5. (1) At least 14 days before a public pool or public spa is put into use after construction or alteration, the owner or the owner's agent shall notify, in writing, the medical officer of health or a public health inspector for the health unit where the pool or spa is situate,

- (a) of the building permit number issued for the construction or alteration of the pool or spa;
- (b) whether or not all the preparations necessary to operate the pool or spa in accordance with this Regulation have been completed;
- (c) of the date that the pool or spa is intended to be opened or re-opened for use;
- (d) in the case of a pool, whether the pool is intended to be operated as a Class A or a Class B pool; and
- (e) of the name and address of the operator. O. Reg. 494/17, s. 5.

(2) A person who proposes to open or re-open a pool or spa for use as a public pool or public spa after construction or alteration shall not open or re-open the pool or spa without first obtaining permission in writing from the medical officer of health or a public health inspector for the health unit where the pool or spa is situate. O. Reg. 494/17, s. 5.

(3) At least 14 days before the re-opening of a public pool or public spa after any closure that lasts for more than four weeks, the owner or operator shall notify in writing the medical officer of health or a public health inspector for the health unit where the pool or spa is situate,

- (a) of the date that the pool or spa is to be re-opened;
- (b) of the name and address of the operator; and
- (c) in the case of a pool, whether the pool is intended to be operated as a Class A or a Class B pool. O. Reg. 494/17, s. 5.

(4) Every operator of a public pool or public spa shall ensure that the results of any inspections conducted by a public health inspector are posted in accordance with the inspector's request. O. Reg. 494/17, s. 5.

(5) In this section,

“alteration” does not include routine maintenance or repair or replacement of existing equipment. O. Reg. 494/17, s. 5.

#### **Operation**

6. (1) Every owner of a public pool or public spa shall designate an operator. O. Reg. 494/17, s. 5.

(2) Every operator shall be trained in public pool and public spa operation and maintenance, filtration systems, water chemistry and all relevant safety and emergency procedures. O. Reg. 494/17, s. 5.

(3) Every owner and every operator shall,

- (a) maintain the public pool or public spa and its equipment in a safe and sanitary condition;
- (b) ensure that, except during the daily use period, the pool or spa is rendered inaccessible to persons who are not involved with its operation, inspection or maintenance;
- (c) ensure that,
  - (i) in a Class A pool that was constructed after the 30th day of April, 1974, a volume of water not less than four times the total capacity of the pool is filtered, disinfected and passed through the pool each day,
  - (ii) in a Class A pool that was constructed before the 1st day of May, 1974 and in a Class B pool, a volume of water not less than three times the total capacity of the pool is filtered, disinfected and passed through the pool each day, and

(iii) in a wave action pool, a volume of water not less than six times the total capacity of the pool is filtered, disinfected and passed through the pool each day; and

(d) except for stoppage for maintenance, draining, repairs or backwashing of filters or for a closure for a continuous period of seven days or more, ensure that the circulation system and the chemical feeders are in continuous operation throughout the entire 24 hours of each day without regard to the daily use period. O. Reg. 494/17, s. 5.

(4) Despite paragraph 2 of section 2, a Class B pool may be operated as a Class A pool during periods when the pool is open solely for the uses stated in paragraph 1 of section 2 if the following conditions are met:

1. The medical officer of health or a public health inspector for the health unit where the pool is situate has been notified in advance of the intent to operate as a Class A pool.
2. All safety and supervision requirements in section 17 and subsections 20 (4) to (8) comply with those of a Class A pool.
3. The pool is able to increase rate of water turnover provided for in clause (3) (c) to that of a Class A pool. O. Reg. 494/17, s. 5.

(5) Despite paragraph 1 of section 2, a Class A pool may be operated as a Class B pool during periods when the pool is open solely for the uses stated in subparagraphs i to vi of paragraph 2 of section 2. O. Reg. 494/17, s. 5.

(6) Every owner and every operator shall ensure that,

- (a) all components of the pool or spa are maintained in proper working order;
- (b) all surfaces of the pool or spa deck and walls are maintained in a sanitary condition and free from potential hazards;
- (c) where dressing rooms, water closets and shower facilities are provided for the pool or spa, they are available for use of the bathers before entering the deck;
- (d) carpeting or other water-retentive material is not installed or used in any area that becomes or may become wet during the daily use period of the pool or spa;
- (e) the perimeter of the pool or spa deck are clearly delineated by painted lines or other means where any area contiguous to the pool or spa deck may be confused with the deck;
- (f) provisions are made for the safe storage and handling of all chemicals required in the operation of the pool or spa;
- (g) where footsprays are provided for the pool or spa, they are maintained in good working order and are kept sanitary;
- (h) in the case of a pool, the submerged surfaces of the pool are white or light in colour, except for markings for safety or competition purposes;
- (i) in the case of a pool, the perimeter drain of the pool is kept free of debris;
- (j) in the case of a pool, at least 15 per cent of the total pool water volume is capable of being withdrawn from the gutter or skimmer lines daily and discharged to waste drains;
- (k) in the case of a pool, where the pool is equipped with a diving board or diving platform, the board or platform has a non-slip surface finish;
- (l) in the case of a pool, where the pool is a wave action pool, bathers do not have access to the electrical and mechanical equipment, chemicals and chemical feeders required for the operation of the pool;
- (m) in the case of a pool, a black disc 150 millimetres in diameter on a white background is affixed to the bottom of the pool at its deepest point;
- (n) in the case of a pool, where the pool has one or more ramps that are not submerged and that are adjacent to the pool wall and that are used for access to the water, the pool is provided with a removable barrier that separates the deck from the ramp;

- (o) in the case of a pool, where the pool has one or more ramps that are submerged, that are adjacent to the pool wall and that are used for access to the water, the pool is provided with a removable barrier that separates the walkway from the deck; and
- (p) in the case of a pool, exposed piping within the pool enclosure, inside the structure of the pool and inside appurtenant structures to the pool are identified by,
  - (i) colour coding with coloured bands at least 25 millimetres wide spaced along the piping at intervals not greater than 1.20 metres, or
  - (ii) painting the entire outer surface of the piping in accordance with the following code:
    - chlorine — yellow
    - potable water — green.

O. Reg. 494/17, s. 5.

(7) Clause (6) (j) does not apply to a Class A pool that was constructed before June 7, 1965. O. Reg. 494/17, s. 5.

(8) Clause (6) (j) does not apply to a Class B pool that was constructed before the May 1, 1974. O. Reg. 494/17, s. 5.

#### **Water quality**

7. (1) Every owner and every operator of a public pool or public spa shall ensure that the clean water and the make-up water are free from contamination that may be injurious to the health of the bathers. O. Reg. 494/17, s. 5.

(2) Every owner and every operator of a public pool or public spa shall ensure that the pool or spa water and its circulation system is separate from the potable water supply and from the sewer or drainage system into which it drains by air gaps or other devices that prevent the water in the pool or spa or its circulation system from flowing back into the potable water supply, and the water in the sewer or drainage system from flowing back into the pool or spa or its circulation system. O. Reg. 494/17, s. 5.

(3) Every owner and every operator of a public pool or public spa shall ensure that the pool or spa water is maintained free from visible matter that may be hazardous to the health or safety of the bathers. O. Reg. 494/17, s. 5.

(4) In the case of a public pool, every owner and every operator, other than an owner and operator of a modified pool or a wave action pool, shall ensure that the pool water is of a clarity to permit a black disc 150 millimetres in diameter on a white background located on the bottom of the pool at its deepest point to be clearly visible from a point on the deck nine metres away from the disc. O. Reg. 494/17, s. 5.

(5) In the case of a public pool, every owner and every operator of a modified pool shall ensure that the pool water is of a clarity to permit a lifeguard occupying the lifeguard control station that is least affected by reflections from the water surface to see at a distance of 35 metres from the control station the continuous black marking referred to in subsection 18 (3) on the bottom of the pool where the water is 1.20 metres in depth. O. Reg. 494/17, s. 5.

(6) Every owner and every operator of a wave action pool shall ensure that the pool water is of a clarity to permit a black disc 150 millimetres in diameter on a white background located on the bottom of the pool in the area of its greatest depth to be clearly visible from a point on the deck nine metres away from the disc when no waves are being induced in the pool. O. Reg. 494/17, s. 5.

(7) Every owner and every operator of a public spa shall ensure that the public spa water is of a clarity to permit the owner or operator to see the lowest water outlet drain when the spa water is in a non-turbulent state. O. Reg. 494/17, s. 5.



(8) Every owner and every operator of a public pool or public spa shall ensure that the pool or spa water is treated with chlorine, a chlorine compound or a bromine compound by means of a chemical feeder, and is maintained so that in every part of the pool or spa, at all times during the daily use period,

- (a) the total alkalinity is maintained in the range of 80 ppm to 120 ppm;
- (b) the pH value is within the range of 7.2 to 7.8;
- (c) there is a residual of free available chlorine in every part of a public pool of at least 0.5 ppm but not more than 10 ppm, and a residual of free available chlorine or total bromine in every part of a public spa of at least 5 ppm but not more than 10 ppm;
- (d) where a pool is not a wave action pool and a bromine compound is used, there is a total bromine residual of not less than 2 ppm and not more than 4 ppm;
- (e) where a pool is a wave action pool and a bromine compound is used, there is a total bromine residual of not less than 3 ppm and not more than 10 ppm;
- (f) if the pool or spa is equipped with an automatic sensing device, the Oxidation Reduction Potential value is not less than 600 mV and not greater than 900 mV; and
- (g) where the medical officer of health determines that the health of the bathers may be affected, there is such higher minimum or maximum chlorine or bromine residual than required under clause (c), (d) or (e) as the medical officer of health may require in writing. O. Reg. 494/17, s. 5.

(9) The method used in determining the free available chlorine residual referred to in clause (8) (c) and, if applicable, paragraph 1 of subsection (10), shall be such that chloramines or other compounds that may be present in the pool or spa do not affect the determination. O. Reg. 494/17, s. 5.

(10) Every owner and every operator of a public pool or public spa shall ensure that the following is complied with:

1. Where cyanurate stabilization is maintained in outdoor pools there must be a residual of free available chlorine of not less than 1 ppm and not more than 10 ppm, in association with a cyanuric acid concentration of not greater than 60 milligrams per litre.
2. For indoor pools (totally or partially covered by a roof) and all spas, no cyanurate stabilization shall be used. O. Reg. 494/17, s. 5.

(11) Every operator of a public pool or public spa shall test and record the following regarding the pool or spa water each operating day, by means of manual test methods, a minimum of 30 minutes prior to opening:

1. Total alkalinity
2. pH value.
3. Free available chlorine and total chlorine or bromine residual.
4. Water clarity.
5. Water temperature, in the case of spas. O. Reg. 494/17, s. 5.

(12) Where the pool or spa has an automatic sensing device, the requirements provided for in subsection (11) must be further checked and recorded at least every four hours until the daily use period has ended. For pools and spas without an automatic sensing device, the requirements provided for in subsection (11) must be further manually checked and recorded at least every two hours until the daily use period has ended. O. Reg. 494/17, s. 5.

(13) Every operator of a public pool shall add make-up water to the pool during each operating day in a minimum amount of 15

litres per bather as determined by a water meter installed for the purpose. O. Reg. 494/17, s. 5.

(14) Every operator of a public spa with a volume that exceeds 4,000 litres shall add make-up water to the spa during each operating day in an amount that is a minimum of 15 litres per bather use, to a maximum of 20 per cent of the total spa volume. O. Reg. 494/17, s. 5.

(15) Every owner and every operator of a public pool or a public spa to which subsection (13) or (14) applies shall ensure that a water meter is provided that registers the volume of all make-up water that is added to the pool or spa, as the case may be. O. Reg. 494/17, s. 5.

(16) Every operator of a public spa with a volume that is 4,000 litres or less shall drain to waste and refill the total volume of water in the public spa in accordance with the following formula:

$$WRI = V \div (10 \times U)$$

where,

WRI = the maximum number of operating days that may elapse between drainings, rounded up to a whole number,

V = the total volume of the spa in litres, and

U = the total estimated number of bather uses per operating day.

O. Reg. 494/17, s. 5.

(17) An operator who drains a public spa in accordance with subsection (16) shall, before refilling the spa, inspect all parts of the spa including, but not limited to, drain covers, suction fittings and all emergency equipment within the spa, and ensure that they are properly secured and operational. O. Reg. 494/17, s. 5.

#### **Daily records**

**8.** Every operator of a public pool or public spa shall keep and sign daily records that shall set out, in relation to each operating day,

- (a) the estimated number of bather uses during the operating day;
- (b) the reading of the make-up water meter for pools and, if applicable, for spas, as of the end of the day;
- (c) any emergencies, rescues or breakdowns of equipment that have occurred;
- (d) the time of day the emergency stop button test, where applicable, was performed;
- (e) the results of the tests required under subsections 7 (11) and (12);
- (f) in the case of a public spa, whether the public spa was drained, inspected and refilled in accordance with subsections 7 (16) and (17), if those subsections apply;
- (g) the results of the tests required under subsection 16 (2) and the times they were performed; and
- (h) the type and amount of chemicals added manually to the pool or spa. O. Reg. 494/17, s. 5.

#### **Record retention**

**9.** A record required to be kept under section 8 shall be retained for a period of one year from the date of making the record and shall be kept available for viewing by a medical officer of health or a public health inspector at any time. R.R.O. 1990, Reg. 565, s. 9; O. Reg. 494/17, s. 6.

#### **Bather load and spectator area**

10. (1) In the case of public pools, every owner and every operator, other than an owner and operator of a wave action pool, shall ensure that the total number of bathers permitted at any instant on the deck and in the pool does not exceed the maximum bather load as determined by the following formula:

$$\text{maximum bather load} = D / 2.5 + S / 1.4$$

where,

D = the area in square metres of the part of the pool that is deeper than 1.35 metres; and

S = the area in square metres of the part of the pool that is 1.35 metres in depth or shallower.

R.R.O. 1990, Reg. 565, s. 10 (1); O. Reg. 494/17, s. 7 (1).

(2) In the case of public pools, every owner and every operator of a wave action pool shall ensure that the total number of bathers permitted at any instant on the deck and in the pool does not exceed the maximum bather load as determined by the following formula:

$$\text{maximum bather load} = D / 2.5 + S / 1.1$$

where,

D = the area in square metres of the part of the pool that is deeper than one metre when no waves are being induced; and

S = the area in square metres of the part of the pool that is one metre in depth or shallower when no waves are being induced.

R.R.O. 1990, Reg. 565, s. 10 (2); O. Reg. 494/17, s. 7 (2).

(2.1) Every operator of a public spa shall ensure that the maximum number of persons permitted to use the spa at any one time is the lesser of the following:

1. One person per square metre of surface water area.

2. The maximum bather load identified by the manufacturer of the spa. O. Reg. 494/17, s. 7 (3).

(3) In the case of public pools, benches or seats for temporary use during aquatic displays or competitive events attended by spectators may be placed on the deck to accommodate the spectators, provided that,

(a) the spectator area and the access to it are separated from the remainder of the deck by a barrier placed not less than 0.60 metre from the edge of the pool; and

(b) the benches or seats when not in use are stored outside the deck area. R.R.O. 1990, Reg. 565, s. 10 (3); O. Reg. 494/17, s. 7 (4).

(4) In the case of public pools, where moveable equipment, including portable diving stands, starting platforms and swing ropes are provided for the use of the bathers, every owner and every operator shall ensure that the equipment is in place on the deck only during periods when its use is directly supervised by aquatic personnel. R.R.O. 1990, Reg. 565, s. 10 (4); O. Reg. 494/17, s. 7 (5).

(5) Every owner and every operator shall ensure that no food or beverage except water is supplied or consumed in the pool or spa or on the deck. R.R.O. 1990, Reg. 565, s. 10 (5); O. Reg. 494/17, s. 7 (6).

#### **Maintenance**

11. (1) Every owner and every operator of a public pool or public spa shall ensure that the pool or spa, the deck and, where provided, the dressing and locker rooms, water closets, showers and connecting corridors appurtenant to the pool or spa are,

- (a) kept clean, free from slipperiness and disinfected;
- (b) free of hazardous obstructions; and
- (c) ventilated so as to remove odours. O. Reg. 494/17, s. 8.

(2) Every owner and every operator of a public pool or public spa shall ensure that where water closets are provided they are supplied with toilet paper. O. Reg. 494/17, s. 8.

#### **Bathing apparel and towels**

**12.** Where the operator of a public pool or public spa supplies bathing apparel or towels, the operator shall ensure that they are,

- (a) cleaned, disinfected and stored in a sanitary manner; and
- (b) stored separately from clean apparel and towels after each use pending removal for laundering. O. Reg. 494/17, s. 8.

#### **Gas chlorinator**

**13.** Where a gas chlorinator is used in a public pool, the owner and the operator of the pool shall ensure that,

- (a) full-face, self-contained, air-supplied respiratory equipment is provided suitable for use in a chlorine atmosphere for a period of fifteen minutes and kept in a dust-tight cabinet located outside the area of probable contamination;
- (b) the chlorination equipment is operated by a person or persons trained in the operation of chlorination equipment;
- (c) the chlorination system automatically ceases to inject chlorine solution whenever the circulation system ceases to supply clean water to the pool;
- (d) every chlorine cylinder on the pool premises is anchored at all times to prevent its accidental movement;
- (e) except when a chlorine cylinder is connected to the chlorinator, a chlorine cylinder valve protection hood is fitted in place on the cylinder;
- (f) a wrench for operating the chlorine cylinder valve is fitted to the valve stem of each chlorine cylinder that is connected to the chlorinator;
- (g) a platform weigh scale of not less than 135 kilograms capacity for each chlorine cylinder in use is provided; and
- (h) the operator takes all steps necessary to ensure the safety of the bathers before connecting or disconnecting a chlorine cylinder. R.R.O. 1990, Reg. 565, s. 13; O. Reg. 494/17, s. 9.

#### **Diving platform**

**14.** Where a diving platform greater than three metres in height above the water is provided in a public pool, the operator shall ensure that,

- (a) the gate giving access to the platform is locked except during periods when the platform is in use for diving; and
- (b) when the platform is in use, the pool is used solely for diving unless a rigid barrier or double safety lines 300 millimetres apart supported by buoys are in place, located from the wall under the platform,
  - (i) at 11.60 metres in the case of a 5-metre platform,
  - (ii) at 12.50 metres in the case of a 7.5-metre platform, and
  - (iii) at 15.25 metres, in the case of a 10-metre platform,

and activities other than diving are effectively confined to the area of the pool outside the separated diving area. R.R.O. 1990, Reg. 565, s. 14.

**15.** REVOKED: O. Reg. 494/17, s. 10.

#### **Safety**

16. (1) Every owner and every operator shall ensure that,

- (a) in the case of a Class A pool, an emergency telephone is provided that is easily accessible and directly connected to an emergency service or to the local telephone utility;
- (b) in the case of a class B pool, a telephone for emergency use is accessible no farther than 30 metres from the pool; and
- (c) in the case of a public spa, a land line emergency telephone that connects directly to an emergency service or the local telephone utility is located within 30 metres of the spa. O. Reg. 494/17, s. 11.

(2) Every operator shall ensure, before the public pool or spa is opened for use each day, that,

- (a) in the case of a Class A pool, the emergency telephone required under clause (1) (a) is tested to confirm that the system is in operating condition; and
- (b) in the case of a Class B pool, the telephone required under clause (1) (b) is tested to confirm that it is in operating condition; and
- (c) in the case of a public spa, the telephone required under clause (1) (c) is tested to confirm that it is in operating condition. O. Reg. 494/17, s. 11.

(3) Every owner and every operator of a wave action pool shall ensure that,

- (a) the pool is equipped with a public address system that is in good working condition and that is clearly audible in all portions of the pool; and
- (b) the pool is equipped with a communications system that is in good working condition and that is connected to the public address system, each lifeguard station, the first-aid room and the admission control centre of the pool. R.R.O. 1990, Reg. 565, s. 16 (3).

(4) Every operator of a wave action pool shall ensure the public address system is used to sound a warning sufficiently in advance of the commencement of wave activation to give bathers the option of leaving the pool. R.R.O. 1990, Reg. 565, s. 16 (4).

#### **Other records**

16.1 Every owner and every operator of a public pool or public spa shall ensure that,

- (a) all of the water, gravity and suction outlet covers are inspected at least once within each period of 30 operating days;
- (b) if any of the outlet covers are found to be loose or missing, the pool or spa is closed until the cover is repaired or replaced;
- (c) the test-buttons associated with the ground current leakage detecting and de-energizing devices are,
  - (i) activated during the daily use period, and
  - (ii) tested either monthly or according to the manufacturer's instructions, whichever is more frequent;
- (d) in the case of a pool, if an emergency stop button is available it is labelled and tested and recorded once within each period of 30 operating days;
- (e) in the case of a pool, where cyanurate stabilization is maintained, the operator determines the concentration of cyanuric acid not less than once every week;
- (f) in the case of a spa, the emergency stop button and vacuum release mechanisms are tested and inspected at least once within each period of 30 operating days;
- (g) a written record of each inspection under this section is made and signed by the person who performed the inspection; and
- (h) the written record of each inspection under this section is retained by the owner or operator for at least one year from the

date the record is made and is kept available for viewing by a public health inspector at any time. O. Reg. 494/17, s. 12.

### Supervision

17. (1) Every owner and every operator of a public pool shall ensure that there are written emergency and operational procedures and instructions at the pool to be implemented in the event of an emergency, accident or injury in the pool and that all lifeguards and assistant lifeguards are trained in the emergency and operational procedures. O. Reg. 494/17, s. 13 (1).

(2) Subject to subsections (3), (13), (14), (15), (16), (18), (19) and (20), every owner and every operator shall ensure that where a public pool is open for use there are on duty on the deck lifeguards and assistant lifeguards trained in the emergency procedures for the pool and in such numbers that the total provided is in accordance with either of the following Tables and the number of assistant lifeguards does not exceed the number of lifeguards:

TABLE 1

MINIMUM NUMBER OF LIFEGUARDS FOR A PUBLIC POOL WITH A WATER SURFACE AREA OF 500 SQUARE METRES OR LESS (OTHER THAN A WAVE ACTION POOL) WHERE THERE ARE ONLY LIFEGUARDS ON DUTY

Number of bathers on the deck and in the pool	Minimum number of lifeguards where there are only lifeguards on duty
0 - 30	1
31 - 125	2
126 - 250	3
251 - 400	4
400 or more	One additional lifeguard for each additional 150 bathers or fraction thereof

TABLE 2

MINIMUM NUMBER OF LIFEGUARDS AND ASSISTANT LIFEGUARDS FOR A PUBLIC POOL WITH A WATER SURFACE AREA OF 500 SQUARE METRES OR LESS (OTHER THAN A WAVE ACTION POOL) WHERE BOTH LIFEGUARDS AND ASSISTANT LIFEGUARDS ARE ON DUTY

Number of bathers on the deck and in the pool	Minimum number of lifeguards and assistant lifeguards where both are on duty
0 - 30	1
31 - 100	2
101 - 200	3
201 - 300	4
300 or more	One additional lifeguard or assistant lifeguard for each additional 100 bathers or fraction thereof

O. Reg. 293/17, s. 1 (1).

- (3) Where a pool, other than a wave action pool, has a water surface area open for use that is greater than 500 square metres,
- (a) the minimum numbers of lifeguards and assistant lifeguards referred to in the applicable Table in subsection (2) shall be increased by one; and
  - (b) where there are two persons who hold a lifeguard certificate on duty, the number of bathers referred to in the applicable Table in subsection (2) may exceed thirty but shall not exceed sixty. R.R.O. 1990, Reg. 565, s. 17 (3); O. Reg. 293/17, s. 1 (2); O. Reg. 494/17, s. 13 (2).

(4) Where there is only one lifeguard on duty on the deck, every owner of a Class A pool and every operator shall ensure that there are on duty elsewhere on the premises and within call one or more additional persons sixteen years of age or over who are trained in the emergency procedures for the pool. R.R.O. 1990, Reg. 565, s. 17 (4).

(5) Lifeguards and assistant lifeguards shall be so attired that they are readily identifiable. R.R.O. 1990, Reg. 565, s. 17 (5).

(6) Every lifeguard shall,

(a) be at least 16 years of age;

(b) be the holder of a current lifeguard certificate that is dated not more than two years prior to the date on which he or she is acting as a lifeguard; and

(c) have available at the pool when on duty the certificate referred to in clause (b) or a copy thereof certified by the operator and permit the owner, the operator or a public health inspector to examine the certificate at any time. R.R.O. 1990, Reg. 565, s. 17 (6); O. Reg. 270/99, s. 1 (2).

(7) Every assistant lifeguard shall,

(a) be at least sixteen years of age;

(b) be the holder of a current assistant lifeguard certificate that is dated no more than two years prior to the date on which he or she is acting as an assistant lifeguard; and

(c) have available at the pool when on duty the certificate referred to in clause (b) or a copy thereof certified by the operator and permit the owner, the operator or a public health inspector to examine the certificate at any time. R.R.O. 1990, Reg. 565, s. 17 (7).

(8) In this section,

“assistant lifeguard certificate” means an assistant lifeguard certificate issued by the Lifesaving Society, Canadian Red Cross or another organization that provides equivalent training in lifeguarding and that is approved by the Minister for the purpose;

“lifeguard certificate” means a lifeguard certificate issued by the Lifesaving Society, Canadian Red Cross or another organization that provides equivalent training in lifeguarding and that is approved by the Minister for the purpose. O. Reg. 494/17, s. 13 (3).

(9) REVOKED: O. Reg. 494/17, s. 13 (3).

(10) At least one person sixteen years of age or over on duty at every Class A pool or on the premises and within call shall be the holder of,

(a) a lifeguard certificate that is dated not more than two years prior to the date of which he or she is on duty; or

(b) a current first aid certificate,

and have available on the premises when on duty the certificate or a copy thereof certified by the operator and permit the owner, the operator or a public health inspector to examine the certificate at any time. R.R.O. 1990, Reg. 565, s. 17 (10); O. Reg. 494/17, s. 13 (4).

(11) For the purpose of subsection (10),

“current first aid certificate” means a standard or higher first aid certificate that is dated not more than three years prior to the date on which the holder is on duty and that is issued by one of the following agencies:

1. St. John Ambulance.

2. Canadian Red Cross.
3. Lifesaving Society.
4. Canadian Ski Patrol.
5. An organization whose certificate the medical officer of health considers equivalent to a certificate referred to in paragraph 1, 2, 3 or 4. O. Reg. 494/17, s. 13 (5).

(12) Every lifeguard on duty at a wave action pool shall,

- (a) be at least 16 years of age;
- (b) be the holder of a current lifeguard certificate that is dated not more than two years prior to the date on which he or she is acting as a lifeguard; and
- (c) have available at the pool when on duty the certificate referred to in clause (b) or a copy certified by the operator and permit the owner, operator or a public health inspector to examine the certificate at any time. O. Reg. 494/17, s. 13 (5).

(13) Every owner and every operator of a wave action pool shall ensure that where a wave action pool with a water surface area of 2,800 square metres or less is open for use, there are on duty on the deck lifeguards trained in the emergency procedures for the pool and in such numbers that the total is in accordance with the following Table:

TABLE

MINIMUM NUMBER OF LIFEGUARDS FOR A WAVE ACTION POOL WITH A WATER SURFACE AREA OF NOT LESS THAN 1,400 SQUARE METRES AND NOT GREATER THAN 2,800 SQUARE METRES

Number of bathers on the deck and in the pool	Minimum number of lifeguards
0 - 100	4
101 - 250	5
251 - 400	6
401 - 550	7
551 - 700	8
701 - 850	9
851 - 1000	10
Greater than 1000	11

R.R.O. 1990, Reg. 565, s. 17 (13).

(14) Where a wave action pool has a water surface area greater than 2,800 square metres the minimum numbers of lifeguards referred to in subsection (13) shall be increased by one for every additional 280 square metres of water surface or less. R.R.O. 1990, Reg. 565, s. 17 (14).

(15) Where a wave action pool has a water surface of 1,400 square metres or less, the minimum numbers of lifeguards referred to in subsection (13) may be reduced by one. R.R.O. 1990, Reg. 565, s. 17 (15).

(16) A public pool is exempt from the safety supervision requirements of subsections (2), (3) and (21) if an operator ensures



adequate supervision is provided during a period when the pool is being used solely by one or more groups each not exceeding 25 in number for aquatic instruction, practice, competition or display under the direct supervision of a certified aquatic instructor or coach, and the requirements in subsection (17) are met. O. Reg. 494/17, s. 13 (6); O. Reg. 141/18, s. 4.

(17) The following applies for the purposes of subsection (16):

1. Every aquatic instructor and every coach shall be at least 16 years of age and be a holder of an aquatic instructor certificate that is dated not more than two years prior to the date on which he or she is acting as an aquatic instructor or coach.
2. Every aquatic instructor and every coach shall be a holder of either a lifeguard certificate or an assistant lifeguard certificate that is dated not more than two years prior to the date on which he or she is acting as an aquatic instructor or coach.
3. Where an aquatic instructor or coach does not hold a lifeguard certificate or an assistant lifeguard certificate that is dated not more than two years prior to the date on which he or she is acting as an aquatic instructor or coach, the operator shall ensure a lifeguard is on duty on the deck during the period when the pool is being used for aquatic instruction, practice, competition or display.
4. In the case of underwater aquatic instruction, the instructor certificate mentioned in paragraph 1 must be issued by,
  - i. The National Association of Underwater Instructors,
  - ii. The Professional Association of Diving Instructors, or
  - iii. The Association of Canadian Underwater Councils.
5. Every aquatic instructor and every coach shall keep the applicable certificate, or a copy certified by the operator, available on the premises when on duty, and permit the owner, the operator or a public health inspector to examine the certificate at any time. O. Reg. 494/17, s. 13 (6).

(18) REVOKED: O. Reg. 494/17, s. 13 (7).

(19) A Class B pool other than a pool operated in conjunction with a child care centre or day camp that has,

- (a) a water surface area of ninety-three square metres or less is exempt from the safety supervision requirements of this section provided that the following notice that is printed in letters at least twenty-five millimetres high is displayed in a conspicuous location within the pool enclosure:

**CAUTION**

THIS POOL IS UNSUPERVISED. BATHERS UNDER TWELVE YEARS OF AGE ARE NOT ALLOWED WITHIN THE POOL ENCLOSURE UNLESS ACCOMPANIED BY A PARENT OR HIS OR HER AGENT WHO IS NOT LESS THAN SIXTEEN YEARS OF AGE.

or,

- (b) a water surface area greater than ninety-three square metres and the number of bathers does not exceed ten, is exempt from the safety supervision requirements of this section provided that the following notice that is printed in letters at least twenty-five millimetres high is displayed in a conspicuous location within the pool enclosure:

**CAUTION**

THIS POOL IS UNSUPERVISED. BATHERS UNDER TWELVE YEARS OF AGE ARE NOT ALLOWED WITHIN THE POOL ENCLOSURE UNLESS ACCOMPANIED BY A PARENT OR HIS OR HER AGENT WHO IS NOT LESS THAN SIXTEEN YEARS OF AGE. THE TOTAL NUMBER OF BATHERS ON THE DECK AND IN THE POOL SHALL NOT EXCEED TEN.

R.R.O. 1990, Reg. 565, s. 17 (19); O. Reg. 494/17, s. 13 (8).

(20) Where a pool is operated in conjunction with a child care centre or day camp and the water depth of the pool does not exceed 1.10 metres, a lifeguard or an assistant lifeguard may be replaced by one or more persons sixteen years of age or over where each person has satisfied the operator that he or she is a competent swimmer, is trained in the emergency procedures for the pool and is the holder of a current first-aid certificate referred to in subsection (11). R.R.O. 1990, Reg. 565, s. 17 (20); O. Reg. 494/17, s. 13 (9).

(21) Every owner and every operator of a Class A pool shall ensure that there is a process in place to ensure a guardian or designated person supervises children under 10 years of age. The process must include a swimming competency test and a method of communicating the requirements of the process. O. Reg. 494/17, s. 13 (10).

#### **Water clarity and illumination**

**18.** (1) Where a public pool is in use and a lifeguard or an assistant lifeguard determines that a safety hazard exists in the pool or on the deck, the lifeguard or assistant lifeguard shall direct all persons to leave the pool or any part thereof and shall advise the operator of the existence of the safety hazard. R.R.O. 1990, Reg. 565, s. 18 (1).

(2) Every owner and every operator, other than an owner and operator of a modified pool, shall have a black disc 150 millimetres in diameter on a white background available for use in determining the clarity of the pool water. R.R.O. 1990, Reg. 565, s. 18 (2).

(3) Every owner and every operator of a modified pool shall ensure that the pool is provided with continuous black markings on the bottom 150 millimetres wide where the water depth is 0.60 metre and 300 millimetres wide where the water depth is 1.20 metres. R.R.O. 1990, Reg. 565, s. 18 (3).

(4) REVOKED: O. Reg. 494/17, s. 14.

#### **Where clarity or illumination standard not met**

**18.1** Where a public pool or public spa is open for use and the clarity of the water in the pool and the available illumination, or either of them, decreases to a level where the visibility standard described in subsection 7 (4), (5), (6) or (7) is not met, the operator shall direct all bathers to leave the pool or spa, ensure that no bather remains in the water and prevent bathers from having access to the pool or spa until the water clarity and the available illumination, or either of them, has increased to a level where the conditions meet the required standard of visibility. O. Reg. 494/17, s. 15.

#### **Notices and markings**

**19.** Every owner and every operator of a public pool or public spa shall ensure that, at a minimum, the following notices and markings are displayed in the indicated places:

1. In the case of a public pool, in not fewer than two places at the pool, notices that set out,
  - i. that no person infected with a communicable disease or having open sores on their body shall enter the pool,
  - ii. that no person shall bring a glass container onto the deck or into the pool,
  - iii. that no person shall pollute the water in the pool in any manner and that spitting, spouting of water and blowing the nose in the pool or on the deck are prohibited,
  - iv. that no person shall engage in boisterous play in or about the pool,

- v. the maximum number of bathers permitted on the deck and in the pool at any time,
  - vi. the location of a telephone that is available for emergency use, and
  - vii. any other information or photos that the owner or operator determines is necessary to maintain the health and safety of the persons using the pool.
2. In the case of a public spa, a notice identifying the location of the emergency telephone, in letters not less than 25 millimetres high with a minimum five millimetre stroke, in a conspicuous location near the entrance to the public spa.
3. At the emergency telephone,
- i. a notice identifying it as the emergency telephone and listing the names, telephone numbers and addresses of persons who are available for resuscitation, medical aid and fire services or indicating the service to which it is directly connected, and
  - ii. a notice with the full name and address of the public pool or public spa location and all of the pool's or spa's emergency telephone numbers.
4. Where there is a permanent spectator gallery adjacent to the pool or spa deck, a notice forbidding spectators from walking upon the deck within 1.80 metres of the edge of the pool or spa.
5. At the entrance to each shower area and at every entrance to the deck used by bathers, notices that set out that each bather shall take a shower using warm water and soap and thoroughly rinse off all soap before entering or re-entering the deck.
6. Markings in figures not less than 100 millimetres high that set out the water depths indicating the deep points where the water exceeds 2,500 mm, the breaks between gentle and steep bottom slopes and the shallow points, and the words DEEP AREA and SHALLOW AREA displayed at the appropriate locations on the deck.
7. In a conspicuous location, where a pool has a maximum water depth of less than 2.50 metres, in letters not less than 150 millimetres high, the words CAUTION — AVOID DEEP DIVES or the words SHALLOW WATER — NO DIVING.
8. At a wave action pool, on each deck adjacent to that portion of the pool where the still water depth is 2.30 metres or less, affixed to a wall or barrier supported by posts located one metre or less from the edge of the pool, notices at intervals not exceeding 7.50 metres signifying clearly that jumping or diving into the pool is not permitted in this area.
9. The words DANGER — AVOID DEEP OR LONG DIVES in a location clearly visible to divers, at a Class B pool that is equipped with a diving board, where the end of the board is,
- i. 600 millimetres or less in height above the water, and
  - ii. less than 9.00 metres but not less than 7.5 metres from any point having a water depth of at least 1.35 metres, in letters at least 150 millimetres high.
10. Where a pool is provided with one or more ramps, a notice located conspicuously on each wall or fence enclosing the pool the words CAUTION - NO DIVING.
11. Where a pool is provided with one or more ramps that,
- i. are not submerged, are adjacent to the pool wall and are used for access to the water and there is a removable barrier separating the deck from the ramp, the ramp shall bear a conspicuous notice on which is printed in letters at least 25 millimetres high the words UNSUPERVISED BATHERS ARE NOT ALLOWED BEYOND THIS POINT, and

- ii. are submerged, are adjacent to the pool wall and are used for access to the water and there is a removable barrier separating the walkway from the deck, the removable barrier shall bear a conspicuous notice on which is printed in letters at least 25 millimetres high the words BATHERS ARE NOT ALLOWED BEYOND THIS POINT. O. Reg. 494/17, s. 16.

**Public spa caution notice**

**19.1** (1) Every owner and operator of a public spa shall ensure that the following message is posted in a conspicuous place at each entrance to the public spa with the word CAUTION in letters not less than 50 millimetres high, with all other lettering not less than 10 millimetres high and with a minimum five millimetre stroke in either case:

**CAUTION**

Children under the age of 12 are not allowed in the spa unless supervised by a person who is 16 years of age or older.

Pregnant women and persons with known health or medical conditions should consult with a physician before using a spa.

Do not use the spa if you have an open sore or rash, or are experiencing nausea, vomiting or diarrhea.

Overexposure may cause fainting. 10 to 15 minutes may be excessive for some individuals. Cool down periodically and leave the spa if nausea or dizziness occurs.

Enter and exit the spa slowly, to prevent slipping.

Do not play or swim near drains or suction devices. Your body, body parts, hair, jewelry and other objects may become trapped and cause injury or drowning. People with long hair should be especially careful.

Do not enter or remain in a spa if a drain cover or suction fitting is loose, broken or missing. Immediately notify the spa operator.

No food or beverage except water is permitted within the deck or spa. No glass containers of any kind are permitted within the deck or spa.

O. Reg. 494/17, s. 16.

(2) The notice described in subsection (1) shall include the maximum bather capacity of the public spa determined under subsection 10 (2.1). O. Reg. 494/17, s. 16.

**Safety equipment**

**20.** (1) Subject to subsection (3), every owner and every operator of a public pool other than an owner or operator of a wave action pool, and every owner and operator of a public spa that has an inner horizontal dimension greater than three metres, shall ensure that there are provided in places conveniently located for emergency use,

- (a) an electrically insulated or non-conducting reaching pole at least 3.65 metres long;
- (b) in the case of a public pool, two buoyant throwing aids, each of which has securely attached to it a six millimetre diameter rope of a length not less than one-half the width of the pool plus three metres;
- (c) in the case of a Class B pool that is in operation and has a slope of more than eight per cent, a buoy line;
- (d) in the case of a public spa, a buoyant throwing aid to which is securely attached a six millimetre diameter rope of a length not less than one-half the width of the pool area plus three metres; and
- (e) a spine board or device designed for lifting from the pool or spa a person who may have incurred a spinal injury. O. Reg.

494/17, s. 16

(2) Every owner and every operator of a public pool or public spa shall ensure that, subject to subsection (3), there is provided, in places conveniently located for emergency use, a first aid kit containing at a minimum,

- (a) a current copy of a standard first aid manual;
- (b) safety pins;
- (c) adhesive dressings individually wrapped;
- (d) sterile gauze pads, each 75 millimetres square;
- (e) 50 millimetre gauze bandages;
- (f) 100 millimetre gauze bandages;
- (g) sterile surgical pads suitable for pressure dressings individually wrapped;
- (h) triangular bandages;
- (i) rolls of splint padding;
- (j) at least one roll-up splint;
- (k) at least one pair of scissors;
- (l) non-permeable gloves, and
- (m) resuscitation pocket masks. O. Reg. 494/17, s. 16.

(3) Where an item or items described in subsections (1) and (2) are provided for a public pool that operates in the immediate vicinity of a public spa, an owner or operator of the spa is not required to provide a duplicate item for the spa, or to duplicate the emergency telephone required under subsection 16 (1), as long as the item or telephone is conveniently located for emergency use to the spa. O. Reg. 494/17, s. 16.

(4) Every owner and every operator of a Class A pool, other than a modified pool or a pool installed at a recreational camp, shall ensure that the pool is equipped with,

- (a) where the pool area is greater than 150 square metres but not greater than 230 square metres, at least one lifeguard control station; and
- (b) where the pool area is greater than 230 square metres, at least two lifeguard control stations. O. Reg. 494/17, s. 16.

(5) Every owner and every operator of a modified pool shall ensure that the pool is equipped with lifeguard control stations that are located along the edge of the water at intervals not exceeding 60 metres. O. Reg. 494/17, s. 16.

(6) Every owner and every operator of a wave action pool shall ensure that the pool is equipped with two or more lifeguard control stations positioned in appropriate locations on each side deck adjacent to the deep area. O. Reg. 494/17, s. 16.

(7) A lifeguard control station referred to in subsection (4), (5) or (6) shall be,

- (a) an elevated platform or chair not less than 1.80 metres above the water surface;
- (b) securely positioned while in use and located at the side of the pool so as to permit an unobstructed view of the pool bottom in the area under surveillance; and
- (c) restricted to the exclusive use of lifeguards and assistant lifeguards. O. Reg. 494/17, s. 16.

(8) Every owner and every operator of a wave action pool shall ensure that the pool is provided with,

- (a) a buoyant rescue aid, with a shoulder loop and a six-millimetre rope at least 1.60 metres in length securely attached to it, located at each lifeguard control station; and
- (b) equipment and supplies in accordance with aquatic first aid requirements as approved jointly by the Lifesaving Society, the Canadian Red Cross and St. John Ambulance. O. Reg. 494/17, s. 16.

**Spa water temperature**

**21.** Every owner of a public spa shall ensure that the spa's water heater is equipped with a tamper-proof upper limit cut-off switch that,

- (a) limits the maximum temperature of the spa water to 40 degrees Celsius; and
- (b) is independent of the spa's water temperature thermostat. O. Reg. 494/17, s. 17.

**Timing device**

**22.** (1) Every owner and every operator of a public spa containing hydro-massage jet fittings shall ensure that the spa is equipped with a timing device that,

- (a) controls the period of operation of the jet pump;
- (b) can be set to a maximum of 15 minutes; and
- (c) is placed in a location that requires a bather to exit the spa to reset it. O. Reg. 494/17, s. 17.

(2) Every owner and every operator of a public spa shall ensure that a notice, in letters at least 25 millimetres high with a minimum five millimetre stroke, is posted at the timing device that identifies it as a timing device. O. Reg. 494/17, s. 17.

**Suction system**

**23.** Every owner of a public spa shall ensure that the suction system that serves the public spa is equipped with a vacuum relief mechanism that includes,

- (a) a vacuum release system;
- (b) a vacuum limit system; or
- (c) another engineered system designed, constructed and installed to conform to good engineering practice appropriate to the circumstances. O. Reg. 494/17, s. 17.

**Clock**

**24.** Every owner of a public spa shall ensure that a clock is installed in a conspicuous location that can be viewed from anywhere in the public spa. O. Reg. 494/17, s. 17.

**Steps**

**25.** Every owner of a public spa shall ensure that if a set of steps is provided for entry into and exit from the spa water, the set of steps,

- (a) are equipped with a handrail;
- (b) have a non-slip surface on their treads; and
- (c) have a band of contrasting colour applied along the entire juncture of the side and top of the edges of each step. O. Reg. 494/17, s. 17.

**Emergency stop button**

**26.** (1) Every owner of a public spa and, if applicable, every owner of a public pool shall ensure that all pumps used in the operation of the spa or pool are capable of being deactivated by an emergency stop button that,

- (a) is separate from the spa's or pool's timing device;
- (b) is located within the immediate vicinity of the spa or pool; and
- (c) activates an audible and visual signal when used. O. Reg. 494/17, s. 17.

(2) Every owner and every operator of a public spa shall ensure that the following notice, in letters at least 25 millimetres high with a minimum five millimetre stroke, is posted above the emergency stop button:

IN THE EVENT OF AN EMERGENCY PUSH EMERGENCY STOP BUTTON AND USE EMERGENCY PHONE. AUDIBLE AND VISUAL SIGNAL WILL ACTIVATE.

O. Reg. 494/17, s. 17.

#### **General Class C facility requirements**

**26.1** (1) The following provisions of this Regulation apply, with necessary modification, to every owner and every operator of a Class C facility:

1. Section 5, other than clause 5 (1) (d).
2. Subsection 6 (1), clause 6 (3) (a) and clause 6 (6) (a).
3. Subsection 7 (1), subject to subsection (2) of this section, and subsection 7 (3). O. Reg. 141/18, s. 5.

(2) For the purposes of applying subsection 7 (1) to public spray pads or public splash pads without a circulation system, "make-up water" shall be read as "source water". O. Reg. 141/18, s. 5.

#### **Wading pool operation and water quality**

**26.2** The following provisions of this Regulation apply, with necessary modification, to every owner and every operator of a public wading pool:

1. Clause 6 (3) (b).
2. Subsections 7 (8) and (9), as those provisions relate to spas.
3. Subsection 7 (11), other than paragraph 5, and subsection 7 (12). O. Reg. 141/18, s. 5.

#### **Wading pool safety**

**26.3** Every operator of a public wading pool shall,

- (a) provide a first aid kit, a device for emergency communications and emergency equipment which is appropriate for use in the public wading pool; and
- (b) ensure attendant supervision at all times that the public wading pool is in operation and where the wading pool is operated in conjunction with a public pool, ensure that the required supervision of the wading pool is in addition to any required bathing supervision for the public pool. O. Reg. 141/18, s. 5.

#### **Splash pad water quality and signage**

**26.4** (1) Every operator of a public spray pad or public splash pad shall ensure that, where water is recirculating, the water is filtered and disinfected as approved by the local medical officer of health or a public health inspector for the health unit where the public spray pad or public splash pad is situate. O. Reg. 141/18, s. 5.

(2) Every operator of a public spray pad or public splash pad shall post clearly visible signage in a conspicuous place notifying parents or guardians to supervise their children at all times when using the public spray pad or public splash pad. O. Reg. 141/18, s. 5.

#### **Safety-related equipment record keeping**

**26.5** Every operator of a facility to which this Regulation applies shall record the results of inspections of safety-related equipment present in the facility at a frequency determined by a public health inspector for the health unit where the facility is situate. O. Reg. 141/18, s. 5.

**Reference to medical officer of health or public health inspector**

**27.** A reference in this Regulation to the medical officer of health or a public health inspector means the medical officer of health or a public health inspector, as the case may be, of the board of health of the health unit in which the public pool or public spa referred to is situate. O. Reg. 494/17, s. 17.

**Operation in accordance with regulation**

**28.** No person shall operate or maintain a public pool or public spa to which this Regulation applies except in accordance with this Regulation. O. Reg. 494/17, s. 17.

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