



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PUBLIC HEALTH ACT SWIMMING POOL AND WATERSLIDE REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PUBLIC HEALTH ACT
Chapter P-30

SWIMMING POOL AND WATERSLIDE REGULATIONS

Pursuant to section 72 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, Council made the following regulations:

1. Definitions

In these regulations

- (a) “**bather**” means a person who enters a pool or its immediate area for the purpose of swimming, bathing, diving, water sliding, wading or for other similar use;
- (b) “**Chief Public Health Officer**” means a person appointed pursuant to subsection 2(1) of the Act;
- (c) “**club**” means an organization that operates facilities including a pool, for the use of its members and other authorized persons;
- (d) “**deck**” means the surface surrounding and immediately adjacent to a pool on which bathers stand or walk as they make use of the pool;
- (e) “**guest**” means a person who contracts for sleeping accommodations in a hotel or motel and includes other persons accompanying the guest in the accommodations;
- (f) “**hotel**” includes a hotel, motel, resort, cabin or other premises operated to provide sleeping accommodations to the public;
- (g) “**modify**” means a structural alteration of or addition to a pool, including enlarging a pool, adding a separate pool or whirlpool, or altering the recirculation or filtration system;
- (h) “**operating permit**” means a permit issued pursuant to section 4;
- (i) “**operator**” means a person operating a pool and includes the owner of the pool;
- (j) “**pool**” means an artificially constructed body of water, with a recirculation system, that is intended for swimming, bathing, diving, water sliding, wading or for other similar use;
- (k) “**receiving pool**” means a pool located to receive sliders at the base of one or more slides in a waterfun park;
- (l) “**spectator gallery**” means a permanent or semi-permanent seating area for spectators at a pool;
- (m) “**wading pool**” means a pool used or intended to be used for children under the age of 6 years;

- (n) “**waterfun park**” means an aquatic recreational facility which has recreational waterslide flumes, bumper boat pools or other recreational water use, and associated receiving pools;
- (o) “**waterslide flume**” means a watered chute down which bathers slide;
- (p) “**whirlpool**” means a swimming pool or a hot tub designed primarily for therapeutic or recreational use, that
 - (i) is not drained, cleaned or refilled before each use by an individual, and
 - (ii) utilizes hydrojet circulation, air induction bubbles or hot water or any combination of them. (EC93/01; 430/14)

2. Application

These regulations do not apply to

- (a) pools on private property used by the owner, the owner’s family and invited persons, without compensation;
- (b) natural bodies of water, dammed or not; and
- (c) pools used for health care treatment
 - (i) for one person at a time, which are drained and sanitized after each use, or
 - (ii) in acute care hospitals. (EC93/01)

3. Classes of pools

For the purposes of these regulations, the following classes of pools are established:

- (a) Class A pool - swimming pools available to the public, that are not Class B pools, including municipal, community, institutional, athletic club, country club, display pools and portable pools;
- (b) Class B pool - swimming pools, including whirlpools, that are provided as part of a hotel, motel, health club, campground or apartment building, where the use of the pool is restricted exclusively to registered guests, tenants, occupants and their guests; and
- (c) Class C pool - swimming pools associated with or part of a waterfun park, including wave pools and water slide flumes. (EC93/01)

4. Operating permit

- (1) No person shall operate a pool without an operating permit issued in accordance with this section.

Application for operating permit

- (2) An application for an operating permit shall be made to a public health official on the prescribed form and shall include:
 - (a) the name, address and phone number of the operator;
 - (b) the class of pool intended to be operated;
 - (c) the dates that the pool is intended to be open for use; and
 - (d) such other information as the public health official may require.

Inspection

- (3) The Chief Public Health Officer or a public health official may require an inspection of any pool



- (a) prior to issuance of an operating permit; or
- (b) at any time to determine compliance with the Act and these regulations.

Issuance of operating permit

- (4) The Chief Public Health Officer,
 - (a) if satisfied that the applicant complies with the Act and these regulations, shall issue an operating permit, valid for a period not exceeding one year; or
 - (b) if not satisfied that the applicant complies with the Act and these regulations, may refuse to issue an operating permit.

Operating permit

- (5) An operating permit is not transferable, shall be subject to continued compliance with the Act and these regulations and shall
 - (a) state the pool capacity; and
 - (b) be displayed prominently by the operator in a conspicuous place in the immediate area of the pool. *(EC93/01; 430/14)*

5. No danger to health or safety

A pool shall be equipped, maintained, operated and used in a manner that shall not be dangerous to the health or safety of users, nor to the health of the general public. *(EC93/01)*

6. Water requirements

Any water added to a pool at the direction of an operator shall meet the requirements of the current edition of the Canadian Drinking Water Guidelines for bacteriological and chemical quality. *(EC93/01)*

7. Inspection and closure

- (1) A public health official may conduct an inspection at any time and may, pursuant to section 5 of the Act,
 - (a) direct the operator of a pool to take appropriate remedial action to correct violations of the regulations within a specified time; or
 - (b) direct the operator to close the pool.

Idem

- (2) Where an operator fails to comply with a direction given pursuant to clause (1) (a), the Chief Public Health Officer
 - (a) may issue an order and enforce it in accordance with section 5 of the Act; or
 - (b) revoke the operating permit for a pool. *(EC93/01; 430/14)*

8. Construction and equipment requirements

- (1) All operators shall ensure that pools are constructed, equipped and operated as follows:
 - (a) all floors, interior walls and surfaces of the pool and surrounding area are capable of thorough cleaning;
 - (b) the depths of the pool are clearly marked at the deepest point and the shallowest point;

- (c) the pool is surrounded by a hard surface and impervious deck that is capable of being efficiently washed and cleaned;
- (d) surface water from adjacent areas does not drain onto the deck surrounding the pool or into the pool;
- (e) the outlet openings of all water pipelines serving the pool are covered with a satisfactory covering for the prevention of accidental entrapment of the bathers;
- (f) where mechanical disinfection equipment is installed, and compressed chlorine or other gas is used, a separate storage room for disinfecting equipment and gas cylinders are provided;
- (g) where there is a spectator gallery, it shall
 - (i) not overhang any part of the pool,
 - (ii) have separate entrances and exits from those serving the pool area,
 - (iii) have a notice indicating that spectators are forbidden in the area of the pool deck that is within 4 feet from the edge of the pool;
- (h) the entrance to the pool deck shall be adjacent to the shallowest end of the pool;
- (i) the maximum water depth of the pool shall not exceed 4.5 metres; and
- (j) a barrier or guardrail shall be provided around the entire outer perimeter of an above ground pool platform, except at the entry and exit points.

Existing pools

- (2) Clauses (1)(d) and (h) do not apply to pools constructed prior to September 1, 2000. *(EC93/01)*

9. Waiver Chief Public Health Officer

The Chief Public Health Officer may, in writing, waive or vary any provision of these regulations. *(EC93/01; 430/14)*

10. Water clarity

The water clarity in a filled pool shall be such that from the deck of the pool

- (a) the cover of the main drain located at the deepest part of the pool is visible; or
- (b) a black disk 15 cm. in diameter is visible when located in the deepest part of the pool. *(EC93/01)*

11. Wading pool

- (1) A wading pool shall be made of a durable material that is impervious to moisture and retains a texture which is non-slip and is constructed, equipped and operated in a manner that ensures that the wading pool
- (a) is completely free of obstructions that may be hazardous to children;
 - (b) has a floor which has a maximum slope of 1:25 and a minimum slope of 1:50;
 - (c) is entirely surrounded by a walkway which properly drains away from the wading pool; and
 - (d) has a maximum depth of 75 centimetres.

Prohibition

- (2) No person shall allow a pool or part of a pool to be used as a wading pool unless the pool complies with subsection (1).



Spray mechanism

- (3) Where a pool is equipped with a spray mechanism, the spray mechanism shall be padded or equipped to prevent injury, in a manner satisfactory to a public health official. *(EC93/01; 430/14)*

12. Graduated ramp

No pool or part of a pool that has a graduated ramp shall be used as a wading pool unless a public health official is satisfied that it is equipped with an appropriate barrier to prevent children under 6 years of age from entering water deeper than that allowed for wading pools. *(EC93/01; 430/14)*

13. Waterslide requirements

Flume joints, tunnels, turns, exit areas and the receiving pool of a water slide shall provide a safe environment for the bather. *(EC93/01)*

14. Wave action pool

A wave action pool shall have a mechanism for giving a recognizable warning to bathers prior to wave activation, to allow bathers the opportunity to leave the pool. *(EC93/01)*

15. Washrooms

For all Class A and Class C pools, washroom facilities shall be

- (a) easily accessible from the pool area;
- (b) provided as separate male and female facilities, at the ratio of 1 toilet, basin and shower for every 50 or fewer bathers. *(EC93/01)*

16. Pool recirculation, etc.

- (1) The recirculation, filtration and chemical treatment facilities for a pool shall be such that the volume of the entire contents of the pool are recirculated, replenished, filtered and treated
- (a) for a swimming pool, in less than 6 hours or at the rate of 4 times per day;
 - (b) for a whirlpool, at least once every 30 minutes;
 - (c) for a wading pool, at least once every 2 hours; and
 - (d) for a receiving pool at a waterslide, as often as necessary to maintain the water clarity prescribed by section 10.

Continuous operation

- (2) A pool circulation system shall be in continuous operation except for stoppage for maintenance or repair. *(EC93/01)*

17. Mandatory conditions of operation

- (1) The following are mandatory conditions for the operation of pools:
- (a) the quantity of disinfectant in the water in the pool, when it is in use
 - (i) in the case of swimming pools, other than a whirlpool or wading pool, shall be maintained within the range of 1.0 mg/l to 3.0 mg/l of free available chlorine or equivalent, and

- (ii) in the case of whirlpools, shall be maintained with a minimum of 3.0 mg/l of free available chlorine or equivalent;
- (b) the pH value of the water shall be within the range of 7.2 to 7.8;
- (c) the bacteriological quality of the water
 - (i) shall be such that less than one total coliform organism is detected in 100 ml of pool water as determined by the membrane filtration technique, and
 - (ii) in a whirlpool, in addition to complying with subclause (i), shall be such that *Pseudomonas aeruginosa* is not detected in 100 ml of pool water as determined by the membrane filtration technique;
- (d) the total alkalinity value of the water shall be within the range of 80 to 120 mg/l;
- (e) the calcium hardness of the water shall be within the range of
 - (i) in the case of a swimming pool, 150 mg/l to 375 mg/l, and
 - (ii) in the case of a whirlpool, 150 mg/l to 200 mg/l; and
- (f) the concentration of cyanuric acid in the water shall not exceed
 - (i) in the case of a swimming pool, 100 mg/l; and
 - (ii) in the case of a whirlpool, 60 mg/l.

Water samples for testing

- (2) A public health official may take water samples as often as the public health official considers necessary for bacteriological and other testing to determine compliance with subsection (1).

Operating records

- (3) Pool operators shall maintain operating records which include the following information
 - (a) quantities and dates of all chemicals used;
 - (b) time and result of all pH tests taken;
 - (c) time and result of all free chlorine residual tests taken;
 - (d) time and result of all combined chlorine residual tests taken;
 - (e) bacteriological analysis reports provided by public health officials;
 - (f) water temperature, recorded at least every 24 hours;
 - (g) results of all other tests that may be taken from time to time. (EC93/01; 430/14)

18. Maximum bathing load

The maximum bathing load in a swimming pool or other water recreational facility, other than a whirlpool or wading pool, shall not exceed one person for each 1.5 square meters of water surface area of the pool, or the maximum design bathing load for the water recirculation system of the pool, whichever is less. (EC93/01)

19. Ill persons

- (1) No person shall enter a pool who
 - (a) is obviously ill;
 - (b) has an open wound or sore;
 - (c) has any untreated fungal infection of the skin or nails;
 - (d) has sore or infected eyes;
 - (e) has a discharging ear or nose; or



- (f) has any communicable disease.

Denial of entry

- (2) Where an operator believes or is informed that a person has any of the conditions listed in subsection (1), the operator shall deny that person entry to the pool. (EC93/01)

20. Lifeguard qualifications

- (1) An operator shall ensure that any lifeguard who is on duty at the operator's pool is
 - (a) trained in emergency and operational procedures for that pool;
 - (b) trained in water rescue, first aid and cardio-pulmonary resuscitation; and
 - (c) trained in the procedures and in the use of the equipment provided pursuant to section 21.

Duty to supervise

- (2) A lifeguard who is performing pool supervision shall not perform any other duty concurrently.

Lifeguard, age

- (2.1) A lifeguard shall be not less than 16 years of age.

Signs

- (3) An operator shall post signs which are conspicuous to bathers, respecting the following:
 - (a) that no breakable articles are allowed in the pool or on the deck;
 - (b) that running is not permitted on the deck;
 - (c) that proper swim attire is required in the pool;
 - (d) the maximum number of bathers permitted on the deck and in the pool as indicated by the operating permit;
 - (e) that bathers must shower before entering the pool;
 - (f) where lifeguard services are not provided, that children under 12 years of age are not permitted to swim without adult supervision and that bathers swim at their own risk;
 - (g) where there are part-time lifeguard services provided, the hours of the lifeguard service; and
 - (h) that persons with the conditions listed in subsection 19(1) are prohibited from entering the pool. (EC93/01; 430/14)

21. Emergency aids

An operator shall ensure that the following are provided, in a place conveniently located for emergency use:

- (a) for pools smaller than 500 square metres, an electrically insulated or non-conducting reaching pole not less than 365 centimetres in length;
- (b) for pools 500 square metres or larger, 2 reaching poles as described in clause (a);
- (c) 2 buoyant throwing aids, each of which has securely attached to it, a rope of at least 0.6 centimetre in diameter and of a length not less than 1/2 the width of the pool plus 3 metres;
- (d) first aid kits that comply with the requirements of the *Occupational Health and Safety Act* General Regulations;

- (e) a signalling device or surveillance system at poolside, which may include a telephone, two way radio, buzzer, bell or video camera; and
- (f) for Class A and C pools, when lifeguards are on duty, a spinal board with attached adjustable straps and attachable head and neck immobilizer. *(EC93/01; 430/14)*

22. Forms

The forms contained in Schedule A are prescribed. *(EC93/01)*



SCHEDULE A

FORM 1



Health and
Wellness

Santé et
Mieux-être



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

Application for Swimming Pool Operating Permit

Name of Pool: _____

Complete Mailing Address: _____

Operator's Name _____ **Ph:** _____

Email Address: _____

Location (if different from mailing address): _____

Class of Pool (check as appropriate): Renewal ___ New ___

CLASS A (public) CLASS B (semi-public)
CLASS C (water fun park)

Operating Status:

YEAR ROUND ___ SEASONAL ___ START DATE: _____

Pool Capacity _____

Date of application

Owner/Operator Signature

Return or fax applications to:

Department of Health and Wellness
PO Box 2000
Charlottetown, PE C1A 7N8
PH: 368-4970 / FAX: 368-6468

(EC624/05; 430/14)



FORM 2



Health and
Wellness

Santé et
Mieux-être



PO Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8

C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

Swimming Pool Operating Permit

Pursuant to the *Swimming Pool and Waterslide Regulations* under the *Public Health Act*, the Owner/Operator is authorized to operate:

Name of Pool:

Located at:

Pool Capacity:

Issued this _____ day at Charlottetown, Prince Edward Island.

Expiry Date: _____

CHIEF PUBLIC HEALTH OFFICER
DEPARTMENT OF HEALTH AND WELLNESS

(EC624/05; 430/14)

