

Health Protection and Promotion Act

R.R.O. 1990, REGULATION 565

PUBLIC POOLS

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DEFINITIONS

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”)

“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”)

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

“club” means an organization that operates facilities for the use of its members and their guests; (“club”)

“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”)

“day nursery” means a day nursery as defined in the *Day Nurseries Act*; (“garderie”)

“deck” means the area immediately surrounding a public pool; (“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 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 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”)

“operator” means a person designated by the owner of a public pool as being responsible for the operation of the pool; (“exploitant”)

“owner” means a person who is the owner of a public pool; (“propriétaire”)

“recirculation system” means a system that,

- (a) maintains circulation of water through a pool by pumps,
- (b) draws water from a pool for treatment and returns it to the pool 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 recirculation”)

“recreational camp” means a recreational camp within the meaning of Regulation 568 of the Revised Regulations of Ontario, 1990; (“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.

CLASSIFICATION OF PUBLIC POOLS

2. The following classes of public pools are established:

1. “Class A pool” being,
 - i. a pool to which the general public is admitted,
 - ii. a pool operated in conjunction with or as a part of the program of a Young Men’s Christian Association or similar institution or an educational, instructional, physical fitness or athletic institution supported in whole or in part by public funds or public subscription, or
 - iii. a pool operated on the premises of a recreational camp, for use by campers and their visitors and camp personnel.
2. “Class B pool” being,
 - i. a pool operated on the premises of an apartment building that contains more than five dwelling units or suites, a mobile home park or a nurses’ residence, for the use of the occupants and their visitors,
 - ii. a pool operated as a facility to serve a community of more than five single-family private residences, for the use of the residents and their visitors,
 - iii. a pool operated on the premises of a hotel, for the use of its guests and their visitors,
 - iv. a pool operated on the premises of a campground, for the use of its tenants and their visitors,
 - v. a pool operated in conjunction with,
 - A. a club, for the use of its members and their visitors, or
 - B. a condominium, co-operative or commune property that contains more than five dwelling units or suites, for the use of the owners or members and their visitors,
 - vi. a pool operated in conjunction with a day nursery, a day camp or an establishment or institution for the care or treatment of persons who are ill, infirm or aged or for persons in custodial care, for the use of such persons and their visitors, or
 - vii. a pool other than a Class A pool, that is not exempt from the provisions of this Regulation. R.R.O. 1990, Reg. 565, s. 2.

3. 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 that contains five or fewer dwelling units or suites.
2. Pools used by members of a community of five or fewer single-family private residences.
- 2.1 Pools operated on the premises of a hotel that contains five or fewer 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:

CAUTION

SWIM AT YOUR OWN RISK

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

3. Pools having a water depth of 0.75 metre or less.

4. Hydro-massage pools.
 5. Pools that serve solely as receiving basins for persons at the bottom of water slides. R.R.O. 1990, Reg. 565, s. 3; O. Reg. 179/02, s. 1.
- 4.** 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.

PART I

- 5.** (1) Before a public pool is put into use after construction or alteration, the owner or the owner's agent shall notify, in writing, the medical officer of health in the health unit where the pool is situate,
- (a) of the building permit number issued for the construction or alteration of the pool;
 - (b) whether or not all the preparations necessary to operate the pool in accordance with this Regulation have been completed;
 - (c) of the date that the pool is to be opened for use;
 - (d) 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. R.R.O. 1990, Reg. 565, s. 5 (1).
- (2) A person who proposes to open or reopen a pool for use as a public pool after construction or alteration shall not open or reopen the pool without first obtaining,
- (a) permission in writing from the medical officer of health; and
 - (b) a supply of chemicals and testing devices that are sufficient to operate the pool. R.R.O. 1990, Reg. 565, s. 5 (2).
- (3) Every owner and every operator shall, after any closure of the pool for more than four weeks duration and where the owner or operator intends to re-open the pool, notify in writing the medical officer of health in the health unit where the pool is situate,
- (a) of the date that the pool is to be re-opened;
 - (b) of the name and address of the operator; and
 - (c) whether the pool is intended to be operated as a Class A or a Class B pool. R.R.O. 1990, Reg. 565, s. 5 (3).

OPERATION

- 6.** (1) Every owner shall designate an operator. R.R.O. 1990, Reg. 565, s. 6 (1).
- (2) Every owner and every operator shall,
- (a) maintain the public pool and its equipment in a safe and sanitary condition;
 - (b) ensure that during periods when the pool is not intended to be open for use it is rendered inaccessible to persons who are not involved with its operation or maintenance;
 - (c) except for stoppage for maintenance, repairs or backwashing of filters or for a closure for a continuous period of seven days or more, ensure that the recirculation system and the chemical feeders are in continuous operation throughout the entire twenty-four hours of each day without regard to the duration of actual use of the pool each day; and
 - (d) 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. R.R.O. 1990, Reg. 565, s. 6 (2).
- (3) 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. R.R.O. 1990, Reg. 565, s. 6 (3).
- (4) Every owner and every operator shall ensure that,
- (a) all components of the recirculation system of the pool are maintained in proper working order;
 - (b) all surfaces of the pool deck and walls are maintained in a sanitary condition and free from hazards;

- (c) where changing rooms, toilets and shower facilities are provided for the pool, they are available for use of the bathers before entering the deck;
- (d) the submerged surfaces of the pool are white or light in colour, except for markings for safety or competition purposes;
- (e) the pool deck is clearly delineated by markings or other means from the general area where a general area is provided;
- (f) the perimeter drain of the pool is kept free of debris;
- (g) 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;
- (h) provisions are made for the safe storage and handling of all chemicals required in the pool operation;
- (i) where footsprays are provided for the pool they are maintained in good working order and are kept sanitary;
- (j) where the pool is equipped with a diving board or diving platform, the board or platform has a non-slip surface finish;
- (k) 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;
- (l) a black disc 150 millimetres in diameter on a white background is affixed to the bottom of the pool at its deepest point;
- (m) 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;
- (n) 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
- (o) 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 twenty-five 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

R.R.O. 1990, Reg. 565, s. 6 (4).

(5) Clause (4) (g) does not apply to a Class A pool that was constructed before the 7th day of June, 1965. R.R.O. 1990, Reg. 565, s. 6 (5).

(6) Clause (4) (g) does not apply to a Class B pool that was constructed before the 1st day of May, 1974. R.R.O. 1990, Reg. 565, s. 6 (6).

7. (1) Every owner and every operator 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. R.R.O. 1990, Reg. 565, s. 7 (1).

(2) Every owner and every operator shall ensure that the pool water and its recirculation system is separate from the make-up water supply and from the sewer or drainage system into which the make-up water drains. R.R.O. 1990, Reg. 565, s. 7 (2).

(3) Every owner and every operator shall ensure that the pool water is maintained free from visible matter that may be hazardous to the health or safety of the bathers. R.R.O. 1990, Reg. 565, s. 7 (3).

(4) 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 any point on the deck nine metres away from the disc. R.R.O. 1990, Reg. 565, s. 7 (4).

(5) 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 control station that is least affected by reflections from the water surface to see at a distance of thirty-five 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. R.R.O. 1990, Reg. 565, s. 7 (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. R.R.O. 1990, Reg. 565, s. 7 (6).

(7) Every owner and every operator shall ensure that the pool water is treated with chlorine, a chlorine compound or a bromine compound by means of an adjustable dosing device and so maintained that,

- (a) the total alkalinity is not less than eighty milligrams per litre;
 - (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 the pool of not less than 0.5 milligram per litre;
 - (d) where cyanurate stabilization is maintained, there is a residual of free available chlorine of not less than one milligram per litre in association with a cyanuric acid concentration of not greater than sixty milligrams per litre;
 - (e) where the pool is not a wave action pool and a bromine compound is used, there is a total bromine residual of not less than two milligrams per litre;
 - (f) where the pool is a wave action pool and a bromine compound is used, there is a total bromine residual of not less than three milligrams per litre; or
 - (g) where the medical officer of health determines that the health of the bathers may be affected, there is such higher minimum chlorine or bromine residual than required under clause (c), (d) or (e) as the medical officer of health may require in writing. R.R.O. 1990, Reg. 565, s. 7 (7).
- (8) The method used in determining the free available chlorine residual referred to in clauses (7) (c) and (d) shall be such that chloramines or other compounds that may be present in the pool do not affect the determination. R.R.O. 1990, Reg. 565, s. 7 (8).
- (9) Where the addition of chemicals required to maintain the pH value and the disinfectant residual of the pool water is controlled by automatic sensing devices and the pH value and the disinfectant residual are automatically determined and displayed or continuously recorded, the operator shall at least once every day determine, by means of manual test methods, the pH value and the free available and the total chlorine residuals or the bromine residual to ensure that the automatic sensing devices continue to maintain proper control of the pH value and the disinfectant residual. R.R.O. 1990, Reg. 565, s. 7 (9).
- (10) Every operator shall determine and record the chlorine or bromine residual and the pH value referred to in subsection (7) one-half hour before bathers are admitted to the pool and thereafter at time intervals not exceeding two hours so long as the pool is open for use. R.R.O. 1990, Reg. 565, s. 7 (10).
- (11) Where cyanurate stabilization is maintained, the operator shall determine the concentration of cyanuric acid not less than once every week. R.R.O. 1990, Reg. 565, s. 7 (11).
- (12) Every operator shall add make-up water to the pool during each operating day in an amount not less than twenty litres per bather as determined by a water meter installed for the purpose. R.R.O. 1990, Reg. 565, s. 7 (12).
- (13) Every owner and every operator shall ensure that a water meter is provided that registers the volume of all make-up water that is added to the pool. R.R.O. 1990, Reg. 565, s. 7 (13).

8. Every operator shall keep and sign daily records that shall set out,

- (a) the free available chlorine and the total chlorine residuals in the pool water or where a bromine compound is used, the total bromine residual;
- (b) the pH value of the pool water;
- (c) the total number of bathers admitted to the pool each day;
- (d) the reading of the make-up water meter;
- (e) any emergencies, rescues or breakdowns of equipment that have occurred; and
- (f) the time of day that the actions required under subsection 16 (2) have been taken. R.R.O. 1990, Reg. 565, s. 8.

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. R.R.O. 1990, Reg. 565, s. 9.

10. (1) 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:

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

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).

(2) 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:

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

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).

(3) 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).

(4) 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).

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

11. (1) Every owner and every operator shall ensure that the pool, the deck and, where provided, the dressing and locker rooms, toilets, showers and connecting corridors appurtenant to the pool are,

(a) kept clean, free from slipperiness and disinfected;

(b) free of hazardous obstructions; and

(c) ventilated so as to remove odours. R.R.O. 1990, Reg. 565, s. 11 (1).

(2) Every owner and every operator shall ensure that where toilets are provided they are supplied with toilet paper. R.R.O. 1990, Reg. 565, s. 11 (2).

12. Where the operator 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. R.R.O. 1990, Reg. 565, s. 12.

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 recirculation 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.

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. Every bather shall take a cleansing shower or bath using soap and warm water before entering the deck. R.R.O. 1990, Reg. 565, s. 15.

SAFETY

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

- (a) where a pool is a Class A pool, an emergency telephone is provided that is easily accessible from the deck and that is directly connected to an emergency service or the local telephone utility; or
- (b) where a pool is a Class B pool, a telephone for emergency use is accessible no farther than thirty metres from the pool. R.R.O. 1990, Reg. 565, s. 16 (1).

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

- (a) the test-buttons associated with the ground current leakage detecting and de-energizing devices are activated;
- (b) where a pool is a Class A pool, the emergency telephone required under clause (1) (a) is tested to confirm that the system is in operating condition; and
- (c) where a pool is a Class B pool, the telephone required under clause (1) (b) is tested to confirm that it is in operating condition. R.R.O. 1990, Reg. 565, s. 16 (2).

(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).

16.1 (1) In this section,

“operating day”, in relation to a pool, means a day on which the pool is in operation. O. Reg. 394/94, s. 1.

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

- (a) all of the pool’s water outlet covers are inspected at least once within each period of 30 operating days;
- (b) if any of the pool’s water outlet covers is found to be loose or missing, the pool is closed until the cover is repaired or replaced;
- (c) a written record of the inspection is made by the person who performed the inspection; and
- (d) the written record of the inspection is retained by the owner or operator for at least one year from the date the record is made. O. Reg. 394/94, s. 1; O. Reg. 58/96, s. 1.

17. (1) Every owner and every operator 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. R.R.O. 1990, Reg. 565, s. 17 (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 the following Table and the number of assistant lifeguards does not exceed the number of lifeguards:

TABLE
MINIMUM NUMBERS 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 there are assistant lifeguards and lifeguards on duty	Where there are only lifeguards on duty
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Number of bathers on the deck and in the pool	Minimum number of lifeguards and assistant lifeguards on duty	Number of bathers on the deck and in the pool	Minimum number of lifeguards on duty
0-30	1	0-30	1
31-100	2	31-125	2
101-200	3	126-250	3
201-300	4	251-400	4
300 or more	One additional lifeguard or assistant lifeguard for each additional 100 bathers or fraction thereof	400 or more	One additional lifeguard for each additional 150 bathers or fraction thereof

R.R.O. 1990, Reg. 565, s. 17 (2); O. Reg. 270/99, 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 Table in subsection (2) shall be increased by one; and
- (b) where there are two persons who hold the National Lifeguard Service’s Lifeguard Certificate on duty, the number of bathers referred to in the Table in subsection (2) may exceed thirty but shall not exceed sixty. R.R.O. 1990, Reg. 565, s. 17 (3).

(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) For the purposes of subsection (6),

“lifeguard certificate” means the National Lifeguard Service’s Lifeguard Certificate. O. Reg. 270/99, s. 1 (3).

(9) For the purposes of subsection (7),

“assistant lifeguard certificate” means the Royal Life Saving Society Canada’s Bronze Cross or Award of Distinction. O. Reg. 270/99, s. 1 (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 National Lifeguard Service’s 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).

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

“current first-aid certificate” means,

- (a) the St. John Ambulance Emergency, Standard or Advanced First-aid Certificate that is dated not more than three years prior to the date on which the holder is on duty,
- (b) the Canadian Red Cross Society’s Emergency, Standard or Advanced First-aid Certificate that is dated not more than three years prior to the date on which the holder is on duty,
- (c) the Royal Life Saving Society Canada’s Aquatic Emergency Care Certificate that is dated not more than three years prior to the date on which the holder is on duty,
- (d) the Canadian Ski Patrol’s Qualified Member or First-aid Certification prior to its date of expiry, or
- (e) a certificate that the Minister considers equivalent to a qualification referred to in clause (a), (b), (c) or (d). R.R.O. 1990, Reg. 565, s. 17 (11).

(12) Every lifeguard on duty at a wave action pool shall be a holder of the National Lifeguard Service’s Lifeguard Certificate that is dated not more than two years prior to the date on which he or she is acting as a lifeguard. R.R.O. 1990, Reg. 565, s. 17 (12).

(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) and (3) during a period when the pool is being used solely by one or more groups each not exceeding twenty-five in number for aquatic instruction, practice, competition or display under the direct supervision of a certified aquatic instructor or coach. R.R.O. 1990, Reg. 565, s. 17 (16).

(17) For the purpose of subsection (16), every aquatic instructor and every coach shall,

- (a) be at least 16 years of age;
- (b) be the holder of one of the following qualifications that has been issued to him or her and 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,
 1. The Canadian Red Cross Society’s Water Safety Instructor Award.
 2. The Young Men’s Christian Association’s Instructor Certificate.
 3. The Royal Life Saving Society Canada’s Instructor Certificate together with an assistant lifeguard certificate referred to in subsection (9).

4. The Ontario Teachers' Aquatic Standard, where the holder is giving aquatic instruction under the auspices of a school board or board of education.
5. Where the holder is giving underwater aquatic instruction, an instructor certificate issued by,
 - i. The National Association of Underwater Instructors,
 - ii. The Professional Association of Diving Instructors, or
 - iii. The Association of Canadian Underwater Councils.
6. A lifeguard certificate referred to in subsection (8);
7. REVOKED: O. Reg. 270/99, s. 1 (6).

(c) have available at the pool when on duty the certificate referred to in clause (b) or a copy thereof that is 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 (17); O. Reg. 270/99, s. 1 (4-6).

(18) Where, prior to the 1st day of July, 1984, an exemption has been granted from the safety supervision requirements in respect of a pool operated on the premises of an apartment building where all the tenants and members of their families in the apartment are required to be at least sixteen years of age, the exemption shall continue provided that there is no change in the requirement regarding the minimum age of the tenants and members of their families in the apartment. R.R.O. 1990, Reg. 565, s. 17 (18).

(19) A Class B pool other than a pool operated in conjunction with a day care facility 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).

(20) Where a pool is operated in conjunction with a day care facility 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).

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) Where a public pool 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) or (6) is not met, the operator shall direct all bathers to leave the pool, ensure that no bather remains in the water and prevent bathers from having access to the pool 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. R.R.O. 1990, Reg. 565, s. 18 (4).

19. Every owner and every operator shall ensure that the following notices and markings are displayed in the places indicated herein:

1. 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 his or her 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, and
 - vi. the location of a telephone that is available for emergency use.
2. 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.
3. At the emergency telephone, 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.
4. Where there is a permanent spectator gallery adjacent to the deck, a notice forbidding spectators from walking upon the deck within 1.80 metres of the edge of the pool.
5. On the deck clearly marked in figures not less than 100 millimetres high, markings that set out the water depths indicating the deep points, the breaks between gentle and steep bottom slopes and the shallow points and the words DEEP AREA and SHALLOW AREA at appropriate locations.
6. 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.
7. 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.
8. 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, the words DANGER — AVOID DEEP OR LONG DIVES in a location clearly visible to divers.
9. Where a pool is provided with one or more ramps, a notice located conspicuously on each wall or fence enclosing the pool on which is printed at least 150 millimetres high the words CAUTION — NO DIVING.
10. 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 twenty-five millimetres high the words UNSUPERVISED BATHERS ARE NOT ALLOWED BEYOND THIS POINT,
 - 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 twenty-five millimetres high the words BATHERS ARE NOT ALLOWED BEYOND THIS POINT. R.R.O. 1990, Reg. 565, s. 19.

20. (1) Every owner and every operator, other than an owner and operator of a wave action pool, 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) 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) a spine board or device designed for transporting a person who has incurred a spinal injury; and
- (d) a first-aid box containing at least,
 - (i) a current copy of the St. John Ambulance or the Canadian Red Cross Society First Aid Manual,

- (ii) one dozen safety pins,
 - (iii) twenty-four adhesive dressings individually wrapped,
 - (iv) twelve sterile gauze pads, each seventy-five millimetres square,
 - (v) four rolls of fifty millimetre gauze bandage,
 - (vi) four rolls of 100 millimetre gauze bandage,
 - (vii) four sterile surgical pads suitable for pressure dressings individually wrapped,
 - (viii) six triangular bandages,
 - (ix) two rolls of splint padding, and
 - (x) one roll-up splint. R.R.O. 1990, Reg. 565, s. 20 (1).
- (2) A Class A pool, other than a modified pool or a pool installed at a recreational camp, shall be equipped with,
- (a) where the pool area is greater than 150 square metres but not greater than 230 square metres, at least one control station; and
 - (b) where the pool area is greater than 230 square metres, at least two control stations. R.R.O. 1990, Reg. 565, s. 20 (2).
- (3) A modified pool shall be equipped with control stations that are located along the edge of the water at intervals not exceeding sixty metres. R.R.O. 1990, Reg. 565, s. 20 (3).
- (4) A wave action pool shall be equipped with two or more control stations positioned in appropriate locations on each side deck adjacent to the deep area. R.R.O. 1990, Reg. 565, s. 20 (4).
- (5) A control station referred to in subsection (2), (3) or (4) 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. R.R.O. 1990, Reg. 565, s. 20 (5).
- (6) A wave action pool shall be 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 thereto, located at each control station; and
 - (b) equipment and supplies in accordance with aquatic first-aid requirements as approved jointly by the Royal Life Saving Society Canada, the Canadian Red Cross Society and St. John Ambulance. R.R.O. 1990, Reg. 565, s. 20 (6).

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