



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 13th MARCH, 2020.

GOVERNMENT OF KHYBER PAKHTUNKHWA LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 11th March, 2020

No. SOG/LG/7-15/Swimming Pools By-Laws/2020.--- In exercise of the powers conferred by sub-section (2) of section 112 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), Government of the Khyber Pakhtunkhwa is pleased to make the following Model By-laws, for all the Tehsil Local Governments, in the Khyber Pakhtunkhwa, namely:

MODEL BY-LAWS

TEHSIL LOCAL GOVERNMENT _____ PUBLIC, PRIVATE AND COMMERCIAL SWIMMING POOLS (REGULATION, ESTABLISHMENT AND OPERATION) BY-LAWS, 2019.

1. **Short title, application and commencement.** --- (1) These By-laws may be called Tehsil Local Government _____ Public, Private and Commercial Swimming Pools (Regulation, Establishment and Operation) By-Laws, 2019.

(2) These By-laws shall apply to the public, private and commercial swimming pools, established and run in the jurisdiction of Tehsil Local Government _____, except those falling in the jurisdiction of Cantonment Boards.

(3) These By-laws shall come into force at once.

2. **Definitions.**--- (1) In these By-laws, unless the subject or context otherwise requires, the following expressions shall have the meanings, as are respectively assigned to them, that is to say, -

- (a) "Act" means the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);
- (b) "Assistant Commissioner" means the Assistant Commissioner of the _____ Tehsil, in a District;
- (c) "permit" means the permit granted by the Tehsil Municipal Administration of Tehsil _____, for the purpose of operating the swimming pool;
- (d) "registration authority" means the Tehsil Local Government in whose jurisdiction the swimming pool lies;
- (e) "swimming pool" means any structure, chamber or tank, containing an artificial body of water, used by the public for swimming, diving, wading, recreation or therapy regardless of whether a fee is charged for its use;

- (f) "Tehsil Local Government" means the Tehsil Local Government of _____; and
- (g) "Tehsil Municipal Administration" for the purpose of these By-laws means the Tehsil Municipal Officer and his subordinate officers or officials, working in his office in Tehsil _____.

(2) Words and expressions, used but not defined in these By-laws, shall have the same meanings as are assigned to them under the Act.

3. Establishment of swimming pool. ---No swimming pool shall be established in the vicinity of the Tehsil Local Government, unless the following conditions are ensured:

- (a) duly registered by the Tehsil Local Government;
- (b) availability of sufficient place of land at appropriate location; and
- (c) duly approved plan by the respective Tehsil Municipal Administration.

4. Plan preparation, review and approval. ---(1) The plans shall be prepared and certified by a professional engineer or architect, duly registered with Pakistan Engineering Council.

(2) The plan shall, besides the drawing and structural design, clearly mention the timing and total hours per day of operating the swimming pool, fee structure, staff deployed for management on the swimming pool security.

(3) The plan shall also stipulate a safety plan and cleanliness standard of procedure along with other relevant standard of procedure of the swimming pool.

(4) The swimming pool shall be constructed by a professional having expertise in the field of construction.

5. Permit. --- (1) The permit shall be granted on payment of such fee as may be specified by the Tehsil Municipal Administration after due process and documentation, subject to the following conditions:

- (a) that the plan, after fulfilling the conditions as prescribed in rule 6 of these By-laws, shall be submitted to the Tehsil Municipal Administration with a simple covering letter, seeking approval for the establishment and operation of a swimming pool;
- (b) that the Tehsil Municipal Administration shall respond within thirty (30) days, failing which the applicant shall deem that the plan has been approved and proceed with the construction of the plan; and
- (c) each swimming pool shall be permitted separately, it shall be unlawful for any person to operate a swimming pool without having first obtained a permit from the Tehsil Municipal Administration.

(2) A permit shall be valid for a period of twelve (12) months.

(3) A permit shall be renewed every year by the Tehsil Municipal Administration after fulfilling the requirements, as prescribed in rule 6 of these By-laws.

(4) If at the time of renewal, the requirements are not met, the Tehsil Municipal Administration shall give thirty (30) days' notice to the owner or as the case may be, the management of the swimming pool for fulfilling the requirements, failing which its permit shall be suspended and ultimately it shall be cancelled if the requirements could not be met in another thirty (30) days time.

(5) All new swimming pools shall meet design and construction requirements to be permitted by the Tehsil Municipal Administration.

(6) The swimming pools, built and operated, before the commencement of these By-laws, shall be permitted to operate after complying with the design and construction requirements of these By-laws, within three month time of the notice, served by the Tehsil Municipal Administration, after the commencement of these By-laws.

(7) A copy of the permit shall be prominently displayed in the vicinity of a swimming pool.

6. **General instructions related to swimming pool.**---The owner or management of swimming pool shall ensure and undertake the following conditions, namely:

- (a) swimming pool to be properly covered;
- (b) installation of instruction board at appropriate place in national language alongwith emergency services phone numbers;
- (c) deployment of trained life guards, divers, swimmers or life saving personnel around the swimming pools;
- (d) ensure availability of life jackets;
- (e) use of non-slipping materials on the swimming pool deck, diving board and ladders;
- (f) the depth of the swimming pools shall be sufficient for diving board and vicinity;
- (g) the elastic appliances and switches of swimming pools shall be well protected;
- (h) installation of filter plants;
- (i) exclusive tube well or permanent source of water shall be mandatory;
- (j) proper sanitation and hygiene system shall be ensured;
- (k) installation of safety grills, lifebuoy or lifebelts;
- (l) proper chlorination of water as per international standards;
- (m) first aid kits with stretchers and wheels chairs;
- (n) availability of washrooms and change rooms;
- (o) any damage caused to neighbouring structure shall be made good by owner constructing swimming pool;
- (p) the source of water is private or public, if the source of water is public water supply scheme, whether the use of water for swimming pool has been declared to authorities;
- (q) what is the bill amount for water use paid monthly;
- (r) whether lockers for visitors to keep their stuff are available;
- (s) what is the readiness level to meet emergency situation;
- (t) whether sufficient parking is available; and
- (u) whether the swimming pool is registered as business/commercial activity.

7. **Age limits for swimming.**--- (1) Children above five years and below seven years of age shall only be permitted in swimming pools which are specifically designed for such children and they shall be accompanied by the adult guardian.

(2) Children from seven to thirteen years old can visit the swimming pool only if accompanied with adult guardian and shall only be allowed to the swimming pool, built and constructed for children.

(3) The owner or as the case may be the management of a swimming pool shall be responsible for safety of all the children, however, the adult guardians shall be responsible for the damage done by the children.

(4) Adolescents from the age of fourteen are allowed to the swimming pool without adults if they are able to swim.

8. **Periodic check and inspection by the Tehsil Municipal Administration.**---Swimming pools, which are operational between April 1 and October 31 shall be inspected at least twice during the period. Swimming pools that operate round the year shall be inspected at least thrice a year as per the conditions prescribed in rule 6 of these By-laws.

9. **Water supply to the swimming pool.**---Water supply to the swimming pool and plumbing fixtures shall meet the requirements for a municipal water supply or individual well must comply with these By-laws, governing public water systems, or rules governing the protection of private water supplies. Tehsil Municipal Administration may approve the use of non-potable water for purpose of filling a swimming pool. Water introduced to the swimming pool must be supplied through-

- (a) an air gap;
- (b) a pipe applied atmospheric vacuum breaker;
- (c) a pressure type anti-siphon vacuum breaker; and
- (d) a reduced-pressure principle backflow preventer.

10. **Closure of swimming pool.**--- The swimming pool shall remain closed during the epidemic such as dengue or during such period as Government may direct for reasons to be recorded in order to control the epidemic and subsequently the disease transmission.

11. **Public education and information.**--- The owner or the management of a swimming pool must ensure the safety through public education and providing appropriate and targeted information to pool users.

12. **Sewage systems and other wastewater disposal.**--- Sewage shall be disposed of in a public sewer system or properly operating sanitary sewage system. Backwash from the filters and deck drainage may be discharged into the sewer, storm drain or natural drainage course but it must have a suitable air gap. Removal of swimming pool water shall not be discharged in the municipal mains i.e. sewerage and drainage lines.

13. **Penalties.**---(1) The Tehsil Municipal Administration shall have the power and authority to deny, suspend or cancel the permit for failure to comply with the provisions of these By-laws for the first time.

(2) If, during inspection the Assistant Commissioner is of the view that the permit is required to be suspended or cancelled, as the case may be, he may order for its suspension or cancellation and the Tehsil Municipal Administration shall suspend or cancel such permit, accordingly.

(3) If an application is denied or a permit is suspended or cancelled, under sub-rule (1); or as the case may be, under sub-rule (2), the applicant or holder of the permit must be notified in writing, specifically stating all reasons, why such action was taken. Suspension or cancellation is effective upon service of a written notice thereof and operation must cease immediately.

(4) If the owner or management of a swimming pool contravenes the provisions of these By-laws, for the second time, he or it shall be liable for a fine, which may extend to rupees twenty thousand (20,000), and if repeated for the third time and so on, a fine, which may extend to rupees fifty thousand (50,000) and foreclosure of the swimming pool by the Tehsil Municipal Administration, after the order of fine or foreclosure is made by the Assistant Commissioner. The Assistant Commissioner shall impose fine or foreclose the swimming pool on his own cognizance or on the report of Tehsil Municipal Administration.

(5) In case the owner or management of the swimming pool is not depositing the fine, as imposed under sub-rule (4), the Assistant Commissioner may refer the case through Tehsil Municipal Administration to Judicial Magistrate for penal action who may order imprisonment up to one month or with fine which may extend to rupees fifty thousand (50,000) or with both.

Sd/-xxx
SECRETARY,
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND
RURAL DEVELOPMENT DEPARTMENT.