



A GUIDE TO:

**SWIMMING
POOLS**

**CITY OF PORT COLBORNE
BUILDING DIVISION**



Disclaimer

This information package is provided by the City of Port Colborne Building Division for information purposes only. It provides various requirements from the applicable by-laws and Ontario Building Code. In any case where there exists a discrepancy between the information in this document and the City of Port Colborne By-law or the Ontario Building Code, the requirements established by the By-law or the Code shall prevail. This information package is intended to assist residents in making educated decisions when planning the erection or installation of a *swimming pool*. The individual property owner/applicant is solely responsible to ensure that all required by-laws, codes and regulations are met and all projects are maintained to the requirements of the Municipality through its by-laws.



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1.0 Permits

1.1 *Definitions*

The Pool By-law provides definitions for the terms below for clarification when applying the By-law:

- *Fence* means any structure of posts and boards. Wood, wire, concrete, stone, metal hedge or combination thereof, approved fencing constructed of a strength that provides an adequate degree of safety.
- *Swimming pool* means any body of water located outdoors on land privately owned, contained by artificial mean and used or maintained for the purpose of swimming, wading, diving or bathing and having a depth of at least 0.60 metres (two feet)

1.2 *Obtaining a Swimming pool Permit*

A permit application is available from the Building Division office at Port Colborne City Hall or at the City of Port Colborne website. The review of your application will not begin until all the required information is submitted and the application is deemed complete. This process may take up to two weeks from the submission of the permit application. Once the permit is approved and recommended for issuance, the applicant is required to pay the outstanding building permit fee and pickup the building permit before commencing any work.

A complete application shall include:

- A completed application form;
- All required drawings and approvals
- Minimum application fee



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1.3 Required Drawings and Plans

The following drawings and plans must be submitted with the application package

- A site plan or plans of the lot with the following information:
 - The location of the swimming pool.
 - The location of the swimming pool enclosure (fence) including the location of any gates or entrances.
 - The location of any associated outdoor swimming pool equipment (pumps, heaters etc.).
 - Dimensions from the above to all lot lines and all buildings or structures on the lot.
- A plan or plans with complete details of the swimming pool enclosure (fence) including:
 - Type of construction.
 - Materials.
 - Height.

2.0 Owner Responsibility

The owner of a property has several responsibilities with respect to swimming pools. These responsibilities begin before the installation of the swimming pool begins and continues after the installation of the swimming pool is complete.

2.1 Prior to Swimming Pool Installation

It is the responsibility of the property owner to:

- Create or obtain accurate drawings and plans as required.
- Obtain a swimming pool permit.
- Ensure the location of the swimming pool will not be within an easement, drainage swale, septic system, or right-of-way.



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- Obtain all applicable permits for any electrical works from the appropriate authority.
- Call Ontario One Call for locates for any services on the property prior to any excavation.

It is also the responsibility of the property owner to obtain approval from the Region of Niagara Engineering Department for installation of an outdoor swimming pool on any property which is not serviced by a municipal sanitary sewer. This is to ensure that the installation of the swimming pool will not interfere with the operation of the existing sanitary septic system.

2.2 During Swimming Pool Installation

It is the responsibility of the property owner to:

- Ensure the pool is installed as per the approved drawings. Any revisions to the plans shall be submitted to the Building Division for approval prior to proceeding with the revisions. Additional fees may be required for revisions to the pool permit.
- Ensure that any connections to a portable water system is equipped with backflow prevention installed in accordance with the Ontario Building Code.
- Ensure that all electrical installations are installed in accordance with all applicable electrical codes and standards, and that the necessary electrical inspections are conducted.
- Provide a suitable temporary enclosure (fence) while the swimming pool is being installed.

2.3 After Swimming Pool Installation

It is the responsibility of the property owner to:

- Maintain the swimming pool enclosure in compliance with the provisions of the Pool and Fence By-laws.



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- Ensure that no overflow or drainage is discharged onto abutting properties, open lands, City property or a sanitary sewer.
- Ensure that any swimming pool being drained does not discharge into a municipal storm sewer or natural drain at a rate greater than 0.014 cubic meters per second.
- Ensure that all lighting fixtures are arranged, designed, and installed so that light from them is directed downward and deflected away from any adjacent lots and abutting streets or highways.
- Ensure that the gate or entrance to the swimming pool enclosure is kept closed and locked whenever the outdoor swimming pool is not under competent supervision.

3.0 Required Inspections

3.1 Final Inspection

The Final Inspection is required prior to the placing of any water in a swimming pool. The purpose of this inspection is to make sure that the requirements of the Swimming Pool By-law have been complied with and that the installation of the swimming pool in accordance with the approved drawings. The staff member conducting the inspection will review and note items such as the swimming pool enclosure height, gate hardware, and the location of items such as the swimming pool, associated equipment and the presence of accessory structures.



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4.0 Enforcement

4.1 Corrections of Non-Compliance

The Pool By-law enables the Chief Building Official or appointed staff to inspect the land or structures, for the purpose of determining whether there is compliance with any provision of the Pool By-law. Where a property owner fails to comply with the Pool By-law the Chief Building Official may, at the expense of the property owner:

- Construct or repair a swimming pool enclosure in accordance with the provisions of the Pool By-law
- Remove all water from the outdoor swimming pool until such time as a compliant swimming pool enclosure is constructed or maintained in accordance with the Pool By-law

4.2 Penalty

Every person who contravenes the provisions of the Fence By-law is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act.

5.0 Pool Enclosure (Fence) Construction

5.1 Required Swimming Pool Enclosure

The Pool By-law requires that the owner of any lands on which a swimming pool is located or erected shall maintain around such pool, a chain link fence, or a fence of equivalent strength, that provides an excellent degree of safety which:

- Is a minimum of 1.2 metres (four feet) in height, as measured from ground level at the exterior face of the enclosure.
- Is equipped with a self-closing gate having a latch located on the top inside of the gate.

5.2 Acceptable Fence Construction

A fence which is to be used as a swimming pool enclosure, or part thereof, shall be of:

- Chain link construction
- Vertical board construction



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- Wrought iron construction
- Masonry construction comprised of brick or concrete block, or
- Such other materials and construction that will provide an equivalent or greater degree of safety, as determined by the Chief Building Official.

5.3 Chain Link Fence Construction

A fence of chain link construction shall:

- Be constructed of chain link with a wire size of not less than 14 gauge in thickness when consisting of galvanized steel material or vinyl coated steel material.
- Have links of a diameter of not more than 0.051 meters (two feet)
- Be supported by capped minimum 38 mm (1.5 inches) diameter galvanized steel posts spaced no more than 2.4 metres (eight feet) apart and placed at least 0.9 metres (three feet) below ground level.

5.4 Miscellaneous Fence Facts

- Any fence constructed as a swimming pool enclosure must also be constructed in accordance with the City of Port Colborne Fence By-law, as amended.
- A dwelling house, building, structure, or accessory building may also be used in conjunction with a fence to enclose any pool.
- No part of any fence used as a swimming pool enclosure shall consist of barbed wire and any device for projecting electrical current through such fence

Note: The provisions of the Pool By-law indicate that the erection and maintenance of a fence that shall completely enclose the swimming pool shall not apply if the outside wall of the pool has a height of not less than 1.2 metres (four feet) measured from the ground level at all points on the perimeter of such wall provided that any steps, ladder or other means of entry to the swimming pool are protected by a fence and gate which comply with all other requirements of the Pool By-law.