



A guide to:

SWIMMING POOLS

Brought to you by:

City of Port Colborne - Building Division



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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 maintain to the requirements of the Municipality through its by-laws.

1.0 Permits

1.1 *When a swimming pool permit is required*

Article 3.1.1 of the Pool By-law indicates that:

“No person shall erect, construct or install any privately owned outdoor *swimming pool* capable of containing water to a depth of more than 0.60 metres (2’) at any point without first obtaining a permit from the City of Port Colborne.”

This means that a permit is required prior to commencing the installation of any outdoor *swimming pool* and associated enclosure (fence).

1.2 *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 means and used or maintained for the purpose of swimming, wading, diving or bathing and having a depth of at least 0.60 metres (2’)

1.3 *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, www.portcolborne.ca. The review of your submitted package will not begin until all the required information is submitted and the application package is deemed complete. The Chief Building Official will then review the submitted application package for compliance with all applicable building codes, by-laws and other regulations. This process may take up to 10 business days from the submission of the permit application package. You will be contacted when the permit is available for pickup.

A complete application shall include:

- A completed application form;
- All required drawings and plans; and

1.4 *Required Drawings and Plans*

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

- A plot 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.); and

- Dimensions from the above elements 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; and
 - Height.

2.0 Owner Responsibility

The Owner of a property has several responsibilities in *any swimming pool* project. 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:

- Obtain a *swimming pool* permit;
- Create or obtain accurate drawings and plans as required;
- Ensure the location of the *swimming pool* will not be within an easement, drainage swale, septic system or right-of-way;
- Schedule a Deposit Refundable inspection prior to the installation of any In Ground pool;
- Obtain all applicable permits for any electrical works from the appropriate authority; and
- Call for locates for any services on the property.

For Utility Locates call:

Water Service and Sewer	Port Colborne Public Works Department	905-835-5079
Electricity	Canadian Niagara Power	905-835-0051
Natural Gas	Enbridge Gas	800-263-3688
Telephone	Bell Telephone	905-310-2355
Cable Television	Cogeco Cable	866-427-7451
Locate Before you Dig	Ontario One Call	800-400-2255

*Underground utilities other than those listed above may exist.

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:

- Schedule a Final Inspection prior to placing any water (refer to Section 3.0);
- Ensure that any connections to a potable water system is equipped with backflow prevention installed in accordance with the Ontario Building Code;
- Ensure that all electrical installation are installed in accordance with all applicable electrical codes and standards, and that the necessary electrical inspections are conducted; and
- 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 (fence) in compliance with the provisions of the Pool and Fence By-laws;
- 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; and
- 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 Deposit Refundable Inspection

The Deposit Refundable Inspection is required prior to the installation of an In ground *swimming pool*. The purpose of this inspection is to take record of the state of municipal property in the immediate area around the proposed installation site. The Officer conducting the inspection will note the condition of items such as the curbs, sidewalks and boulevards. This process is done to ensure that the Property Owner is not held responsible for damage to Municipal property which existed prior to the commencement of the swimming pool installation. The Property Owner will however be responsible to repair those items damaged during *swimming pool* installation if such damages happen as a result of installation activities. The deposit would then be drawn upon to correct any resulting damages.

3.2 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 Officer 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.

4.0 Enforcement

4.1 *Corrections of Non-Compliance*

The Pool By-law enables the Chief Building Official or an Officer 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:

- Erect 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 Location of Swimming pools

5.1 *Acceptable Swimming pool Locations*

- *Swimming pools* shall be located in the interior side yard and rear yard;
- No interior wall surface shall be located closer than 1.0 metres (3' – 3") to any rear or side lot line;
- No interior wall surface shall be located closer to any street line than the minimum setback required there from; and
- No water circulating equipment such as pumps or filters shall be located closer than 3.0 metres (9' – 8") to any side lot line or 1.0 metres (3' – 3") to any rear lot line.
- A building or structure containing or enclosing an above-ground or in-ground pool shall not be located in any required yard and shall comply with all applicable accessory structure provisions of the zone in which such building or structure is located.

6.0 Pool Enclosure (Fence) Construction

6.1 Required Swimming Pool Enclosure

Section 4.1.2 of 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 (4ft) 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;

6.2 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
- 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.

6.3 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 metres (2")
- Be supported by capped minimum 38 mm (1.5 in.) diameter galvanized steel posts spaced nor more than 2.4 metres (8 ft) apart and placed at least 0.9 metres (3ft) below ground level.

6.4 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 *Swimming 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 (4' – 0") 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 *Swimming pool* By-law.