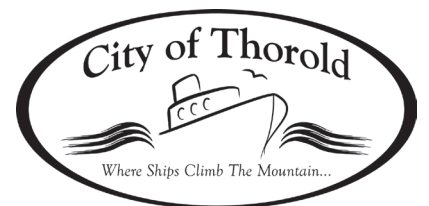


# Swimming Pools

*An Information Package for the erection and installation of  
Private Outdoor Swimming Pools in the City of Thorold*



----- DISCLAIMER -----

This information package is provided by the City of Thorold Building and By-law Divisions for information purposes only. It presents various requirements from the applicable by-law. In any case where there exists a discrepancy between the information in this document and the City of Thorold By-law, the requirements established by the By-law shall prevail. This information package is intended to assist residents in making educated decisions when planning the erection or installation of a private outdoor 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 established by the Municipality through it's by-laws.

### 1.1 When a Pool Permit is required

Article 2.1.1 of the Pool By-law indicates that:

*No person shall excavate for or erect, or cause or permit excavation for or erection of, any outdoor swimming pool and/or swimming pool enclosure without first obtaining a permit from the Chief Building Official.*

This means that a permit is required prior to commencing the installation of any outdoor swimming pool or swimming pool enclosure. The term outdoor swimming pool includes; above ground pools, in ground pools and seasonal pools.

An outdoor swimming pool is defined in the Pool By-law as follows:

*An outdoor swimming pool means any artificial body of water located out of doors, and is capable of holding a depth of 0.6m [24 in.] of water at any given section, but does not include:*

- (a) a pond which is maintained for ornamental purposes only;*
- (b) a pond which is used only for agricultural or horticultural purposes, or as a reservoir for fire fighting, or is located in an agricultural zone;*
- (c) naturally occurring streams, lakes, swamps or other natural bodies of water.*

### 1.2 Obtaining a Pool Permit

A permit application is available from the By-Law Enforcement Division office at Thorold City hall or at the City of Thorold website, [www.thorold.com](http://www.thorold.com). The review of your submitted package will not begin until all the required information is submitted and the application package is deemed complete. An Officer will then review the submitted application package for compliance with all applicable by-laws and other regulations. This process may take up to two (2) weeks. You will be contacted when the permit is available for pickup.

**A complete application package shall include:**

- ◆ a completed application form
- ◆ all required drawings and plans
- ◆ all permit fees and deposits

### 1.3 Required drawings and Plans

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

A plot plan or plot plans of the lot with the following information:

- ◆ the location of the outdoor swimming pool
- ◆ the location of the swimming pool enclosure including the location of any gates or entrances
- ◆ the location of any associated outdoor swimming pool equipment (pumps, heaters, etc.)
- ◆ 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 including:

- ◆ type of construction
- ◆ materials
- ◆ height

## 1.4 Pool Permit Fees and Deposits

The following fees and deposits are those which are prescribed by the Pool By-law and all applicable permit fees and deposits are due at time of permit application submission. If a permit is denied the fees will be refunded to the applicant in full.

- ◆ Seasonal Swimming Pools ..... \$50.00
- ◆ Above Ground Swimming Pools ..... \$75.00
- ◆ In Ground Swimming Pools ..... \$120.00 + \$500.00 Deposit

## 1.5 Private Spas

The installation of a private spa does not require a permit under the Pool By-law provided that the private spa is equipped with a secure cover of rigid material placed over the entire opening to the private spa and is locked in place in order to prevent access by unauthorized persons when the private spa is not in use or under competent supervision.

Even though a private spa does not require a permit for its installation, it must still comply with the Pool By-law in terms of location on a property. Refer to Section 5.0 of this brochure for additional details.

A private spa is defined in the Pool By-law as follows:

*A private spa means a hydro-massage pool containing an artificial body of water that is intended primarily for therapeutic or recreational use of a single family dwelling that is not drained, cleaned or refilled before use by each individual and that utilizes hydro-jet circulation, air induction bubbles, current flow or a combination of them over the majority of the pool area, but does not include wading or swimming pools.*

# 2.0

## Owner Responsibilities

The Owner of a property has several responsibilities in any Pool project. These responsibilities begin before the installation of the pool begins and continue after the installation of the 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
- ◆ call for locates of any services on the property

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 outdoor swimming pool will not interfere with the operation of the existing sanitary septic system.

## **For Utility Locates Call ....**

Water Service & Sewer .....	Thorold Public Works .....	905 227 3521
Electricity .....	Hydro One .....	888 664 9376
Natural Gas .....	Enbridge Gas .....	800 263 3688
Telephone .....	Bell Canada .....	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*

## **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)
- ◆ schedule an Installation Inspection prior to placing any water in a Seasonal swimming pool
- ◆ 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 installations are installed in accordance with all applicable electrical codes and standards, and that necessary electrical inspections are conducted
- ◆ provide a suitable temporary enclosure while the swimming pool is being installed

An outdoor swimming pool, while under construction, is required to be fully enclosed by a temporary enclosure. Article 4.4.2 of the Pool By-law dictates the minimum standards for the required temporary enclosure as being that it shall:

*Consist of a 1.5m [5 ft.] high plastic mesh fence having mesh openings not greater than 50mm [2 in.] and supported by steel T-bar posts located a maximum of 2.4m [7.9ft.] apart and with a nine [9] gauge galvanized steel wire located at the top and bottom of such fence; or be constructed of material that will provide an equivalent or greater degree of safety...*

## **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 By-law
- ◆ schedule an Installation Inspection prior to placing any water in each subsequent installation of a Seasonal swimming pool
- ◆ ensure that no overflow or drainage discharge is discharged onto abutting properties, open lands, City property or a sanitary sewer
- ◆ ensure that any outdoor swimming pool or private spa being drained does not discharge into a municipal storm sewer at a rate greater than 300 litres [80 gals.] per minute
- ◆ 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 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 an Above ground or In ground swimming pool. The purpose of this inspection is to make sure that the requirements of the 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.

### 3.3 Installation Inspection

The Installation Inspection is required prior to the placing of any water in a Seasonal swimming pool. The purpose of this inspection is to make sure that the requirements of the Pool By-law have been complied with. This inspection is required to be arranged for and conducted for each installation of a Seasonal swimming pool, whether that be every year or every month. When ever the Seasonal swimming pool is removed and reinstalled another inspection is required prior to the placing of any water. The Officer conducting the inspection will review and note the state of the swimming pool enclosure for compliance with the Pool By-law and the proximity of the Seasonal swimming pool to property lines and any existing structures.

# 4.0

## Enforcement

### 4.1 Correction 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 Pool By-law is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33

### 5.1 Acceptable locations on Residential Property

An outdoor swimming pool, private spa or associated equipment cannot be located in any front yard.

An outdoor swimming pool shall have no interior wall surface located within 1.2m [3.9 ft.] of:

- ◆ any building or structure supported on a foundation that projects below ground level
- ◆ any interior side lot line
- ◆ any exterior side lot line, or
- ◆ any rear lot line

A private spa shall not be located within 1.2m [3.9 ft.] of:

- ◆ any interior side lot line
- ◆ any exterior side lot line, or
- ◆ any rear lot line

Any outdoor swimming pool equipment shall not be located within 1.2m [3.9 ft.] of:

- ◆ any interior side lot line
- ◆ any exterior side lot line, or
- ◆ any rear lot line

### 5.2 Acceptable locations on Non-Residential Property

An outdoor swimming pool cannot be located in any required front yard or required exterior side yard.

An outdoor swimming pool shall have no interior wall surface located within 1.5m [5 ft.] of:

- ◆ any building or structure supported on a foundation that projects below ground level
- ◆ any interior side lot line, or
- ◆ any rear lot line

Any outdoor swimming pool equipment shall not be located within 1.5m [5 ft.] of:

- ◆ any interior side lot line, or
- ◆ any rear lot line

### 5.3 Properties regulated by the Niagara Escarpment Commission

If the property is under the jurisdiction of the Niagara Escarpment Commission (NEC) the property must satisfy their requirements. A development permit must be obtained by the NEC first and submitted to the City as a part of the Pool Permit Application. In general the NEC requirements are as follows:

- ◆ all Municipal Pool and Fence by-laws must be complied with
- ◆ the water area of the swimming pool shall be 2.7m [8.9 ft.] from all lot lines
- ◆ the maximum water area is 93 m<sup>2</sup> [1001 sq. ft.]

For further information regarding NEC requirements, permits and applications please contact the NEC directly. (refer to Section 7.0)



### 6.1 Required Swimming Pool Enclosure

Section 4 of the Pool By-law requires that the owner of any lands on which an outdoor swimming pool is located or erected shall erect a swimming pool enclosure which:

- ◆ completely surrounds the entire swimming pool area
- ◆ is a minimum of 1.5m [5 ft.] in height, as measured from ground level at the exterior face of the enclosure
- ◆ has a space between the bottom of the enclosure and the ground no greater than 50mm [2 in.]
- ◆ is constructed so that no member, attachment or opening will facilitate climbing, and
- ◆ is constructed in accordance with subsections 4.2 and 4.3 of the Pool By-law as they relate to the construction of fences and gates respectively (refer to 6.2 through 6.7 of this package)

### 6.2 Acceptable Fence Construction

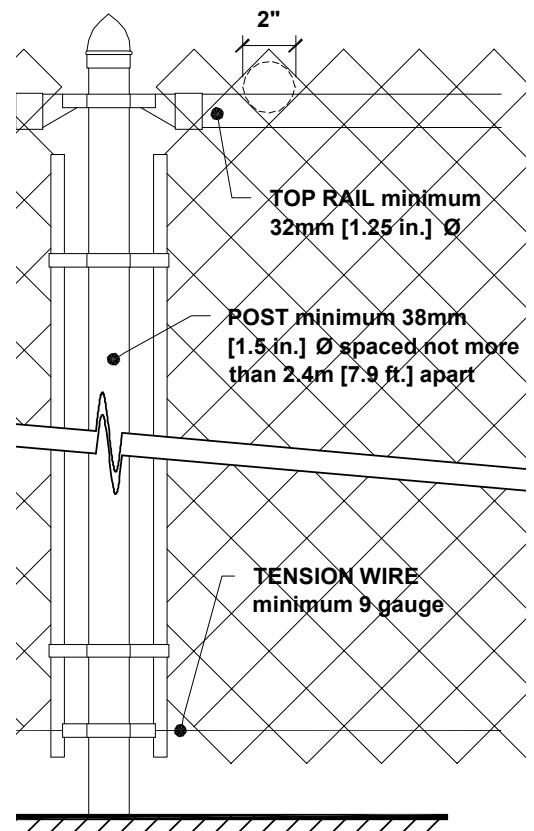
A fence which forms a swimming pool enclosure, or part thereof, shall be of:

- ◆ 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 12 gauge in thickness when of galvanized steel material, or with a wire size of not less than 14 gauge in thickness when of vinyl coated steel material which would form an overall thickness equivalent to 12 gauge galvanized steel wire
- ◆ have links of a diameter of not more than 50mm [2 in.]
- ◆ be supported by capped minimum 38mm [1.5 in.] diameter galvanized steel posts spaced not more than 2.4m [7.9 ft.] apart, and placed at least 0.9m [3 ft.] below ground level
- ◆ have a top rail of a minimum 32mm [1.25 in.] diameter galvanized steel pipe, securely fastened to the upright galvanized steel posts
- ◆ have a bottom support of not less than 9 gauge galvanized steel tension wire securely fastened to the upright galvanized steel posts.

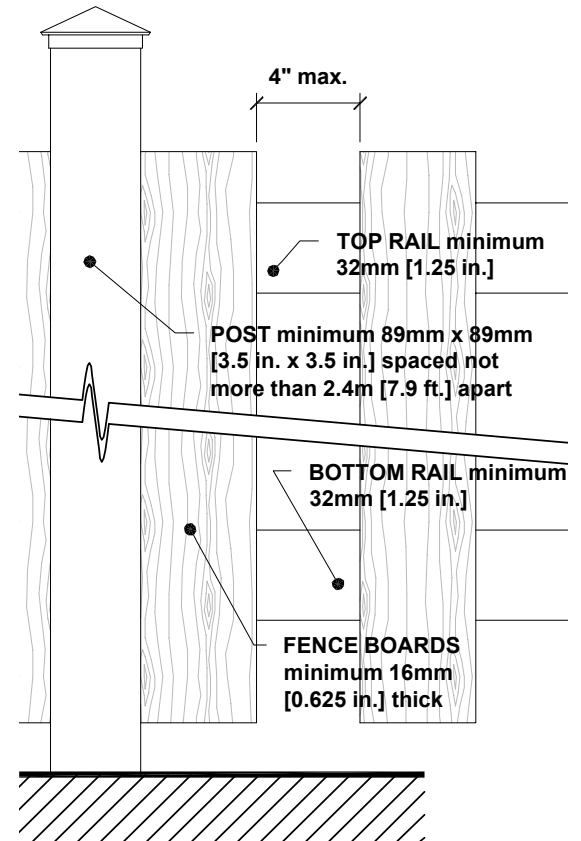




## 6.4 Wood Fence Construction

A fence of wood construction shall:

- be constructed of a minimum 16mm [0.625 in.] thick boards, placed vertically
- have:
  - horizontal members, including top and bottom rails, that are spaced at least 1.2m [3.9 ft.] apart, and vertical boards that are spaced not more than 100mm [4 in.] apart on the exterior face of the fence, or
  - horizontal members, including top and bottom rails, that are spaced less than 1.2m [3.9 ft.] apart, and vertical boards that are spaced not more than 50mm [2 in.] apart on the exterior face of the fence
- be supported by solid wood posts of at least 89mm x 89mm [3.5 in. x 3.5 in.], or 89mm [3.5 in.] in diameter, spaced not greater than 2.4m [7.9 ft.] apart, and placed at least 0.9m [3 ft.] below ground level
- have a top and bottom rail of a minimum size of 38mm x 89mm [1.5 in. x 3.5 in.] where the 89mm [3.5 in.] dimension is in a vertical orientation, securely fastened to the solid wood posts
- have all wood, which is in contact with the ground or to be below ground level, of a species resistant to decay by moisture or treated with an approved substance to resist decay



## 6.5 Wrought Iron Fence Construction

A fence of wrought iron construction shall:

- be of sufficient strength to provide an effective swimming pool enclosure
- be supported by posts spaced not greater than 2.4m [7.9 ft.] apart, and placed at least 0.9m [3 ft.] below ground level
- have:
  - horizontal members, including top and bottom rails, that are spaced at least 1.2m [3.9 ft.] apart, and vertical members that are spaced not more than 100mm [4 in.] apart on the exterior face of the fence, or
  - horizontal members, including top and bottom rails, that are spaced less than 1.2m [3.9 ft.] apart, and vertical members that are spaced not more than 50mm [2 in.] apart on the exterior face of the fence

## 6.6 Miscellaneous Fence Facts

- Any fence constructed as a swimming pool enclosure must also be constructed in accordance with the City of Thorold Fence By-law, as amended.
- A fence which forms a swimming pool enclosure, or part thereof, shall be constructed at a distance of at least 0.6m [2 ft.] from the interior wall surface of the outdoor swimming pool.

## 6.7 Gate & Entrance Construction

Subsection 4.3 of the Pool By-law requires that every swimming pool enclosure shall allow access to the swimming pool area, other than through a dwelling unit, by means of one or more gates or entrances. It also requires that every gate or entrance is to be kept closed and locked at all times when the outdoor swimming pool is not under competent supervision.

The gates or entrance required under the specified subsection of the by-law shall be:

- ◆ of construction and height equivalent to or greater than that of the swimming pool enclosure which it forms a part of
- ◆ supported on substantial hinges
- ◆ equipped with self-closing hardware capable of placing the gate or entrance in a latched position, and
- ◆ equipped with self-latching hardware mounted on the pool side of the gate or entrance

Specifically, article 4.3.4 of the Pool By-law stipulates that any door providing access directly to a swimming pool area, other than a door located in a dwelling unit, shall be:

- ◆ capable of being locked from the pool side of the door, or
- ◆ equipped with hardware mounted on either side of the door, at least 1.5m [4.9 ft.] above ground level, which deactivates the use of the door from either the pool side of the door or the exterior face of the door

This article specifically targets doors such as those between garages and the rear yard or swimming pool area. Where this type of door is present one of the two measures listed above must be used to ensure the door will not allow access to the swimming pool area during times when the swimming pool is not under competent supervision.

# 7.0

## Contact Information

### 7.1 Planning and Building Services • By-Law Enforcement Division

To Book and Inspection, please contact the:

**Building Clerk**

Angi Nesbitt  
905 227 6613 ext. 259  
[anesbitt@thorold.com](mailto:anesbitt@thorold.com)

To Inquire about Swimming Pool Issues, please contact a:

**By-Law Enforcement Officer**

905 227 6613

### 7.2 Niagara Escarpment Commission

To Inquire about Swimming Pool Issues in a Niagara Escarpment Commission Zoning Area, please contact the:

**NEC Representative**

Martin Kilian  
905 877 5191 ext. 229 (Guelph Office)

**Thorold**

Corporation of the City of Thorold  
 Planning & Building Services, By-Law Division  
 3540 Schmon Parkway, Thorold, Ontario L2V 4A7  
 P: 905•227•6613 F: 905•227•8137  
 www.thorold.com

# Application for a Permit to Erect a Private Outdoor Swimming Pool

For Use by Municipality	
APO Number	Tax Roll Number
Required Departmental Approvals Prior to Permit Issuance	
<input type="checkbox"/> Planning Division	received by: _____ date: ___ / ___ / ___
<input type="checkbox"/> Region of Niagara (septic)	received by: _____ date: ___ / ___ / ___
<input type="checkbox"/> Niagara Escarpment Commission	received by: _____ date: ___ / ___ / ___
<input type="checkbox"/> Ministry of Transportation	received by: _____ date: ___ / ___ / ___

Date Received

A) Pool Project Information			
Address of Project			
Building Number	Street Name	Corner Lot <input type="checkbox"/> Yes <input type="checkbox"/> No	Municipal Services <input type="checkbox"/> Sewer <input type="checkbox"/> Water
Building Use			
<input type="checkbox"/> Above Ground Pool <input type="checkbox"/> In Ground Pool <input type="checkbox"/> Seasonal Pool			
Lot Dimensions		Pool Dimensions	
Lot Frontage	Lot Depth	Pool Length or diameter	Pool Width
_____ (m)	_____ (m)	_____ (m)	_____ (m)

B) Applicant Information			
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized Agent			
Last Name	First Name	Company or Corporation	
Building Number	Street Name	Unit Number	Lot/con.
Municipality	Province	Postal Code	
Telephone Number	Cell Phone Number	Email Address	

C) Owner Information (if different from Applicant)			
Last Name	First Name	Company or Corporation	
Building Number	Street Name	Unit Number	Lot/con.
Municipality	Province	Postal Code	
Telephone Number	Cell Phone Number	Email Address	

D) Applicant Declaration	
I, the Applicant declare that the information contained in this application and attached documentation is true to the best of my knowledge.	
_____ (date)	_____ (signature)



# Sample Pool Site Plan

City of Thorold

