

Swimming Pool Enclosure Permits

Protecting Outdoor Swimming Pools

Outdoor swimming pools can pose a danger to young children if left unattended and unprotected. City By-law 2016-91 requires every outdoor swimming pool that is capable of holding a depth of 24" (600 mm) of water or more at its deepest point (including seasonal pools), to be enclosed in a secure and safe manner by a combination of fence, building wall, pool wall, gate, door, or other structure. Any gaps below or in the fence must be no greater than 4" (100 mm). Any gates in the fence must be closed and locked whenever the yard containing the pool is left unattended.

A building permit, for all swimming pool enclosures is required from the City of Greater Sudbury, Building Services Division before any pool that can hold 24" (600 mm) of water or more is installed (including seasonal pools). The purpose of the permit is to ensure and inspect that the proper enclosure and protection requirements are satisfied.

Four principle issues are considered when reviewing an application for a swimming pool enclosure permit:

1. Is the pool safely enclosed to protect small children from neighbouring properties accidentally falling into the pool water?
2. Has the surface water drainage around the property been maintained such that no neighbouring property will experience ponded water or increased surface drainage flows?
3. Are there any legal easements for (underground) services or above ground stormwater management being encroached upon?
4. To ensure any accessory structures such as decks or sheds related to the pool use comply with the Ontario Building Code and Zoning By-laws?

When submitting a permit application for a swimming pool enclosure, the following documentation and information is required:

- Completed application form (Letter of Authorization if applicant is not the Owner of the property);
- Plot plan of the entire lot, including location of existing structure(s), location or proposed location of pool and pool equipment (eg. pumps, filters, heating equipment);
- Description of outdoor swimming pool (in ground, above ground, height of above ground pools);
- Location of outdoor swimming pool enclosure including; fences, building walls, pool walls, doors, gates, landscaping features, and easements;
- Distances from lot lines (setbacks) of pool and pool equipment;
- Legal description and municipal address of the property;
- Other items as may become applicable.

Swimming Pool Enclosure Requirements

1. A swimming pool enclosure must surround or enclose the entire Swimming Pool Area except where in Section 23.(3) when the vertical walls of an Above Ground Swimming Pool have a height of not less than 52" (1.32 m) measured from the Ground Level at all points on the perimeter of the wall of the Above Ground Swimming Pool, the wall do not possess any horizontal members that may facilitate climbing, no pool equipment, pump, filter or other equipment, object or material is attached to or placed or piled within 3' (0.91 m) of the Above Ground Swimming Pool so as to facilitate climbing or diminish the structural integrity of the walls of the Above Ground Swimming Pool and any steps, ladder or other means of entry to the Above Ground Swimming Pool have a lockable closing mechanism or in the alternative, a gate or entrance way compliant with Section 27.
2. Seasonal Outdoor Swimming Pools require a permit for the Swimming Pool Enclosure for the first time the Seasonal Outdoor Swimming Pool is erected after the effective date of the By-law, no matter when the Seasonal Outdoor Swimming Pool was first erected on the lot.
3. Unless and until a Swimming Pool Enclosure has been fully erected and inspected and approved by the CBO, every person erecting an Inground Outdoor Swimming Pool shall erect a Temporary Enclosure compliant with Subsection 10(2) so as to completely enclose the construction area. The Temporary Enclosure shall consist of a 3'6" (1.07m) high plastic mesh fence having mesh openings not greater than 2" (50mm) and supported by steel T-bar posts located a maximum 7'10" (2.4m) apart and with nine (9) gauge galvanized steel wire located at the top and bottom of such fence or is constructed of material that will provide an equivalent or greater degree of safety and has been approved in advance by the CBO.
4. No water shall be placed in an Outdoor Swimming Pool unless the permit has been issued, the Swimming Pool Enclosure has been inspected prior to the first water been placed in the Outdoor Swimming Pool, the Swimming Pool Enclosure is in good condition and the locking devices required in Section 27 are in good condition and good working order. In the case of an Above Ground Outdoor Swimming Pool, up to 2' (0.61m) of water may be added to an Above Ground Outdoor Swimming Pool for the purpose of maintaining structural integrity prior to the inspection and approval under the Permit required under Section 27.
5. A Private Spa or Hot Tub is deemed to be an Outdoor Swimming Pool unless, the Private Spa or Hot Tub has a safety cover which is a substantial, structurally adequate cover that is capable of supporting a 90 kilogram load and is in compliance with the current American Society for Testing and Materials standard ASTM-F1346 for Hot tub and pool safety covers and the safety cover is permanently attached to the Private Spa or Hot Tub or to its supporting structure. The owner shall ensure the safety cover is securely fastened and locked so as to prevent access at all times when the Private Spa or Hot Tub is not in use.
6. Fence height – 4' min. (1.2 m) to max. allowed by Zoning By-Law.
7. Fence erected using only: chain link fencing compliant with Section 24, wood construction fencing compliant with Section 25, wrought iron or metal construction compliant with Section 26, or material approved by the Chief Building Official.
8. Does not have openings under any part of the Swimming Pool Enclosure of a size so as to permit the passage of a spherical object that has a diameter of 4" (100 mm).
9. Does not have any object or thing attached, fixed or placed on the exterior side of the Swimming Pool Enclosure between 5 1/2" and 4' (0.14 m and 1.2 m) measured from the bottom of the Swimming Pool Enclosure, to facilitate climbing.

10. Every gate forming part of a Swimming Pool Enclosure, must be of a construction and height equivalent to or greater that of the enclosure it forms part of, is supported on substantial hinges, is equipped with a self-closing device capable of placing the gate or entrance in a latched position, is equipped with a self-latching device that is located at least 3'6" (1067 mm) above the bottom of the Swimming Pool Enclosure and mounted on the pool side of gate or entrance, and is equipped with a lock.
11. Barbed wire, chicken wire or other barbed or sharp material, or electric fences are prohibited
12. Enclosure does not include a hedge, bush, overhead garage door, basket weave or lattice material.
13. Refer to Section 24, 25 and 26 of the By-law 2016-91 to determine size, location and materials required for posts, horizontal rails, mesh, etc.
14. The purpose of the enclosure is to make the swimming pool not readily accessible to small children.
15. Fences must comply with applicable zoning regulations.

Zoning By-Law Requirements

Requirements for Outdoor Swimming Pools

Notwithstanding any other provision hereof to the contrary, the provisions and requirements set out in this Section shall apply with respect to the erection or use of outdoor swimming pools within the zoned area.

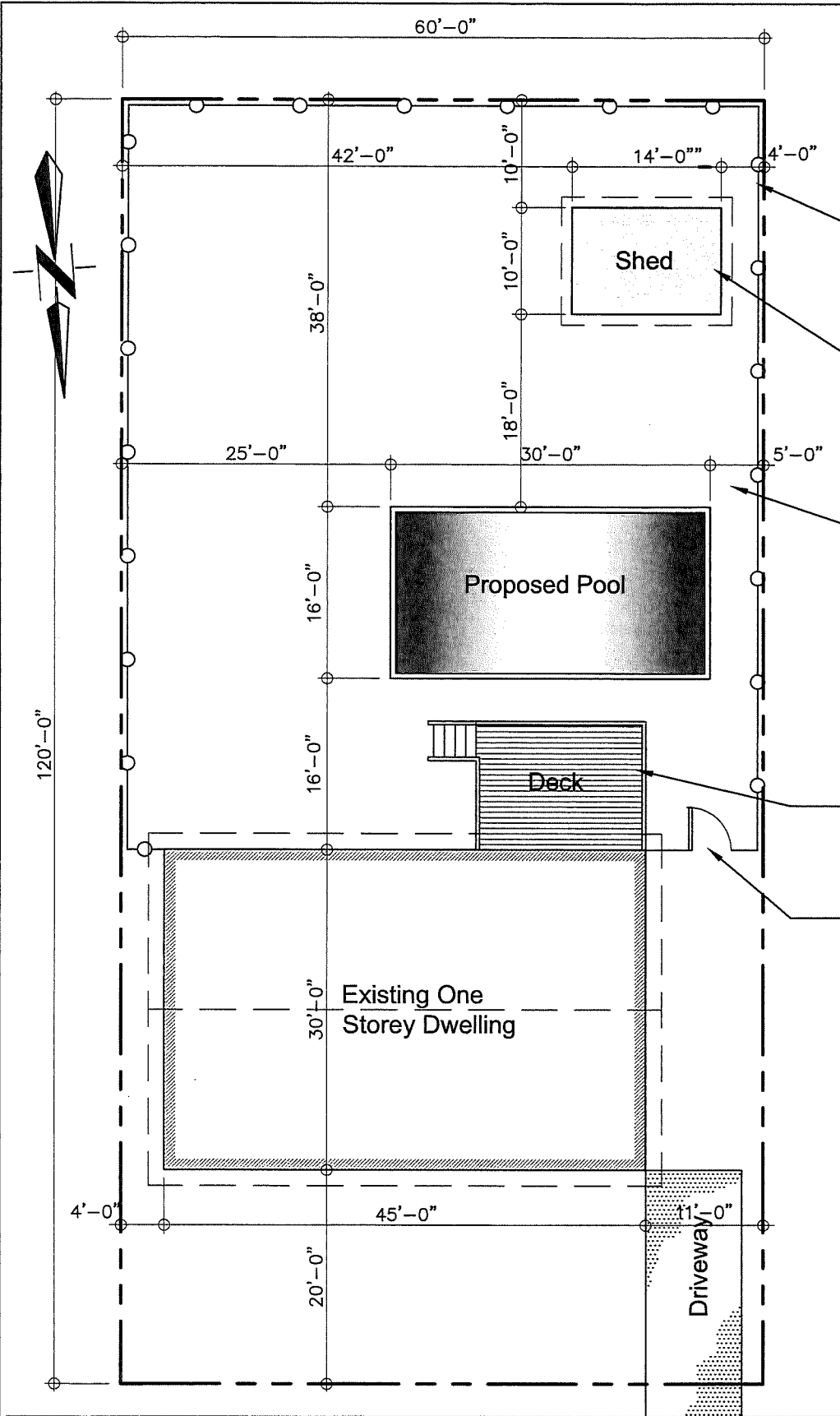
- a. **Permitted Location:** No outdoor swimming pool or pool equipment shall be erected, placed, or located anywhere except for an outdoor swimming pool accessory to:
 - i. a permitted dwelling in accordance with the requirements of Table 4.1 of this By-law for accessory buildings and structures;
 - ii. a permitted hotel, institutional use or commercial recreation centre, or park where the outdoor swimming pool may be located in any yard other than a required yard;
except that no interior wall of an outdoor swimming pool and no heating, water circulating or pumping equipment shall be located closer than 4.9' (1.5m) to any side or rear lot line.
- b. **Distance from Lot Lines:** No outdoor swimming pool, circulating, heating and pumping equipment shall be no closer than 4.9' (1.5m) from the rear lot line, interior side lot line or any wall bounding a required court. Where the rear lot line is a streetline of a road having a width of more than 32.8'(10.9m) a setback of 14.8' (4.5m) shall be required from the rear lot line. No encroachments are permitted in a corner side yard.
- c. **Lot Coverage Exemption:** Unless otherwise specified in By-law 2010-100Z the total lot coverage of all accessory buildings and structures, except swimming pools, on a residential lot shall not exceed 10 percent.

Compliance with Swimming Pool Enclosure By-Laws

All outdoor swimming pools shall comply with any by-laws of the City of Greater Sudbury applicable to outdoor swimming pools or to the fencing thereof. **See full By-law at**

<http://www.greatersudbury.ca/inside-city-hall/by-laws/pdf-documents/by-law-2016-91/>

APPENDIX 'B' Sample Site Plan



Proposed WOOD FENCE (4' min., 6'-6" max.) at PROPERTY LINE. Fence may be located away from PROPERTY LINE but must be located on the subject property.

Buildings Accessory to the Proposed Pool must be shown on the site plan and their location must conform to the appropriate Zoning By-Law. Any Buildings larger than 108 sq.ft. requires a Building Permit.

All POOLS and Pool Equipment must be located at least 5'-0" from any INTERIOR LOT LINE and are not permitted within any EXTERIOR YARD as defined in the appropriate Zoning By-Law.

NOTE:
A swimming pool enclosure must surround or enclose the entire Swimming Pool Area except when the vertical walls of an Above Ground Swimming Pool has a height of not less than 52".

Associated DECKS may require a Building Permit as per the City of Greater Sudbury and the Ontario Building Codes policy on DECKS.

All GATES within the Pool Enclosure must be at least 4'-0" high and must be equipped with Self-Closing, Self-Latching and Locking Devices.

REQUIREMENTS FOR POOL ENCLOSURE(FENCES)

- Minimum Height of Fences 4'-0"
- Maximum Height of Solid Fences 6'-6"
- All fences shall be constructed in a manner that will prevent climbing from the outside of the pool enclosure.
- Chain link fencing is permitted only if the Openings in the mesh are less than 1½" in size.

POOL REGULATIONS

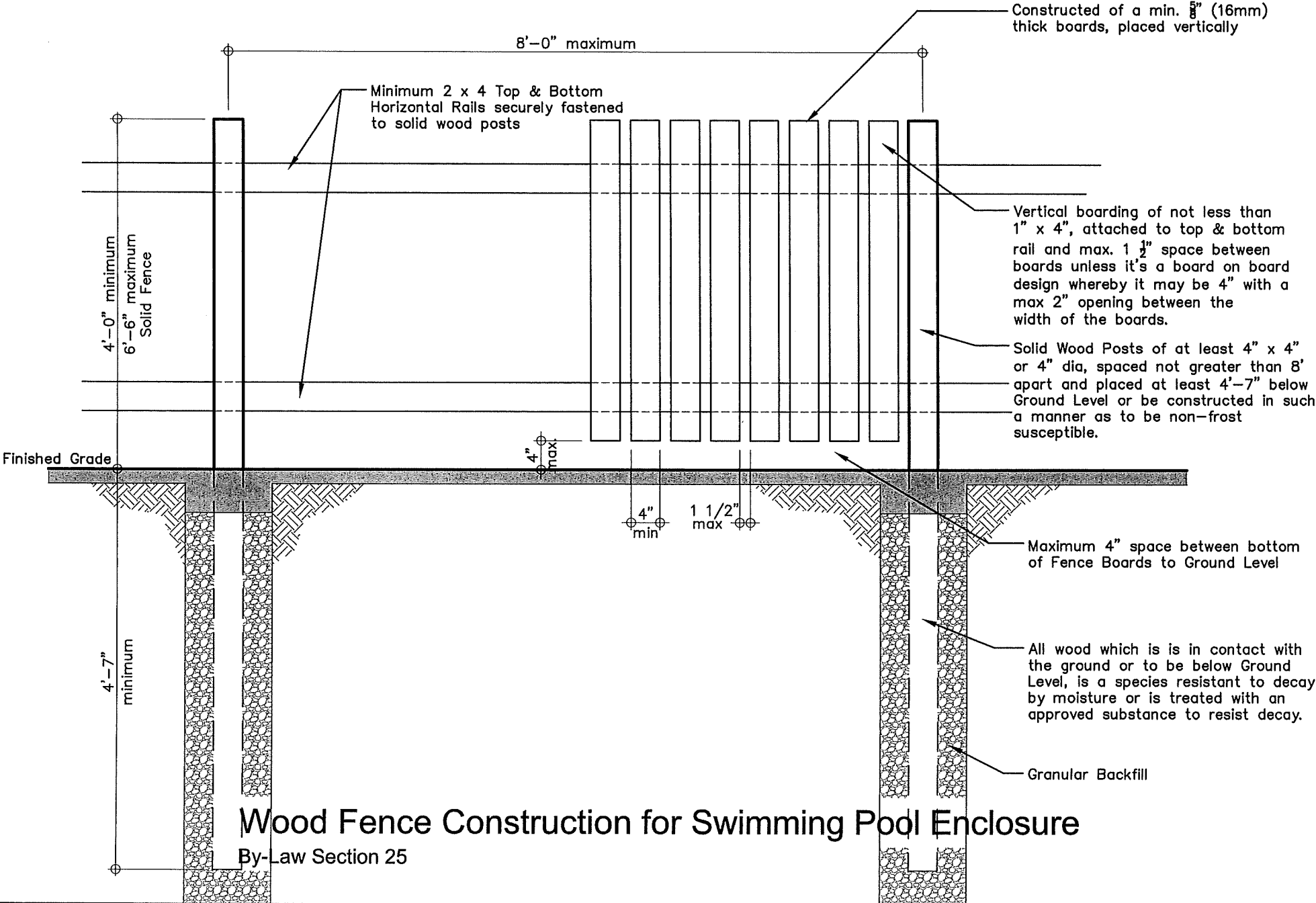
Scale: 1"= 30"-0"

STREET

Note:

- 1.) Do Not Submit this Sample Drawing as part of your Drawing Package.
- 2.) Plans Submitted for Review are to be drawn at a Recognized Scale ie. 1"= 20'-0" or 1:100(metric)

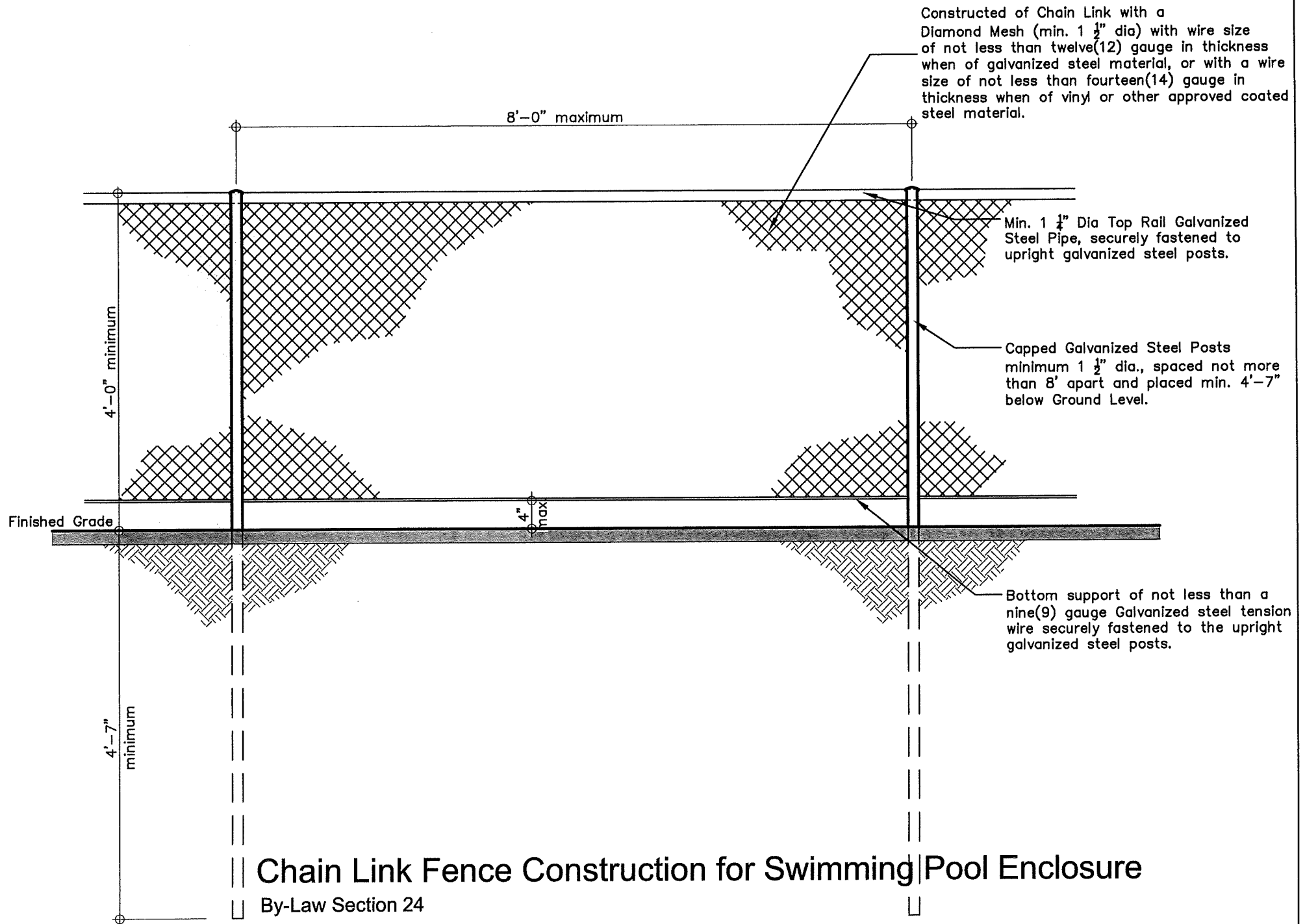
APPENDIX 'C'



Wood Fence Construction for Swimming Pool Enclosure

By-Law Section 25

APPENDIX 'D'



EXCERPT, BY-LAW 2016-91 - FENCE INFORMATION

- (c) any door providing access directly to a Swimming Pool Area and located within the area of the wall forming part of the Swimming Pool Enclosure, satisfies the requirements of subsection 15(3).

Chain Link Swimming Pool Enclosure

24. For the purposes of section 23, every Person who Erects a Swimming Pool Enclosure or causes or authorizes a Swimming Pool Enclosure to be Erected on the Lot which is comprised in whole or in part of chain link shall ensure that the chain link fence meets all of the following requirements:

- (a) is constructed of chain link with a diamond mesh, with a wire size of not less than twelve (12) gauge in thickness when of galvanized steel material, or with a wire size of not less than fourteen (14) gauge in thickness when of vinyl or other approved coated steel material which would form an overall thickness equivalent to twelve (12) gauge galvanized steel wire;
- (b) has links of diameter of not more than 38mm;
- (c) is supported by capped galvanized steel posts with a minimum 38 mm diameter, spaced not more than 2.4 m apart, and placed at least 1.40 m below Ground Level;
- (d) has a top rail of a minimum 32 mm diameter galvanized steel pipe, securely fastened to the upright galvanized steel posts; and
- (e) has a bottom support of not less than a nine (9) gauge galvanized steel tension wire securely fastened to the upright galvanized steel posts.

Wood Fence Swimming Pool Enclosure

25. For the purposes of section 23, every Person who Erects a Swimming Pool Enclosure or causes or authorizes Swimming Pool Enclosure to be Erected on a Lot, which is comprised in whole or in part of wood construction, shall ensure that the wood fence meets all of the following requirements:

- (a) is constructed of a minimum 16 mm thick boards, placed vertically;
- (b) has vertical boarding of not less than 25 mm by 100 mm, attached to a top and bottom rail, and the space between vertical boards shall not exceed 38 mm, unless it is a board on board design whereby it may be 100 mm with a maximum 50 mm opening between the width of the boards;

- (c) is supported by solid wood posts of at least 89 mm x 89 mm or 89 mm in diameter, spaced not greater than 2.4 m apart, and placed at least 1.40 m below Ground Level or be constructed in such a manner as to be non-frost susceptible;
- (d) has top and bottom horizontal rails of a minimum size of 38 mm x 89 mm where the 89 mm dimension is in vertical orientation, securely fastened to the solid wood posts; and
- (e) all wood which is in contact with the ground or to be below Ground Level, is a species resistant to decay by moisture or is treated with an approved substance to resist decay.

Fence of Wrought Iron or Metal Construction

26. For the purposes of section 23, every Person who Erects a Swimming Pool Enclosure or causes or authorizes Swimming Pool Enclosure to be Erected on a Lot which is comprised in whole or in part of wrought iron or metal construction shall ensure that the wrought iron fence meets all of the following requirements:

- (a) is of sufficient strength to provide an effective Swimming Pool Enclosure;
- (b) is supported by posts spaced not greater than 2.4 m apart, and placed at least 1.4 m below Ground Level or be constructed in such a manner as to be non-frost susceptible; and
- (c) has top and bottom rail spaced so that the minimum clear space of 1.2 m is provided between horizontal members;
- (d) has no openings between vertical members of a size so as to allow the passage of a spherical object having a diameter of 100 mm.

Gates and Entrances- General

27.-(1) Every Person who Erects a Swimming Pool Enclosure or causes or authorizes Swimming Pool Enclosure to be Erected on a Lot shall ensure that, at all times, every gate forming part of the Swimming Pool Enclosure:

- (a) is of construction and height equivalent to or greater than that of the Swimming Pool Enclosure which it forms part of;
- (b) is supported on substantial hinges;
- (c) is equipped with a self-closing device capable of placing the gate or entrance in a latched position;