

OUTDOOR SWIMMING POOL

City of Niagara Falls

Building Services

4343 Morrison Street
Niagara Falls, ON

905-356-7521 ext.4330



pbd@niagarafalls.ca





The information provided in this construction guide has been prepared by Building Services of the City of Niagara Falls as a reference to the applicable rules, regulations and best practices for the construction of various related building projects. The guide provides both general, as well as specific detailed information related to regulations from varying levels of government and agencies. It should be noted that while much of the information is transferable to projects outside of Niagara Falls, some of the information may be specific to policies, procedures and regulations enforced by the municipality. It is intended this guide be used as a reference to assist with the planning, design and construction of such building projects.

As is the case with all construction projects, the responsibility remains that of the property owner to ensure all the required by-laws, codes and other regulations are met, and all projects are maintained to the requirements established by the City of Niagara Falls through its by-laws. In any case where a discrepancy is found between the information provided in this construction guide and that of any rule, act or regulation, the requirement of the rule, act or regulation shall always prevail.

Bodies of water exempt from permit

- Ornamental ponds
- Agricultural, horticultural or industrial ponds
- Water reservoirs for firefighting
- Naturally occurring streams, lakes, swamps or natural bodies of water
- Outdoor swimming pools subject to the Ontario Building Code
- Private spas that are equipped with a locking cover



Get Started

Adding an outdoor swimming pool to any residential property is a great way to expand the usability of the property while increasing its value. The term "outdoor swimming pool" can be used to categorize a variety of pools and is defined as any artificial body of water located outside and capable of holding a depth of 305mm [12"].

The most common type of pool is an in-ground pool which is defined as any outdoor swimming pool constructed with its pool walls more than 90% below ground level. Another type of pool is an above ground pool which is defined as any outdoor swimming pool, other than a seasonal outdoor swimming pool, that has a portion of the pool wall above ground level. A seasonal pool is defined as any outdoor swimming pool which is intended to be removed and stored during the winter months and/or when not in use. All these pools require approval through the municipality.

Outdoor swimming pools and their associated equipment are only permitted to be installed in residential side and rear yards. They are subject to the following setbacks: 1.2m [3'11"] from any building or structure that has a foundation below grade other than a deck, 1.2m [3'11"] from rear, or side lot line, and 1.8m [5'11"] from any dwelling.

Associated structures with the pool such as sheds, decks and pool houses may require a separate building permit from the city for their construction.

The required approval is called a pool permit and is applied for online through the Building Services department. The first step to obtaining approvals is completing an application and making your submission. So, let's get started.

Preparing the Application

1

Application forms

The application forms are required to obtain all the information necessary to identify the location, owner, applicant and other pertinent information regarding the proposed construction project. Be sure to request or download the tailored application package suited for your project type to ensure that all the required forms are obtained. Depending on the location of your property you may be required to gain clearance from third parties.

2

Required drawings

The required drawings are necessary to illustrate to the Plans Examiner how you intend to construct your proposed project. The drawings are reviewed against the requirements of the Niagara Falls Swimming Pool By-law (By-law No. 2014-58) and verified for compliance. A site plan is required for above ground pools and can be completed by the homeowner, but a Lot grading plan is required for in-ground pools and must be completed, signed and stamped/embossed by a professional engineer or Ontario Land Surveyor.

3

Applicable fees

The City of Niagara Falls collects permit fees at time of a complete application. Once an application is accepted for review, Building Services staff prepare an invoice to detail the required fees associated with the proposed construction project. This invoice is sent to the applicant and is required to be paid in full prior to review of the permit.



Ministry of Transportation

The Ministry of Transportation requires all permits for properties within MTO Controlled Areas to receive a clearance review from them before a permit can be issued.

Contact

<https://www.hcms.mto.gov.on.ca/PermitWizard>



(416) 235-4686



Niagara Escarpment Commission

An agency of the Government of Ontario

Escarpment Commission

The Niagara Escarpment commission requires developmental permits for lands adjacent and near the Niagara Escarpment. Building Services can advise if your property is subject to NEC regulation.

Contact

<https://escarpment.org/permits/>



(905) 877-5191



Application Submittal

The documents required to be completed in your application for permit are available in digital format and can be obtained online from Building Services at [Building Permit Application Process | Niagara Falls](#).

For a pool permit, you are required to have filled out and signed an Application for a Permit to Install a Swimming Pool and an Applicable Law Checklist. Additionally, if someone else is applying on the homeowner's behalf, an Authorized Agent Authorization Form needs to be signed and submitted with the application. All forms are available at the link above.

All submissions must be done on our portal at <https://niagarafalls.ca/services/cityview.aspx>. A digital submission allows you to make your submission without leaving the comfort of your home or office.

If this is your first time using our online portal, you will first have to create a profile. Once you have created a profile you will be able to apply for a permit through that account by selecting "Apply for a Building Permit". Any correspondence will be sent to the email you use for your portal account and be made available on the portal directly. (Any permits you apply for will be visible through your dashboard. Here you will be able to upload any additional required documents.) All documents must be uploaded in PDF format.



Overhead wires

Niagara Peninsula Energy Inc. requires all permits for properties with overhead wires present to receive a clearance review from them before a permit can be issued.

Contact

<https://www.npei.ca/safety/clearance-information>



(905) 356-2681



Conservation Authority

The Niagara Peninsula Conservation Authority requires all permits for properties of land adjacent to areas of environmental concern such as wetlands, shorelines and watercourses to receive a clearance review before a permit can be issued.

Contact

<https://npca.ca/services/permits>



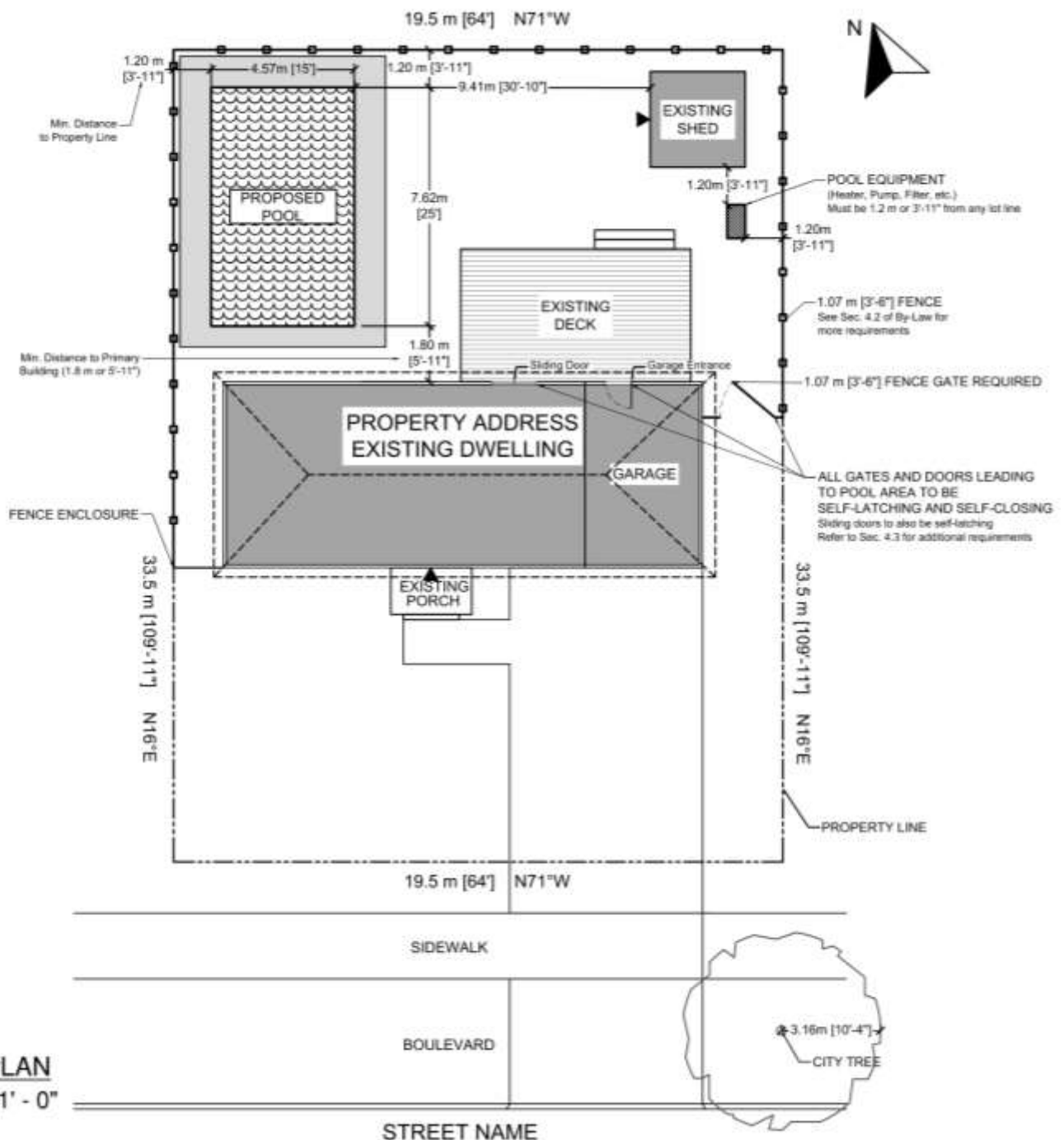
(905) 788-3135



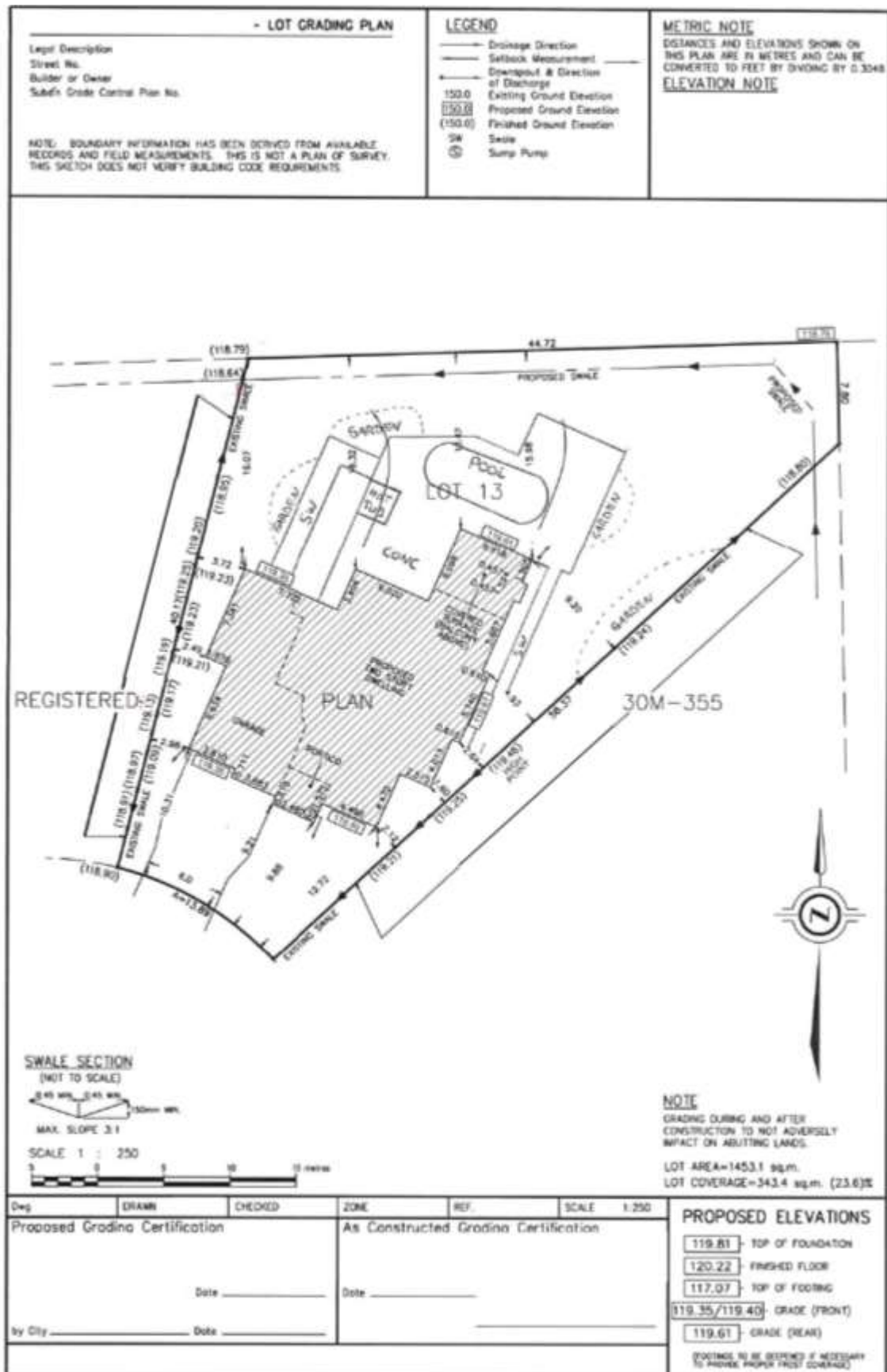
Site Plan Example: Above Ground Pool

Required information on site plan

- Show property line location
- Show location and size of proposed pool
- Show dimension from pool to interior side, exterior side and rear lot line - **minimum 1.2m [3.9ft]**
- Show dwelling unit location
- Show dimension from pool to main wall of any dwelling on lot or adjoining lot - **minimum 1.8m [5.9ft]**
- Show location of existing accessory structures on property
- Show dimension from pool to any building or structure other than the primary building supported on a foundation that projects below ground level - **minimum 1.8m [5.9ft]**
- Show dimension from pool equipment to any lot line - **minimum 1.2m [3.9ft]**



If the proposed pool is an in-ground pool, a Lot Grading Plan is required to be completed by a qualified professional engineer or Ontario Land Surveyor. See example below.



Swimming Pool Enclosure

Constructing the enclosure

There are several options when choosing a swimming pool enclosure that is right for your yard. The key regulation provided by the Swimming Pool By-Law is that of the requirements of a swimming pool enclosure to be erected to completely enclose the entire swimming pool area.

The swimming pool enclosure can be comprised of varying types of structures and materials. The most common of which is a combination of the exterior of the dwelling coupled with a fence to fully enclose the swimming pool area.

The requirements of the three most common types of fences are provided below.

General Requirements

- Minimum enclosure height: **1.07 [42"]**
- Minimum gap between base of enclosure and grade:
 - Where ground is turf - **50mm [2"]**
 - Where ground is solid - **100mm [4"]**
- Enclosure shall be constructed in a manner where no attachments or openings will facilitate climbing

Wall of a building

A wall of a building can be used as a component of the required swimming pool enclosure provided it is at least 1.07m [42"] in height. Where a window or other opening exists within the wall serving as part of the swimming pool enclosure, they are to be kept closed and locked when the swimming pool is not under competent supervision. Where a door providing access directly to the swimming pool area occurs within the area of a wall serving as part of the swimming pool enclosure, such door shall satisfy the provisions for gates.



Chain link

Shall have links of 12 gauge or equivalent. Shall have links of a diameter not more than 50mm [2"]. Shall be supported by capped galvanized posts with a minimum diameter of 38mm [1.5"] spaced not more than 2.4m [7'-11"] apart and placed at least 0.9m [3'] below grade.



Wood

Shall have a top rail a minimum diameter of 32mm [1.25"] securely fastened to the posts. Shall be supported by solid wood posts at least 89mm x 89mm [4" x 4" nominal] in size, spaced not more than 2.4m [7'-11"] apart and placed at least 0.9m [3'] below grade. Shall have horizontal members, including top and bottom rails of at least 38mm x 89mm [2" x 4" nominal] in size, spaced 0.9m [3'] apart and vertical boards that are either spaced 100mm [4"] apart when boards are installed on one side only or 50mm [2"] when on both sides. Shall have a minimum of 16mm [5/8"] thick boards. Shall be constructed of decay resistant materials.



Metal

Shall be of sufficient strength. Shall be supported by posts spaced not more than 2.4m [7'-11"] apart and placed at least 0.9m [3'] below grade. Shall have horizontal members spaced less than 0.9m [3'] apart and vertical members that are spaced not more than 100mm [4"] apart.



Gates, Entrances & Doors Hardware

By-Law Requirements

A swimming pool enclosure is only as secure as its gates and entrances to and from the swimming pool area. The by-law requires that every swimming pool enclosure shall provide access to the swimming pool, other than through a dwelling unit, by means of one or more gates or entrances. This is to provide an ability for emergency responders to gain access to the swimming pool area in case of an emergency.

Despite the presence of a gate or entrance in the enclosure it is imperative to maintain the level of safety provided by the enclosure. All gates, doors and entrances accessing the pool enclosure must be of construction and height equivalent to or greater than that of the swimming pool enclosure which it forms a part of, equipped with a lock min 1.07m [42"] above ground level. As well, it must be equipped with a self-closing and self-latching hardware located at the pool side of the enclosure at min 1.07m [42"] above grade to automatically place the entry point into a latched(closed) position. Additionally, any door providing access directly to a swimming pool area shall be equipped with locking hardware mounted on either side of the door.

Payment

Once the application for permit is submitted and deemed complete by Building Services staff, the application is processed, and an invoice is emailed to the applicant detailing all the fees, deposits and charges applicable for the proposed project. The invoice can be paid online, or you may come in person with your invoice to the Wayne Thompson Building at 4343 Morrison Street to pay by cheque, debit or cash.

The applicable fees will vary from project to project. The rates for pools permits are as follows.

- Seasonal Pools: \$78
- Above Ground Pools: \$236 + \$500 Deposit
- In-ground Pools: \$236 + \$750 Deposit

All Deposits will be returned to the payee once all inspections have been completed.

Inspections

1

Pool enclosure inspection

The pool enclosure inspection is done after the pool enclosure and pool are completed but occurs prior to the pool being filled with water. The Inspector will go around the pool enclosure to make sure it completely encompasses the swimming pool area. The Inspector will also check that all gates, doors, and entrances to the swimming pool enclosure follow the requirements of the Swimming Pool By-Law.

2

Site grading inspection

The site grading inspection is most often conducted alongside the Pool enclosure inspection. For an in-ground pool, the site grading will be judged against the Lot Grading Plan provided. If it is an above ground or seasonal pool, this inspection will be treated as a final inspection for anything that does not fall under the pool enclosure inspection. The grade must be designed to ensure water will not accumulate at or near any buildings on the site and will not adversely affect adjacent properties.

A black and white photograph of a construction worker wearing a hard hat and a safety vest, looking down at a set of blueprints he is holding. He is standing on a construction site with wooden framing visible in the background. The image is partially covered by a blue text box.

How to book an inspection

[Book online using our Portal](#)

If you would like to request an inspection for your existing permit, sign in to Portal, select "My Items", open "My Permit Applications" and find the permit. If the permit has an inspection waiting to be completed, you will see "Request Inspection". Select the inspection you would like to schedule and fill out the required information. The Building Department will receive a message indicating your request.

Contact us

. (905) 356-7521 ext. 4330

. buildinginspections@niagarafalls.ca

All construction that is authorized through the issuance of a pool permit must be inspected to ensure compliance with the approved drawings and the Swimming Pool By-Law. These inspections are required to be conducted. It is the responsibility of the permit holder to notify the city of the completion of construction. By contacting Building Services, an Inspector will be dispatched to inspect your project. It is important to remember that the Inspector is there to help. By verifying the safety and compliance of your construction with the applicable laws, regulations and codes that govern your project, you can be assured your project will be built to last and will serve the purpose it was intended. If any deficiencies are caught by the inspector, they may fail the inspection, and a reinspection will have to be booked after all the deficiencies are corrected before proceeding.

Please Remember



Contact Building Services



Visit us



4343 Morrison
Street, Niagara
Falls, Ontario



www.niagarafalls.ca



For permit inquiries



905 356 7521 ext. 4330



pbd@niagarafalls.ca



For inspections scheduling



905 356 7521 ext. 4330



buildinginspections@niagarafalls.ca