



SWIMMING POOLS

Whether you plan on installing an above ground pool, an inflatable pool or an inground pool, there are certain Town By-laws that must be followed.

ZONING BY-LAW & POOL ENCLOSURE BY-LAW

All pools and accessory buildings, regardless of size, must comply with the provisions of the Town of Tillsonburg zoning by-law and Pool Enclosure by-law.

These requirements include:

- The location of the pool is required to be located in the side, or rear yard. Pools are not permitted to be located in the required front yard
- Swimming pool setback from property lines (generally a minimum of 4 ft (1.2 m))
- Minimum height for pool enclosures is 5 feet (1.52 m)
- Also take drainage issues into consideration when locating your pool
- All swimming pools must be enclosed by fencing complying with the Town of Tillsonburg fence by-law 4008. (See attached for excerpts)

BUILDING PERMITS

A complete Building Permit Application requires the following:

- A completed CloudPermit application (<https://ca.cloudpermit.com/login-form>)
- A site plan/survey showing your proposed swimming pool, existing and or proposed fencing, pool equipment (pump, heater, etc.), and any other proposed structures accessory to the pool indicating their location and setbacks to property lines (see attached example of a typical site plan required for your permit application).
- A lot grading plan designed by a Registered Professional Engineer or Ontario Land Surveyor if a semi-inground or inground pool is proposed.

If your proposal includes the construction of a deck, shed etc.; a copy of your building plans drawn to scale. The drawings must have sufficient detail so that someone, following the drawings, could build the structure (see information sheet on decks/sheds).

EXCERPTS FROM BY-LAW NUMBER 4008

A BY-LAW TO REGULATE SWIMMING POOL ENCLOSURES IN THE TOWN OF TILLSONBURG

Amending By-laws: 2022-036

2.1 “**Swimming Pool**” means any body of water located outdoors on a privately owned Lot, whether above or below finished grade, and whether suitable or not for swimming, diving or both, provided that such body of water:

- (a) is contained at least in part by artificial means;
- (b) has one or more points with a depth that may exceed 610 mm (24 inches); or
- (c) has a potential liquid surface area exceeding 2.0 metres² (21.5 feet²);

SECTION 4

SWIMMING POOL ENCLOSURE HEIGHT AND MATERIAL REQUIREMENTS

4.1 Swimming Pool Enclosure- Height Required

No Person shall have, Construct, maintain or permit to be constructed or maintained a Swimming Pool Enclosure, or any part thereof, except in accordance with all of the following requirements:

- (a) minimum Height of 1.52 metres (5 feet);
- (b) maximum vertical distance of 50 mm (2 inches) from the Effective Grade Level to the bottom of the Swimming Pool Enclosure;
- (c) maximum Height of 2.15 metres (7 feet); and
- (d) members, attachments, bracing, rails or supports that could permit or facilitate climbing, in the opinion of the Officer on the Exterior face of a Swimming Pool Enclosure shall not be located at a height of between 100 millimetres (4 inches) and 1.2 metres (4 feet).

4.2 Swimming Pool Area- Height- Raised Platform or Deck

No Person shall Construct a deck or ramp or part thereof serving a Swimming Pool Area with a vertical distance greater than 0.6 metres (2 feet) from the Effective Grade Level unless a continuous fence or other guard is Constructed and maintained on top of the deck or ramp and around such deck or ramp’s Exterior perimeter. Such fence or guard shall have a minimum Height of 1 metre (3 feet 3 inches), and shall not be constructed so as to facilitate or permit climbing in the opinion of the Officer.

4.3 Location- Swimming Pool Enclosure- Setback Requirement

No Person shall have, Construct, maintain or permit to be Constructed or maintained a Swimming Pool Enclosure, or part thereof, within 1.2 metres (4 feet) horizontally from the nearest inside wetted surface of the Swimming Pool wall.

4.4 Swimming Pool Enclosure- Materials- Chain Link

No Person shall have, Construct, maintain or permit to be constructed or maintained a Swimming Pool Enclosure, or any part thereof, using chain link materials unless such Swimming Pool Enclosure is pre-approved in writing by the Chief Building Official or meets all of the following requirements:

- (a) all chain link materials have a diagonal mesh length not greater than 38 millimetres (1.5 inches) consisting of 13 gauge galvanized steel wire, or of 11 gauge steel wire covered with vinyl, or consisting of another product approved by the Chief Building Official which would yield a total thickness equivalent to 12 gauge wire;
- (b) it has no rails, bracing or exposed attachments on the Exterior that could, in the opinion of the Officer facilitate or permit climbing from the Exterior; and
- (c) top and bottom rails are firmly fastened to upright posts, which rails consist of galvanized steel pipe at least 32 millimetres (1.25 inches) thick, provided that a continuous galvanized steel tension rod at least 5 millimetres (0.2 inches) thick may be substituted for the bottom rail.

4.5 Swimming Pool Enclosure- Materials- Vertical Panel

No Person shall have, Construct, maintain or permit to be constructed or maintained a Swimming Pool Enclosure, or any part thereof, using vertical panel materials unless such Swimming Pool Enclosure is constructed as pre-approved in writing by the Chief Building Official, or in accordance with all of the following requirements:

- (a) vertical members are of at least 25 millimetres (1 inch) nominal thickness attached to a top and bottom rail;
- (b) vertical members are not spaced more than 38 millimetres (1.5 inches) apart;
- (c) support posts are at least 89 millimetres (3.5 inches) x 89 millimetres (3.5 inches) nominal dimensions;
- (d) support posts are spaced not more than 2.4 metres (8 feet) apart;
- (e) support posts extend at least 1.2 metres (4 feet) below the Effective Grade Level and are securely embedded into the ground;
- (f) support posts that consist of wood are treated with an approved wood preservative or be of pressure-treated wood, encased in concrete; and
- (g) top and bottom rails are firmly fastened to upright posts and are at least 38 millimetres (1.5 inches) x 89 millimetres (3.5 inches) nominal dimensions.

4.6 Swimming Pool Enclosure- Materials- Metal Picket

No Person shall have, Construct, maintain or permit to be constructed or maintained a Swimming Pool Enclosure, or any part thereof, using metal picket or tube construction unless such Swimming Pool Enclosure is constructed as pre-approved in writing by the Chief Building Official, or in accordance with all of the following requirements:

- (a) vertical members are spaced not more than 100 millimetres (4 inches) apart;
- (b) vertical members are attached to a supporting structure that does not contain any diagonal members or framework and does not otherwise facilitate or permit climbing in the opinion of the Officer;
- (c) posts extend at least 1.2 metres (4 feet) below the Effective Grade Level and are securely embedded into the ground;
- (d) posts are spaced not more than 2.4 metres (8 feet) apart; and
- (e) top and bottom rails are firmly fastened to the vertical members, maintain a minimum 1.2 metres (4 feet) vertical separation at all locations and are at least 25 millimetres x 6 millimetres (1.0 inches x 0.25 inches) in dimension.

SECTION 5

SWIMMING POOL ENCLOSURE GATES

5.1 Swimming Pool Gate- Requirements

No Person shall have, Construct, maintain or permit to be constructed or maintained a Gate except in accordance with all of the following requirements:

- (a) the Gate's construction type and Height matches all other requirements applicable to a Swimming Pool Enclosure pursuant to this By-law;
- (b) the Gate is supported on hinges of sufficient quantity and strength to safely allow entrance and exit at all times;
- (c) the Gate is self-closing and equipped with a self-latching device placed on the side facing the pool;
- (d) each self-latching device has a minimum height of 1.2 metres (4 feet);
- (e) the Gate is equipped with an operable Lock; and
- (f) the Gate is kept locked at all times except when the Swimming Pool is in use.

5.2 Swimming Pool Enclosure- Entrance Through Garage

No Person shall have, Construct, maintain or permit to be Constructed or maintained an entrance to a Swimming Pool Area through a door from a detached or attached garage unless the door has a security chain or bolt latch located not less than 1.5 metres (5 feet) above the inside floor level and is kept locked at all times except when the Swimming Pool is in use.

SECTION 6

TEMPORARY ENCLOSURE

6.1 Temporary Enclosure- Required

No Person shall have, Construct, maintain or permit to be constructed or maintained a Swimming Pool unless a Temporary Enclosure or Swimming Pool Enclosure is already installed in accordance with this By-law.

6.2 Temporary Enclosure- Materials

No Person shall have, Construct, maintain or permit to be constructed or maintained a Temporary Enclosure, or any part thereof, except as pre-approved in writing by the Chief Building Official or in accordance with all of the following requirements:

- (a) minimum Height of 1.2 metres (4 feet);
- (b) it consists of mesh fence with the diagonal mesh length not greater than 38 mm (1.5 inches); and
- (c) it has steel T-bar supports installed every 3 metres (9.8 feet) with a 9 gauge galvanized steel wire located at the top and bottom of the Temporary Enclosure.

SECTION 7

HYDRO MASSAGE POOL

7.1 Hydro Massage Pool- Secure Cover

No Person shall have, Construct, maintain or permit to be constructed or maintained a Hydro Massage Pool, unless the hydro massage pool includes a cover capable of closing the opening to the Hydro Massage Pool, featuring an operable Lock.

SECTION 10

SWIMMING POOL ENCLOSURES – ADDITIONAL PROHIBITIONS

10.1 Prohibited- Organic Features

No Person shall have, use or permit to Construct or maintain a Hedgerow, earth berm, natural or manmade topographic features or any other organic feature as a Swimming Pool Enclosure or as a part thereof.

10.2 Prohibited- Abandonment

No Person shall abandon, discontinue or suspend the construction of a Swimming Pool Enclosure prior to full compliance with this by-law, or cause such Swimming Pool Enclosure to be left incomplete following the construction of a Swimming Pool.

10.3 Prohibited- Unsafe Condition

- (a) No Person shall cause or permit an unsafe or hazardous condition in the opinion of the Officer to occur during the construction of a Swimming Pool or Swimming Pool Enclosure.
- (b) No person shall, in the opinion of the Officer place, pile, attach or lean any object or material against or near a Pool Enclosure so as to facilitate climbing of the Pool Enclosure, diminish the structural integrity of a Pool Enclosure or render the Pool Enclosure to be in non-conformity with the provisions of this By-law.

10.4 Prohibited- Location- Sight Triangle

No Person shall have, construct or maintain or permit to be constructed or maintained a Swimming Pool Enclosure, or any part thereof, within a Sight Triangle.

10.5 Contravention of an Order

No Person shall contravene an order issued pursuant to this By-law.

10.6 Obstruction

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law, including (without limitation) carrying out an inspection.