



A Homeowner's Guide:

Swimming Pool Enclosures

in the City of Hamilton

What is a Swimming Pool?

A swimming pool is defined by By-law 03-125 (The Swimming Pool Enclosure By-law) as any privately owned body of water located out of doors which is used or capable of being used for swimming and which is contained wholly or partly by artificial means (including inflatable sides).

Pools not included in this By-law:

- Incapable of holding water beyond a maximum depth of 300mm (11¾") and beyond the volume of 4,550 L (1000 gallons);
- Owned by a public or government body, agency or authority;
- Designed and used solely for ornamental purposes;
- A farm pond, which for the purposes of this by-law shall mean a pond which is maintained for agricultural or horticultural uses only; or
- Naturally occurring streams, lakes, swamps or other natural bodies of water.

If you have any questions or concerns about Swimming Pool Enclosures, please don't hesitate to contact the Building Services Division.

Is a permit required?

Yes, a permit is required for the pool enclosure (fence). The pool enclosure must be constructed in accordance with By-law 03-125. It is the property owner's responsibility to ensure that a permit is obtained before beginning construction. However, the pool contractor may apply for the permit on the owner's behalf.



How do I apply for a permit?

To obtain a Pool Enclosure Permit, you must submit the following to the Building Services Division:

- A completed permit application.
- Two (2) copies of a survey or plot plan of the property showing the location of the pool, pool equipment and setback dimensions from all property lines.
- Details of the proposed or existing enclosure and gates.
- If your property contains a private sewage disposal system, the location of the system and dimensions to the pool must be shown on the plot plan.
- Applicable fee for a swimming pool enclosure permit, which is payable to the City of Hamilton at the time of application.

Please note that if a deck is to be constructed in addition to the pool, the fee will be increased to include the size of the deck and further structural information will also be required. Please contact the Building Services Division to obtain the current applicable fees and regulations before applying.

Are there restrictions on where you can locate a swimming pool and the swimming pool pump and filter?

Yes, there are different restrictions depending on which former municipality you live in. As well, there are different setbacks for above ground versus in ground pools. Please refer to Table 1 for these details. If your property is a corner lot, please contact the Building Services Division for clarification about any special setback requirements.

What is lot coverage and how does it apply?

Lot coverage is the maximum horizontal area at grade of all accessory buildings including above-ground pools. Lot coverage applies in a number of areas (former municipalities) across the City. Please refer to Table 1 for details. Be aware that lot coverage could further restrict the size of any future accessory buildings.

Do my windows and doors that exit from my dwelling into my pool enclosure form part of the pool enclosure?

Yes, your windows and doors form part of the pool enclosure. Keep in mind that these exits give your children and visitors direct access to the pool. The home owner must make sure that these doors and windows are kept closed and locked at all times when the swimming pool is not under competent supervision.

What kind of fencing is required?

There are a variety of materials permitted, including chain link, wood and wrought iron. All of these materials are subject to the conditions outlined in the By-law. You should obtain a copy of the Pool Enclosure By-law from the Building Services Division and read it carefully to ensure that your fence and gates comply with the By-law requirements. Here are a few highlights:

- The fence must have a minimum vertical height of 1.5 metres (4'-11"), measured from the effective ground level on the outside of the enclosure.
- It must also be located at least 1.0 metre (3'-3") from any other fence or structure which would facilitate climbing over the fence unless the height of the enclosure is increased to a height of at least 1.8m (5'-11") for a distance of at least 1.0 metre (3'-3") beyond such non-conforming fence or structure.
- Any gate that forms part of the enclosure must be equipped with a self-closing and self-latching device at the top of the gate on the inside of the enclosure.
- The gate must also be constructed to comply with the minimum height requirement.

When can I place water in the pool?

No person shall excavate or erect a pool until a Building Permit has been issued and no water is to be placed in the pool unless the required swimming pool enclosure is in place and final approval has been received from a Building Inspector from the Building Services Division.



Table 1 - Setback Requirements and Lot Coverage for Each Municipality

Please note that the information provided is for single family dwellings only in residential zones. For all other pool enclosures, please call the Building Services Division.

Municipality	Item	Rear Yard	Side Yard	Front Yard	Coverage
Hamilton (installed in rear of yard)	Above Ground	1.2m (3'-11")	1.2m (3'-11")	As Per Zone	**50%
	Inground	1.0m (3'-4")	1.0m (3'-4")	As Per Zone	N/A
	Pool Equipment	5.0m (16'-5")	2.4m (7'-11")	5.0m (16'-5")	N/A
	<p>* NOTE: A pool installed in a front or side yard must follow the same setbacks as required for the dwelling. Call the Building Services Division for clarification.</p> <p>** NOTE: Not more than 50% of the area of the rear yard shall be used for an above ground pool or combined accessory building coverage.</p>				
Dundas (installed in a rear of yard)	Above Ground	1.2m (3'-11")	1.2m (3'-11")	As Per Zone	**50%
	Inground	1.0m (3'-4")	1.0m (3'-4")	As Per Zone	N/A
	Pool Equipment	5.0m (16'-5")	2.4m (7'-11")	5.0m (16'-5")	N/A
	<p>* NOTE: A pool installed in a front or side yard must follow the same setbacks as required for the dwelling. Call the Building Services Division for clarification.</p> <p>** NOTE: Not more than 50% of the area of the rear yard shall be used for an above ground pool or combined accessory building coverage.</p>				
Flamborough (installed in a typical Residential Zone, R1 to R6. For other zones contact the Building Services Division)	Above Ground	*1.2m (3'-11")	*1.8m (5'-11")	As Per Zone	As per Zone
	Inground	*1.2m (3'-11")	*1.8m (5'-11")	As Per Zone	As per Zone
	Pool Equipment (installed in rear or non-required side yard)	0.6m (2'-0")	0.6m (2'-0")	As per Zone	As per Zone
	<p>* NOTE: A pool installed in a front or side yard must follow the same setbacks as required for the dwelling. Call the Building Services Division for clarification.</p>				
Ancaster	Above Ground	*1.5m (4'-11")	*1.5m (4'-11")	As Per Zone	As per Zone
	Inground	1.5m (4'-11")	1.5m (4'-11")	Not Permitted	N/A
	Pool Equipment (installed in rear or non-required side yard)	0.75m (2'-6")	0.75m (2'-6")	Not Permitted	N/A
	<p>* NOTE: Must add the height of the pool's supporting structure (measured from grade) to the above-mentioned distances to lot lines in order to get the total setback required.</p>				
Stoney Creek	Above Ground	1.25m (4'-2")	1.25m (4'-2")	Not Permitted	N/A
	Inground	1.25m (4'-2")	1.25m (4'-2")	Not Permitted	N/A
	Pool Equipment	5.0m (16'-5")	*2.5m (8'-3")	5.0m (16'-5")	N/A
	<p>* NOTE: Except 1.0m where the side yard along its entire length abjoins the rear lot line of an abutting property.</p>				
Glanbrook	Above Ground	1.5m (5'-0")	1.5m (5'-0")	Not Permitted	N/A
	Inground	1.5m (5'-2")	1.5m (5'-0")	Not Permitted	N/A
	Pool Equipment	5.0m (16'-5")	2.5m (8'-3")	Not Permitted	N/A

Notes:

1. If a deck is attached or is part of an above ground pool then the above noted setbacks are to be taken to the outer edge of the deck.
2. If your property is a corner lot, please contact the Building Services Division for clarification of any special setback requirements. The information provided above is for a typical interior lot where side lot lines of adjacent properties abut each other.
3. Onground pools may be classified as above ground or inground depending on the height above grade and the municipality's Zoning By-law. Please call to clarify.

Swimming Pool Enclosures *in the City of Hamilton*

Can my gas meter be inside my fence?

A swimming pool enclosure cannot enclose a utility meter, a furnace oil filler pipe or other utility reading device which requires periodic inspection or attendance by utility or service personnel. Therefore, your gas meter, water meter, hydro meter or other similar devices must be located outside of the enclosure. These devices should be shown on your permit application drawings.

Please note that if your pool is in the vicinity of hydro lines, you should contact your service provider to ensure that the pool will conform to the setbacks required to conductors. Below is a sketch that illustrates general minimum clearances needed over swimming pools. Please call your hydro company for further information.

Important Contacts:

Call Before you Dig (Locate Service)
1-800-400-2255

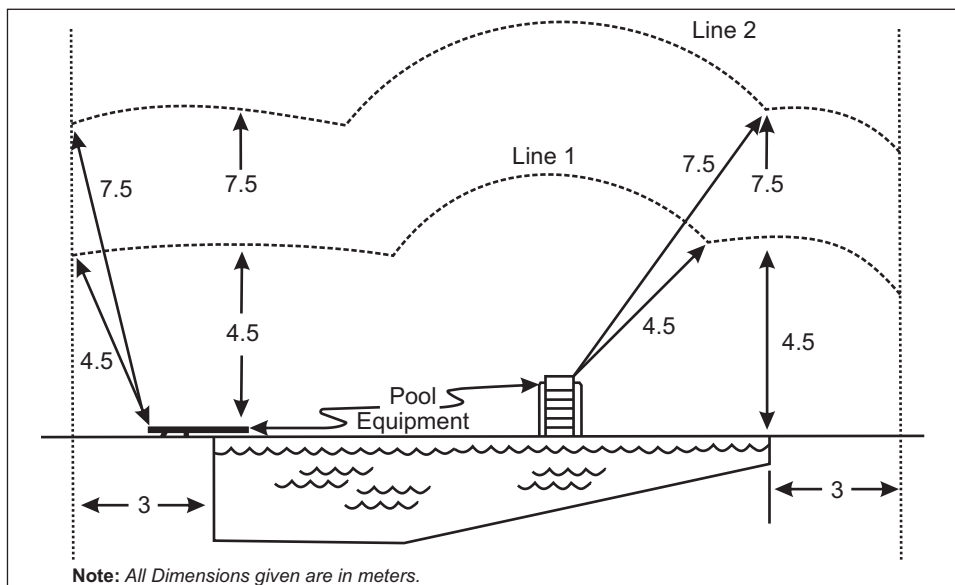
Hydro One
1-888-664-9376

Horizon Utilities (Hamilton Hydro)
905-522-6611

The notes and diagrams in this Appendix are for information and clarification purposes only and apply to the following Rules: **Rule Section 68**
68-054

Note:

The following sketch illustrates the minimum clearances for conductors over swimming pools. No conductors would be permitted under any circumstances in the area under line 1. In the area above line 1, insulated communication conductors and neutral supported cables operating at 600 V or less might be permitted (see Subrules (2) and (3)). Any other conductors operating at not more than 50 kV might be permitted above the area outlined by line 2 (see Subrules (2) and (4)).



For more information contact:

Building Services Division
Planning and Economic Development Department
City Hall
71 Main Street West, 3rd Floor
Hamilton, Ontario, L8P 4Y5

Monday - Friday
8:30 a.m. - 4:30 p.m.
Phone: 905.546.2720
Email: building@hamilton.ca
Website: www.hamilton.ca/building



BUILDING SERVICES DIVISION
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT