



Section A - D must be completed and signed by the current property owner prior to issuance of an Enclosure Permit

\*

## Section A: Property/Owner information

ANC    DUN    FLM    GLAN    HAM    STCK

Property Address: \_\_\_\_\_  
 Name of Owner: \_\_\_\_\_  
 Owner's email: \_\_\_\_\_  
 Pool Installer: \_\_\_\_\_

Phone #: \_\_\_\_\_  
 Phone #: \_\_\_\_\_

\*

## Section B: Site Plan Requirements

All existing (or known proposed) hardscapes are shown on the submitted site plan including but not limited to:

Y    N/A

- Walkways, concrete slabs, curbing or coupling on the proposed pool
- Decks (existing and proposed)
- Retaining walls greater than 0.5m above existing grade
- Retaining walls within 0.6m of the property lines
- Other structures-such as sheds, gazebos, garages
- Septic systems (tank and bed)
- Easements

Note: if you have answered **Yes** to any of the questions in Section B, it is expected this item will be reflected in the site plan provided. If **N/A** is selected, it is because that item does not exist

\*

## Section C: Installation

Y    N

- (i) Will the installation of the proposed pool/swim-spa/hot-tub obstruct the flow of water?
- (ii) Is a retaining wall in excess of 0.5m is proposed?
- (iii) Is grade being altered by more than 0.2m (8") within 3m (9'10") of the property line, or 0.5m (19 5/8") anywhere on the property?
- (iv) Is decking or landscaping (ie. concrete decking) being proposed within 0.45m of a property line or as indicated on a previously approved grading plan for your property? (see pg.2 for further details)

Note: if you have answered **Yes** to any of the questions in Section C, a Site Alteration Permit is required though the Growth Management Division prior to the issuance of the Enclosure Permit.

### Acknowledgement:

I hereby agree that this work will be carried out in accordance with the regulations of the City of Hamilton, specifically Section 7 of Site Alteration By-Law No. 19-286 as described below. I further acknowledge that I will be responsible for any remedial works required in order to gain compliance with By-Law No. 19-286 including but not limited the removal of any decks, structures or landscaping that are found to have obstructed and/or have re-directed drainage contrary previously approved grading and drainage plans for my property.

I also hereby agree that if site conditions change and or if the check boxes are not accurate, this could result in the revocation of the pool enclosure permit.

As the owner of the property, I agree that I am responsible for ensuring any fill brought onto site is from a source within the City of Hamilton OR where fill is excavated and removed, that it is to be directed to a suitable and approved receiver site

\* Owner's Signature: \_\_\_\_\_

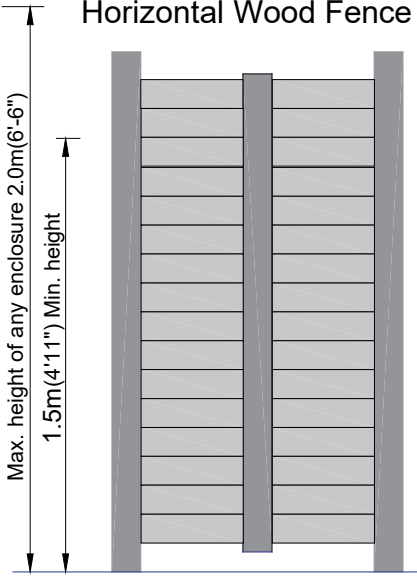
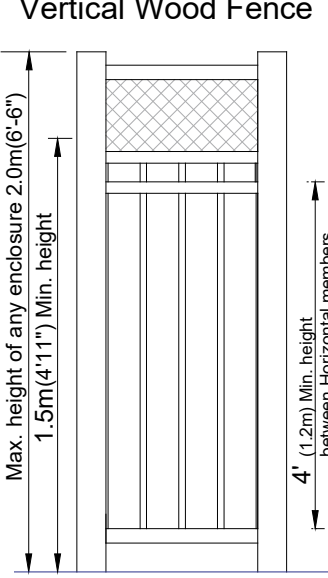
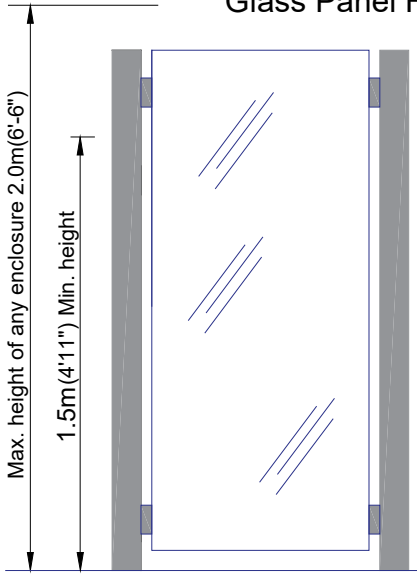
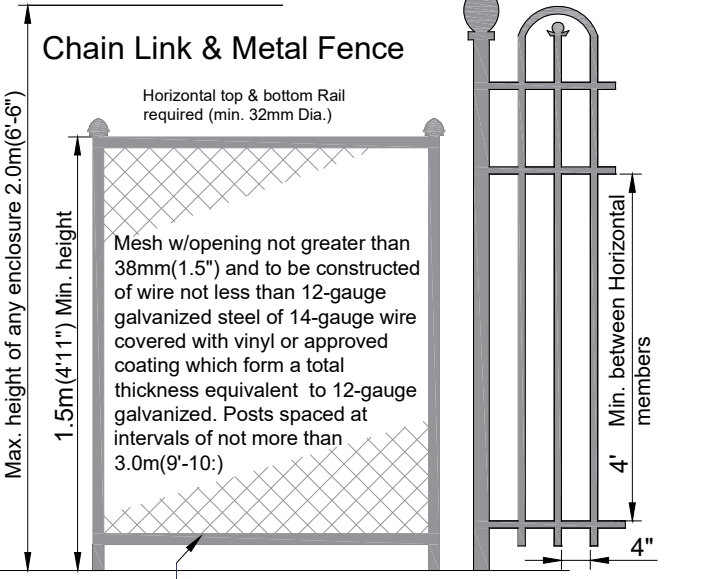
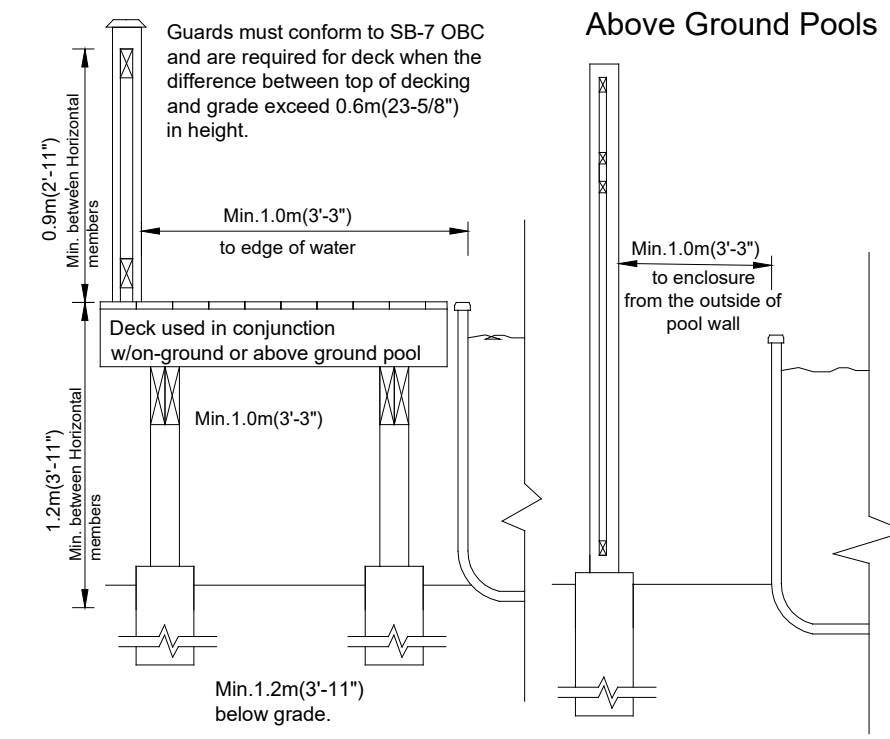
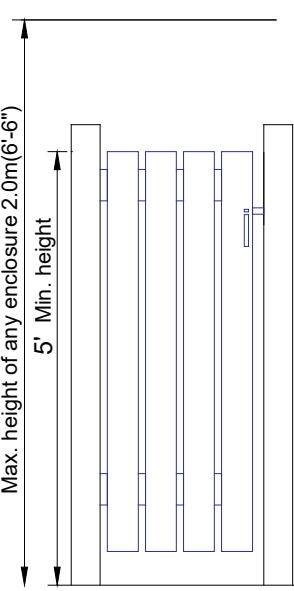
Date: \_\_\_\_\_

The personal information collected on this form is authorized under the Municipal Act, 2001, Section 227, and will be used to contact you and for the administration of within the Building Division. If you have any questions regarding the collection of this information, please contact the Building Division at 71 Main Street West, 3rd floor, (905)546-2720.

**\* Section D: Enclosure**

Indicate the type of **Enclosure** you are proposing by **circling** the example below, if your proposed enclosure is not illustrated, provide an illustration (or photo) of the construction.

**A photo of the existing enclosure must be submitted prior to review of the Enclosure Permit.**

<p><b>Horizontal Wood Fence</b></p>  <p>Refer to ByLaw 22-059 (21A)</p> <ol style="list-style-type: none"> <li>a) Boards             <ol style="list-style-type: none"> <li>i) not less than 19mm x 140mm</li> <li>ii) No space between boards at time of installation</li> <li>iii) Offset or protruding not more than 15mm immediately above or below <b>and</b></li> <li>iv) not more than 2.4m Length</li> </ol> </li> <li>b) a min. 38x89mm vertical intermediate support between support posts so that there is not more than 1.2m between a support post and the intermediate support <b>and</b></li> <li>c) Support posts at intervals not more the 2.4m apart.</li> </ol>	<p><b>Vertical Wood Fence</b></p>  <p>Refer to Bylaw 16-184 (21)</p> <ol style="list-style-type: none"> <li>a) Boards             <ol style="list-style-type: none"> <li>i) not less than 19mm x 89mm</li> <li>ii) attached to a top and bottom rail; and</li> <li>iii) spaced at not more than 38mm, or, if board on board design, at not more that 100mm for board on board design</li> </ol> </li> <li>b) Support posts:             <ol style="list-style-type: none"> <li>i) at intervals of not more 2.4m</li> <li>ii) securely imbedded at least 1.2m below grade w/min.50mm cover all sides and base</li> <li>iii) made, below grade of natural cedar, pressure-treated wood or treated with wood preservative and</li> <li>iv) a min. 89mm x 89mm square and a horizontal top rail and bottom rail of not less than 38mm x 89mm and where the space between the boards is permitted to be greater than 38mm, the top and bottom rails shall be spaced a min. of 1.2m apart</li> </ol> </li> <li>c)</li> </ol>
<p><b>Glass Panel Fence</b></p>  <p>Refer to 21B of ByLaw 22-059 A glass panel fence system shall be designed by a professional Engineer (ONT) Min. 100mm between panel and post horizontal elements shall be supported on substantial posts spaced not more than 2.4m apart, securely fastened to ground and structurally sound and all panels used for enclosures shall be safety glass of laminated or tempered type conforming to CAN/CGSB 12.1-M "Tempered or Laminated Safety Glass"</p>	<p><b>Chain Link &amp; Metal Fence</b></p>  <p>Horizontal top &amp; bottom Rail required (min. 32mm Dia.)</p> <p>Mesh w/opening not greater than 38mm(1.5") and to be constructed of wire not less than 12-gauge galvanized steel of 14-gauge wire covered with vinyl or approved coating which form a total thickness equivalent to 12-gauge galvanized. Posts spaced at intervals of not more than 3.0m(9'-10:)</p> <p>Horizontal top &amp; bottom Rail required (min. 32mm Dia.)</p> <p>Max. Spacing between vertical members</p>
<p><b>Above Ground Pools</b></p>  <p>Guards must conform to SB-7 OBC and are required for deck when the difference between top of decking and grade exceed 0.6m(23-5/8") in height.</p> <p>Deck used in conjunction w/on-ground or above ground pool</p> <p>Min. 1.0m(3'-3") below grade.</p> <p>Min. 1.0m(3'-3") to enclosure from the outside of pool wall</p>	<p><b>Gates</b></p>  <p>All gates must be constructed with</p> <ol style="list-style-type: none"> <li>a) self closing device</li> <li>b) a self-latching device on the inside of the enclosure that is located at least 1.35m above the bottom of the enclosure</li> <li>c) a lock located on the inside of the enclosure; and</li> <li>d) be of such construction and height that the gate otherwise complies with the requirements of the enclosure</li> </ol> <p>For secondary gates refer to the Bylaw.</p>

**\* Property Owner:** \_\_\_\_\_ **Property Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## As per Site Alteration By-Law 19-286, Section 7 titled Exemptions from Permit Requirements

No permit is required for Site Alteration undertaken;

(b) for the installation of a pool where a permit has been issued pursuant to By-law No. 16-184, provided that:

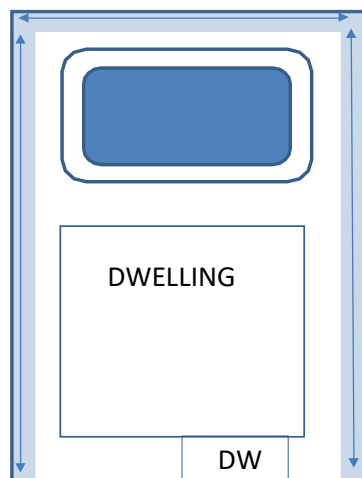
- (i) any previously approved grading plan is maintained or if there is no previously approved grading plan applicable to the property, a minimum 60-centimetre strip of undisturbed ground remains along the rear and side property lines within the rear yard; and
- (ii) any retaining walls are limited to 0.5 meters in height, measured from existing ground elevations

\*\*\* The installation of a swimming pool may require a Site Alteration Permit if the grade of the property is being altered by more than 200mm (8") within 3.0m (9'-10") of the property line, if a retaining wall is being installed within 3.0m (9'-10") of the property line, if the grade is being altered by more than 500mm (19 5/8") on the property, or if the placement or removal of fill obstructs the flow of water in a watercourse or causes water, which is normally contained on the property, to drain off site. For further details contact the City of Hamilton - Growth Management Division: (905) 546-2424 x5339 \*\*\*

To apply for a Site Alteration Permit contact the Growth Management Division - City Hall, 6th Floor,

email: [gmlotgrading@hamilton.ca](mailto:gmlotgrading@hamilton.ca) / (905) 546-2424 Ext.5339 or

<https://www.hamilton.ca/build-invest-grow/planning-development/planning-applications/site-alteration-permit>



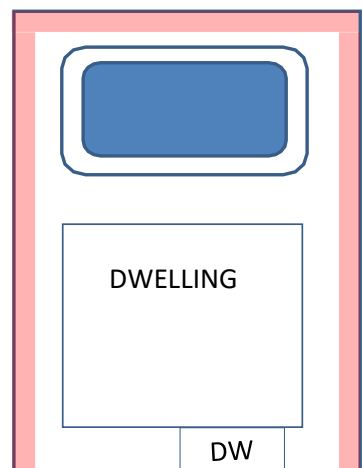
### Approved Grading Plan

No decks, landscaping, patios accessory structures within 0.45m of property line.

Drainage Swale

**Note:** drainage swales are typically 0.9m wide and centered on the property line. If the drainage swale is located entirely on your property the set-back is to be 1.0m or as required by the approved grading plan.

**Catch-basins are to remain un- obstructed.**



### No Approved Grading Plan

No decks, landscaping, patios accessory structures within 0.6m of property line.

**Catch-basins are to remain un- obstructed.**

### Other IMPORTANT CONTACTS:

Call before you dig: [ontarioonecall.ca](http://ontarioonecall.ca) or 1-800-400-2255

Property Records Search :

<https://www.hamilton.ca/build-invest-grow/construction-renovation/residential-building-renovation/property-record-search>

## City of Hamilton By-Law 16-184 to Regulate Enclosures for Privately-Owned Outdoor Pool Summary of Sections 13-29 (Effective Date (January 1, 2017) ENCLOSURES

### General

13. Every owner shall construct and maintain an enclosure that:
  - is a minimum of 1.5 m in height measured from the effective ground level on the outside of the enclosure;
  - has no openings when gates are closed allowing passage of spherical object larger than 100 mm (4") in diameter;
  - is located at least 1.0 m (3'-3") from nearest inside pool wall; and
  - has nothing that facilitates climbing the enclosure or diminishes the structural integrity of the enclosure.
14. Every fence and gate used as part of an enclosure which forms the part of the enclosure that separates the pool from any dwelling on the same property shall be constructed of open mesh chain link fence or equivalent open face construction that does not restrict visibility of the pool from any door or window that is located on the access level of the dwelling, and which has a line of sight to the pool, and materials used shall comply with the provisions of this By-law.
15. No owner shall construct or maintain an enclosure that is in whole or in part: an overhead garage door; a hedge or other vegetation; barbed wire, chicken wire or any other barbed or sharp material; or a conductor of electricity.

### Landscape Ponds

16. An owner may construct and maintain a landscape pond with a securely fastened grate or similar structure: capable, at any point, of preventing a person of any size from descending to a depth in excess of 0.6 m; openings of not more than 38 mm. Where a landscape pond cannot or is not constructed and maintained with a grate in accordance with subsection 16(1), the owner shall construct and maintain an enclosure that otherwise complies with this By-law.

### Gates

17. Every owner shall construct and maintain any gate to an enclosure with: a self-closing device; a self-latching device on the inside of the enclosure that is located at least 1.35 m above the bottom of the enclosure; a lock located on the inside of the enclosure; and be of such construction and height that the gate otherwise complies with the requirements of this By-law for the enclosure.
18. A secondary gate may be constructed and maintained with a lock located on the inside of the enclosure.

19. Every owner and every adult person in control of a pool shall ensure all gates to an enclosure: that are not secondary gates under section 18, are closed and locked at all times except when the owner or a person with the owner's permission is entering, leaving or using the pool; and that are secondary gates under section 18, are closed and locked at all times except when in use to allow for the passage of vehicles or equipment

## **Fences**

### **Chain Link Fence**

- 20 Every owner shall construct and maintain a chain link fence that forms all or part of an enclosure with:
- Diamond mesh: openings not more than 38 mm; and of 12 gauge galvanized steel wire or 14 gauge galvanized steel wire covered with a vinyl or other approved coating giving a total thickness equivalent to 12 gauge galvanized steel wire.
  - Support posts be constructed: of galvanized steel; at intervals of not more than 3.0 m; securely imbedded at least 1.2 m below grade; encased in concrete below grade with at least a 50 mm cover on sides and base; (v) which are end or corner posts, a minimum of 48 mm in diameter; and which are intermediate posts, a minimum of 38 mm in diameter; and
  - Horizontal top rail and bottom rail of galvanized or vinyl coated steel a minimum of 32 mm in diameter.

### **Vertical Wood Fence**

- 21 Every owner shall construct and maintain a vertical wood fence that forms all or part of an enclosure with:
- Boards: of not less than 19 mm by 89 mm; attached to a top and bottom rail; and spaced at not more than 38 mm or, if a board on board design, at not more than 100 mm;
  - Support posts: at intervals of not more 2.4 m; securely embedded at least 1.2 m below grade; encased in concrete below grade with at least a 50 mm cover on sides and base; made, below grade, of natural cedar, pressure-treated wood or treated with a wood preservative that is acceptable to the Director; a minimum of 89 mm by 89 mm square; and
  - Horizontal top rail and bottom rail: of not less than 38 mm by 89 mm, and, where the space between the boards is permitted to be greater than 38 mm, the top and bottom rails shall be spaced to provide a minimum clearance of 1.2 m between the rails.

### **Horizontal Wood Fence**

- 21A Every owner shall construct and maintain a horizontal wood fence that forms all or part of an enclosure with:
- Boards of not less than 19 mm by 140 mm; with no space between boards at time of installation; offset or protruding more than 15mm from the board immediately above or below, and not more than 2.4 metres in length;
  - A minimum of 38 mm by 89 mm vertical intermediate support shall be installed between the support posts so that there is no more than 1.2 m between a support post and the intermediate support; and
  - Support posts at intervals of not more 2.4 m; securely imbedded at least 1.2 m below grade or so as not to be frost susceptible; encased in concrete below grade with at least a 50 mm cover on sides and base; made, below grade, of natural cedar, pressure-treated wood or treated with a wood preservative that is acceptable to the Director; and a minimum of 89 mm by 89 mm square.

### **Glass Panel Fence**

- 21B. A glass panel fence system used in a swimming pool enclosure shall be designed by a Professional Engineer Licensed in the Province of Ontario and shall be constructed in a good, workmanlike manner as follows:
- Glass panels shall be located so there is no opening of more than 38 mm between the panel and the post where horizontal elements are spaced less than 1.2 m apart, and not more than 100 mm apart where horizontal elements are spaced more than 1.2 m apart;
  - Horizontal elements should be supported on substantial posts that are spaced not more than 2.4m apart, securely fastened to the ground and structurally sound; and
  - Glass panels used in swimming pool enclosures shall be safety glass of laminated or tempered type conforming to CAN/CGSB-12.1-M "Tempered or Laminated Safety Glass".

### **Other Types of Fence Construction**

- 22 Every owner shall construct and maintain a wrought iron, aluminum, vinyl or composite fence that forms all or part of an enclosure with:
- Sufficient strength to provide an effect enclosure;
  - For vertical fences, no openings allowing the passage of a spherical object larger than 100 mm in diameter with a top and bottom rail at least 1.2 m apart;
  - For horizontal fences, no space between the boards, and a vertical intermediate support shall be installed between the support posts so that there is not more than 1.2 m between support post and the intermediate support; and
  - Support posts: at intervals of not more 2.4 m; securely imbedded at least 1.2 m below grade or so as not to be frost susceptible; and encased in concrete below grade with at least a 50 mm cover on sides and base

## **Walls**

23. Every owner shall ensure all openings in a wall of a building or structure which forms all or part of an enclosure, and could provide a means of ingress directory into the swimming pool area, are protected by a door, window or other covering and kept closed and locked at all times when such swimming pool is not under competent supervision.

### **Above-Ground Pools**

24. Every owner shall construct and maintain their above-ground pool with: a total combined height of the above ground pool walls and enclosure guard that: is not less than 1.5 m in height; and does not facilitate climbing; and any area that provides access to the above-ground pool surrounded by an enclosure which complies with the requirements for enclosures set out in this By-law.
25. Where an above-ground pool cannot or is not constructed and maintained in accordance with section 24, the owner shall construct and maintain an enclosure that otherwise complies with this By-law.

### **Hot Tubs**

26. (1) Every owner shall construct and maintain their hot tub with a rigid cover that is capable of supporting a 90 kg load or meets the most up-to-date American Society for Testing and Materials standard for hot tubs.
- (2) Every owner and every adult person in control of a hot tub shall ensure that the rigid cover under subsection 26(1) is securely fastened and locked to prevent access at all times when the hot tub is not in use.
27. Where a hot tub cannot or is not constructed and maintained with a rigid cover in accordance with section 26, the owner shall construct and maintain an enclosure that otherwise complies with this By-law.

### **Temporary Enclosures**

28. (1) Every owner shall construct and maintain a temporary enclosure surrounding their pool when the pool does not have, for any reason, an enclosure that otherwise complies with this By-law.
- (2) Unless otherwise authorized by the Director, a temporary enclosure is permitted for not more than 7 consecutive days to allow time for the owner to construct and maintain a permanent enclosure that complies with this By-law.
29. (1) Every owner shall construct and maintain a temporary enclosure with: diamond mesh fencing: with openings of not more than 38 mm; of either 12 or 14 gauge galvanized steel wire; and securely fastened to the support posts at 200 mm centres; "T" support posts: of steel; at intervals of not more than 2.4 m; and securely imbedded at least 300 mm below grade; a horizontal top cable and bottom cable: of 11 gauge steel; and threaded through the diamond mesh fencing and securely fastened to each support post; and no openings, when all openings that provide access are closed, allowing the passage of a spherical object larger than 100 mm in diameter.
- 2) Every owner and every adult person in control of a pool surrounded by a temporary enclosure shall ensure that every opening providing access to the pool is closed and locked at all times except when the owner or a person with the owner's permission is entering or leaving.