Swimming Pool Enclosure Permit Guide

Any body of water located outdoors on privately owned property, in which the depth of water at any point can exceed 60 centimetres, must be enclosed in accordance with City of Kingston By-Law 2003-405, A By-Law to Regulate Fences. This includes spas, hot tubs, whirlpools, wading pools and swimming pools.

Before installing any enclosure, you must apply for and obtain a Swimming Pool Enclosure Permit. If you wish to install a pool and already have an existing fence around your yard, a Swimming Pool Enclosure Permit is still required to ensure that the pool enclosure meets the requirements of the By-law. You must also obtain a permit if you are changing or replacing a pool enclosure; however, you do not require a Swimming Pool Enclosure Permit for normal maintenance and repair of an existing pool fence for which a permit was obtained.

This Guide is intended as a reference document to assist you in submitting a Swimming Pool Enclosure Permit Application. This Guide also explains the process once a permit application is submitted. Please note that failure to submit a complete permit application may result in delays in issuing the permit. It is an offence to install a pool or a pool fence prior to obtaining a Swimming Pool Enclosure Permit. If you have any questions about the Swimming Pool Enclosure Permit Application process, please contact the building department at 613-546-4291 extension 3260.

Application Submission Checklist

1. Completed swimming pool enclosure permit application form. Permit applications can be emailed to buildingpermits@cityofkingston.ca or submitted in person to the Planning, Building and Licensing Department at 1211 John Counter Boulevard.
2. Elevation details for proposed and existing fence enclosures.
3. Completed locates form. It is the Owner’s responsibility to call before you dig.
4. A zoning compliance plan including the following information:
   a) Measurements from the property lines to the water’s edge of the pool (1.5 metres minimum). Pool decking must be a minimum of .6 metres from the property line.
   b) Measurements from the pool enclosure to the water’s edge of the pool (1.2 metres minimum).
   c) Measurements from all buildings and structures including decks and access doors to the pool’s edge (1.2 metres minimum).
   d) Location of proposed and existing fences.
   e) Location of the self-closing and self-latching gates.
   f) Measurements to mechanical pool equipment (1.2 metres to lot lines where enclosed and 3 metres to lot lines where unenclosed).
g) Indicate all climbable objects within 1.2 metres outside of pool enclosure.

h) Location of any right of ways, easements and existing or proposed retaining walls associated with the pool location.

i) Location of septic beds and tanks where applicable.

**Enclosure Requirements**

Enclosures must be designed and installed to reasonably deter young children from gaining access to the enclosed area. Every enclosure construction must be at least 1.2 metres in height measured at any point along the exterior face of the fence and comply with the minimum construction specifications detailed in the By-law, which include (but are not limited to):

a) The enclosure must not allow a ball 100 millimetres in diameter to pass through or a ball 50 millimetres in diameter to pass under it.

b) A minimum of 1.2 metres between horizontal rails unless the spacing of vertical slats is less than 38 millimetres.

c) Chain link construction with links no greater than 38 millimetres.

d) All posts are to be encased in a concrete footing that has been excavated to a minimum depth of 1.2 metres and spaced not more than 2.4 metres for wood and 3 metres for steel.

Please refer to the By-Law or contact the building department at 613-546-4291 extension 3260 for further information regarding the complete requirements for your particular enclosure.

**Locked Gates**

All gates that form part of an enclosure must:

a) meet the same height requirements and standards that apply to the pool fence enclosure;

b) be supported by self-closing hinges; and

c) be self-latching and lockable. The latch is to be located on the pool side of the gate at the highest possible point.

Where the wall of an accessory building, or garage, forms part of the enclosure, all doors in the wall having direct access outside the pool area must be equipped with a self-closing, self-latching and locking device.

**Above Ground Pools**

The vertical walls of an above ground pool may form part of a pool enclosure if:

a) They are at least 1.5 m (5 feet) in height and do not possess any horizontal members that may facilitate climbing; and

b) The ladder area, or deck, which provides access to the above ground pool, is enclosed by a gated enclosure which complies with the By-law.

Removable or swing type ladders used to access above-ground pools are not permitted as part of the required enclosure.
Hot Tubs, Whirlpools and Spas
Hot tubs, whirlpools and spas with a compliant lockable cover are exempt from the requirements to obtain a permit and construct a fence enclosure. The location of the hot tub, whirlpool and/or spa must be in compliance with the applicable zoning bylaw.

Accessory Structures
If a deck or an accessory structure greater than 10 square metres is proposed as part of your application or enclosure, a separate building permit application will be required for these structures. Building permit application forms can be found at https://www.cityofkingston.ca/nb/business/building-permits/applications-forms

Required Inspections
The owner of a property on which a pool and pool enclosure are being constructed, or their contractor, must arrange for the following inspections:
   a) In the case of a temporary pool enclosure, prior to the pool being filled with any water; and
   b) At the completion of the construction of the permanent pool enclosure.
The permit plans and specifications must be on site and made available to the Building Inspector at the time of inspection.
The Building Inspector's name and phone number are identified on the pool enclosure permit and inspections must be arranged 24 hours in advance of the requested inspection time.

Access to Property
If you are accessing your property over the City Boulevard or sidewalk to install the pool, a Residential/Commercial Entranceway Application will be required prior to any work being done. Any damage to City property, including sodded areas, pavement, sidewalk and/or curb must be repaired and restored to pre-existing conditions. If any repairs requested by the City are not completed by the date specified by the City, the City shall have the right to complete these repairs and have the costs of those repairs added to the tax roll and collected in the same manner as taxes.

If you are accessing your property through City owned land, a Park Access Permit is required from the department of Public Works.