

POOL FENCE

AN INVESTMENT WORTH MAKING ...

AND A REQUIREMENT OF THE CODE!

Swimming pools, spas, and hot tubs are becoming more frequent in the back yards of homes across the State. While very enjoyable to the users, these places of comfort are very alluring to young children. Protection against unsupervised children is paramount in avoiding a household disaster.



Barriers like pool fences are working! In 1985, New York State started requiring pool fences when the rate of child deaths (newborn to 4 years old) soared to 17 drownings per million. By 1999, that number dropped by 95%.

When do I need a barrier?

Barriers, such as fences, are required around swimming pools, hot tubs and spas. This includes both fixed and portable units, including pre-formed or inflatable pools. The only exception is when a swimming pool is not able to contain more than 24" of water.

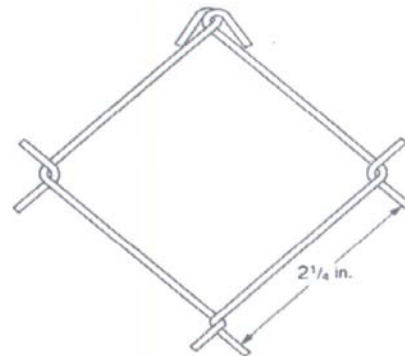
Are existing swimming pools exempt from barrier requirements?

No. All swimming pools, no matter how old, are required to have a barrier around them. The Property Maintenance Code of New York State requires an approved barrier around all swimming pools, regardless of their age.

What are the requirements for barriers?

The Residential Code of New York State and the Building Code of New York State regulate the construction parameters of barriers. Several options are available.

1. A 48" barrier shall surround the pool area. The barrier can be made using various methods including masonry, wood, or metal. Whatever method is used, it must not allow passage of children through the barrier as well as be constructed to prevent climbing.
2. For above ground pools, the side wall can be used as part of the barrier as long as the walls are 48" above the ground and the access ladder is secured. A barrier can be placed on top of the pool if it doesn't quite make the 48" by itself.
3. When the wall of a building serves as the barrier, or a portion thereof, a power operated top can be used or alarms can be placed on the doors leading to the pool area.

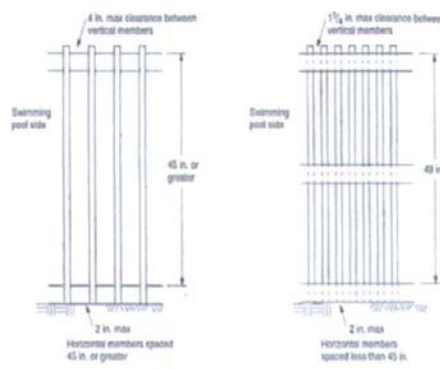


Do I need to put a barrier up to protect my hot tub or spa?

No. Hot tubs and spas are exempt from the barrier if equipped with a safety cover complying with the ASTM F1346 safety standard.

Do fences, gates and folding ladders need to be locked?

Yes. Pool gates and folding ladders do need to be locked when unsupervised. This needs to be achieved by a key, combination, or child-proof lock.



For more information, contact the Department of State Codes Division of Code Enforcement and Administration 41 State St. Albany, NY 12231
Phone: (518)-474-4073
Fax: (518)-486-4487
<http://www.dos.state.ny.us>



Specifics on fence construction and permitted gates are found in the Residential Code of New York State and the Building Code of New York State



of restoring the swimming pool to its before damaged condition would equal or exceed 50 percent of the market value of the swimming pool before the damage occurred.

(6) **Substantial modification.** Any repair reconstruction, rehabilitation, addition, or improvement of a swimming pool, the cost of which equals or exceeds 50 percent of the market value of the swimming pool before the repair, rehabilitation, addition, or improvement is started. If a swimming pool has sustained substantial damage, any repairs are considered to be a substantial modification regardless of the actual repair work performed.

(c) **Pool alarms.** Each residential swimming pool installed, constructed or substantially modified after December 14, 2006 and each commercial swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:

(1) is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;

(2) is audible poolside and at another location on the premises where the swimming pool is located;

(3) is installed, used and maintained in accordance with the manufacturer's instructions;

(4) is classified by Underwriter's Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F2208, entitled "Standard Specification for Pool Alarms," as adopted in 2002 and editorially corrected in June 2005, published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428; and

(5) is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

(d) **Multiple pool alarms.** A pool alarm installed pursuant to subdivision (c) of this section must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection

Temporary Pool Enclosures ⁶

During the installation or construction of a swimming pool, the swimming pool must be enclosed by a temporary enclosure. The temporary enclosure may consist of a temporary fence, a permanent fence, the wall of a permanent structure, any other structure, or any combination of the foregoing. However:

- all portions of the temporary enclosure must be at least four (4) feet high, and
- all components of the temporary enclosure must be sufficient to prevent access to the swimming pool by any person not engaged in the installation or construction process and to provide for the safety of all such persons.

The temporary enclosure must remain in place throughout the period of installation or construction of the swimming pool, and thereafter until the installation or construction of a permanent enclosure has been completed.

The temporary enclosure must be replaced by a permanent enclosure. The permanent enclosure must comply with all applicable “Barrier Requirements” described at pages 2 to 7 of this publication, and with any additional requirements that may be imposed by any other New York State codes or regulations applicable to swimming pool enclosures or by any local law applicable to swimming pool enclosures and in effect in the location where the swimming pool has been installed or constructed.

The permanent enclosure must be completed within ninety days after the date of issuance of the building permit for the installation or construction of the swimming pool, or the date of commencement of the installation or construction of the swimming pool, whichever is later. (If the swimming pool is installed or constructed without the issuance of a building permit, the permanent enclosure must be completed within ninety days after the date of commencement of the installation or construction of the swimming pool - note, however, that this provision does not permit the installation or construction of a pool without a building permit where such a permit is required by applicable law.) The local code enforcement official has authority to extend the 90 day period for completion of the permanent enclosure for good cause, such as a delay in construction caused by bad weather.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION AG101 GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of a one- and two-family dwelling.

SECTION AG102 DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103 SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG107.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG107.

SECTION AG104 SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG107.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG107.

SECTION AG105 BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing