

Office of
Village Codes Bureau
168 Canal Street
Fort Plain, New York 13339
Phone (518)-993-4271 Fax (518)-9932506
Barry A. Vickers
Code Enforcement Officer

Date: Property Affected: _____

To: Fort Plain, New York 13339

SBL# _____

Re: Swimming Pool & Enclosure

Message:

This letter is to inform you that no swimming pool shall be installed or maintained on residential property unless it conforms to New York State Rules and Regulations.

The residential Code of New York State, Appendix G, governs swimming pools and their enclosures. A copy of Appendix G has been enclosed.

If your swimming pool contains water over 24 inches deep, then you will have to fence in the area around the pool, or the yard.

An application for a permit can be obtained at the Village Hall to cover the swimming pool and fence. Take the time to pick up the application, fill it out, and return it to the Village Clerk with the fee with in the next five days.

Your cooperation is greatly appreciated, and have a safe summer.

Respectfully,



Barry A. Vickers
Code Enforcement Official



NEW YORK STATE DEPARTMENT OF STATE
Division of Code Enforcement and Administration

Phone : (518) 474-4073
www.dos.state.ny.us

Fax : (518) 486-4487
E-mail: info@dos.state.ny.us

TECHNICAL BULLETIN

Effective Date: January 1, 2003

Source Document: 19NYCRR 1220 - *Residential Code of New York State (RCNYS)*

Topic: Self-set swimming pool with 48 inch wall height

This document is to answer the question whether a self-set or quick-set swimming pool (not rigid metal walls) with 48 inch or more wall height meets the requirements of section AG105.2 of Appendix G of the *Residential Code of New York State (RCNYS)* as a barrier.

NO. Section AG105.2 states in part:

An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier ...

The term "barrier" is defined as "*A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.*"

Although the self-set pool has a 48 inch wall, it does not obstruct access because it is not rigid. The wall can easily be deflected by a child who grabs the top inflated ring.

Ronald E. Piester, R.A., Director
Division of Code Enforcement and Administration

shall be given to conditions involving wind load on ice-covered sections in localities subject to sustained freezing temperatures.

3108.4.1 Dead load. Towers shall be designed for the dead load plus the ice load in regions where ice formation occurs.

3108.4.2 Wind load. Adequate foundations and anchorage shall be provided to resist two times the calculated wind load.

3108.5 Grounding. Towers shall be permanently and effectively grounded.

SECTION 3109 SWIMMING POOL ENCLOSURES

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

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

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch (102 mm) diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

3109.4 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346.

3109.4.1 Barrier height and clearances. 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, the barrier is authorized to be at ground level or 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).

3109.4.1.1 Openings. Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members. 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.

3109.4.1.4 Widely spaced horizontal members. 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 between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25-inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.1.7 Gates. Access gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and its screen are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual means to deactivate the alarm temporarily for a single opening. Such deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, that are approved by the administrative authority shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

3109.4.1.9 Pool structure as barrier. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

720.1 GENERAL REQUIREMENTS <CI-300, CI-320, CI-395, AL-048, AL-124>.

Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:

720.1(a) shall be at least four feet in height and have a maximum vertical clearance to grade of two inches;

720.1(b) where a picket-type fence is provided, horizontal openings between pickets shall not exceed 4 inches; [EFFECTIVE SEPTEMBER 12, 1990]

720.1(c) where a chain-link fence is provided, the openings between links shall not exceed 2-3/8 inches;

720.1(d) enclosure shall be constructed so as not to provide footholds;

720.1(e) pickets and chain-link twists shall extend above the upper horizontal bar; and

720.1(f) such enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts respectively. Enclosure, fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade. <CI-638>

720.1(g) a wall of a dwelling is permitted to serve as part of the enclosure under the following conditions:

720.1(g) (1) windows in the wall shall have a latching device at least 40 inches above the floor;

720.1(g) (2) a swinging door in the wall shall be self-closing and self-latching; <CI-633> and

720.1(g) (3) a sliding door in the wall shall have a self-latching device.

720.1(h) Where an above-ground pool has a deck which abuts or is adjacent to a dwelling and direct access to the deck is through the exterior wall of the dwelling, such access shall be in accordance with subdivision

720.1(g) of this section. For guardrail requirements see section 713.1(f) (3) of this Title and Table I-735, Part 735 of this Title.

[EFFECTIVE SEPTEMBER 12, 1990]

720.2 EXEMPTIONS.

720.2(a) Above-ground pools with at least 46 inches between pool decking or pool top and adjoining grade are exempt from the requirements of section 720.1 of this Part provided that their access ladder or steps can be blocked in an approved manner when not intended for use. <CI-422>

720.2(b) A pool less than 24 inches deep is exempt from the requirements of section 720.1 of this Part.

[EFFECTIVE JANUARY 8, 1988]

POOLS

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

between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 1.25-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - 8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:
 - 9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - 9.2. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- 10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
- 10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AG105.3 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION AG106 ABBREVIATIONS

AG106.1 General.

ANSI—American National Standards Institute
11 West 42nd Street, New York, NY 10036

ASTM—American Society for Testing and Materials
1916 Race Street, Philadelphia, PA 19103

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

SECTION AG107 STANDARDS

AG107.1 General.

ANSI/NSPI

ANSI/NSPI-3 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4 Standard for Above-ground/On-ground Residential Swimming Pools AG103.2

ANSI/NSPI-5 Standard for Residential In-ground Swimming Pools AG103.1

ANSI/NSPI-6 Standard for Residential Portable Spas AG104.2

ASTM

ASTM F 1346-91 Standard Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs AG105.2, AG105.5

(c) Pool alarms. Except as otherwise provided in subdivision (e) of this section, 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 Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to:

(i) 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, or

(ii) reference standard ASTM F2208, entitled "Standard Specification for Pool Alarms," as adopted in 2007, 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 capability at every point on the surface of the swimming pool, more than one pool alarm shall be installed.

(e) Exemptions.

(1) A hot tub or spa equipped with a safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs," published by ASTM International, 100 Barr Harbor Drive, West

Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.

(2) Any swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs," published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.