

### **43-41P Swimming Pools and Bathhouses.**

The swimming pool shall not be located, constructed or maintained on any lot or land area except in conformity with the following requirements, to the extent applicable:

- (1) A private swimming pool may be located in the rear yard or side yard, except that a pool shall not be located in the minimum required side yard as measured from the inside wall surface of in-ground pools and from the exterior edge of a deck for aboveground and partially aboveground pools.
- (2) Adjacent to every front, side and rear lot line contiguous to the yard areas containing the pool, there shall be a protective solid screen for a height of not less than six feet, so as to provide an effective visual screen along such property lines. The requirement of a visual screen shall be satisfied by either the installation of a solid fence or a planting strip not less than four feet wide and laid out with suitable plant material which will attain and be maintained at a height of not less than six feet.
- (3) A private swimming pool shall not be used after 10:00 p.m.
- (4) For in-ground or partial in-ground pools, the portion of the premises upon which a swimming pool is located shall be entirely enclosed with an approved-quality chain-link wire, wooden or other fence of not less than six feet nor more than 10 feet in height. For aboveground pools without decks, a ladder of the hinged type shall be provided with locking devices such that, when the pool is not in use, the ladder will be locked in the up position. For aboveground pools having decks, a gate and fence at least three feet high above the level of the deck shall be installed. Aboveground pools shall not be required to have any additional fencing.
- (5) Every gate or other opening in the fence enclosing any swimming pool shall be kept securely closed and locked at all times when such pool is not in use. All gates shall be equipped with a spring or such similar device to automatically close the gate after use. The gate shall be equipped with a latch which will automatically engage when the gate closes. The latch release shall be located at least five feet above adjacent ground level.
- (6) Notwithstanding the provision of Subsection P(2) above, no portion of a swimming pool shall be less than six feet from any property line.
- (7) The water inlet of every swimming pool shall be above the overflow level of said pool. All swimming pools shall be provided an acceptable means of draining water. Proper disposal of backwash and all pool water shall be required to drain to an acceptable wastewater disposal receptacle as approved by the Commissioner of the Department of Housing and Buildings.
- (8) No loudspeaking or amplifying device shall be permitted that will project sound beyond the boundary of the property or lot where any pool is located.
- (9) No lighting or spotlighting shall be permitted that will project light rays beyond the bounds of the property or lot where any pool is located.
- (10) A bathhouse or cabana serving such a swimming pool shall be permitted, provided that it meets the setback and other dimensional requirements for accessory uses and structures in the district in which it is located.

*See Swimming Pool Alarms below:*

## TITLE 19 (NYCRR)

### CHAPTER XXXIII - STATE FIRE PREVENTION & BUILDING CODE COUNCIL SUBCHAPTER A - UNIFORM FIRE PREVENTION & BUILDING CODE

#### Part 1228. Additional Uniform Code Provisions.

##### 1228.2. Swimming pool alarms.

(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.

**RESIDENTIAL CODE OF NEW YORK STATE**  
**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 R2.

**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 capable of containing 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 AG108.

**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 AG108.

**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 AG108.

**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 AG108.

**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 2.25-inch (57 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 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, 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 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 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 AG107, shall be exempt from the provisions of this appendix.

#### **SECTION AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

**AG106.1 General.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.

**AG106.2 Suction fittings.** All Pool and Spa suction outlets shall be provided with a cover that conforms with ANSI/ASME A112.19.8M, or a 12" x 12" drain grate or larger, or an approved channel drain system.

**Exception:** Surface skimmers

**AG106.3 Atmospheric vacuum relief system required.** All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17, or
2. An approved gravity drainage system

**AG106.4 Dual drain separation.** Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet shall separate such outlets. These suction outlets shall be piped so that water is drawn

through them simultaneously through a vacuum relief-protected line to the pump or pumps.

**AG106.5 Pool cleaner fittings.** Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches and not greater than twelve (12) inches below the minimum operational water level or as an attachment to the skimmer(s).

**SECTION AG107  
ABBREVIATIONS**

**AG107.1 General.**

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

ASTM - ASTM International  
100 Barr Harbor Drive, West Conshohocken, PA 19428

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

**SECTION AG108  
STANDARDS**

**AG108.1 General.**

**ANSI/NSPI**

ANSI/NSPI-3-99 Standard for Permanently Installed Residential Spas ..... AG104.1

ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential Swimming Pools ..... AG103.2

ANSI/NSPI-5-99 Standard for Residential In-ground Swimming Pools..... AG103.1

ANSI/NSPI-6-99 Standard for Residential Portable Spas ..... AG104.2

ANSI/ASME A112.19.8M-1987 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances..... AG106.2

**ASTM**

ASTM F 1346-91 (1996) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, spas and Hot Tubs ..... AG105.2, AG105.5

**ASME**

ASME A112.19.17-2002 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool ..... AG106.3