

Town of Union and the Village of Johnson City Swimming Pool Regulations



Chapter 300. Zoning

Part 5. Development Standards

Article 53. Setbacks, Yards, and Encroachments

§ 300-53.16. Swimming pools.

- A. Noncommercial aboveground or in-ground swimming pools may be permitted subject to the issuance of a permit by the Code Enforcement Officer, who, when giving such approval, shall certify that the following regulations are complied with:
- (1) All swimming pools shall meet the minimum side and rear yard requirements of the district in which they are located.
 - (2) A plot plan indicating elevations with dimensions drawn to scale shall be submitted for approval. The plot plan shall also show:
 - (a) Pool dimensions, depth and volume in gallons.
 - (b) Type and size of filtering system.
 - (c) Location of filtering system and motor.
- B. Safeguards: aboveground pool. Any artificial pool or structure intended for wading, bathing or swimming purposes which is so constructed as to be above grade and which has a ladder or steps in order to obtain access to said pool shall be subject to the requirements that whenever said pool is not attended by a person of suitable age, that said steps or ladder to obtain access to said pool shall be removed, raised or screened so that a person may not gain access to said pool.
- C. Any aboveground swimming pool whose structure is less than four feet in height must be safeguarded with a permanent protective fence, said fence to be installed so as to encompass the entire perimeter of the swimming pool. Said fence shall be structurally sound, durable and must be maintained in such a condition. Said fence shall be a minimum of 48 inches in height and shall be of wooden or metal construction. All openings in said fence shall be so constructed as to prohibit the passage of a two-inch-diameter sphere. The entrance gate or gates shall have a self-latching device and, except for ingress and egress to and from the swimming pool area, must be kept closed at all times.
- D. Safeguards: in-ground pool. No person or persons, association or corporation shall maintain an in-ground swimming pool, as defined herein, without first safeguarding such swimming pool with a permanent protective fence, said fence to be installed so as to encompass the entire perimeter of the swimming pool. Said fence shall be structurally sound, durable and must be maintained in such condition. Said fence shall be a minimum of 48 inches in height. All openings in said fence shall be so constructed as to prohibit the passage of a two-inch-diameter sphere. The entrance gate or gates shall have a self-latching device and, except for ingress and egress to and from the swimming pool area, must be kept closed at all times.

SECTION R326
SWIMMING POOLS, SPAS AND HOT TUBS

[NY] R326.1 General. The provisions of this section shall control the design and construction as well as substantial modification of swimming pools, spas and hot tubs installed in or on the lot of dwellings regulated under this code, and detached one- and two-family dwellings classified as Group R-3 and constructed under the *Building Code of New York State*.

Exception: Communal pools for the shared use of multiple townhouse units shall be regulated by the *Building Code of New York State*.

[NY] R326.1.1 Compliance with other sections. Swimming pools, spas and hot tubs shall comply with this section and other applicable sections of this code. The requirements of this section and of the other applicable sections of this code shall be in addition to, and not in replacement of or substitution for, the requirements of other applicable federal, state and local laws and regulations, including, but not necessarily limited to the requirements of Section 8003 (Federal swimming pool and spa drain cover standard) of Title 15 of the United States Code (CPSC 15 USC 8003), where applicable.

[NY] R326.2 Definitions. For the purpose of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

BARRIER, PERMANENT. A fence, the walls of a permanent structure, any other structure or combination thereof which completely surrounds the swimming pool and sufficiently obstructs access to the swimming pool.

BARRIER, TEMPORARY. An approved temporary fence, permanent fence, the walls of a permanent structure, any other structure, or any combination thereof that sufficiently prevents access to the swimming pool by any person not engaged in the installation or construction of the swimming pool during its installation or construction.

HOT TUB. See "Spa."

RESIDENTIAL. That which is situated on the premises of dwellings regulated under this code, and detached dwellings classified as R-3 and constructed under the *Building Code of New York State*.

SPA. A portable or nonportable structure intended for recreational or therapeutic bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product. Spas are shallow in depth and are not designed for swimming or diving.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the pool alarm provisions of this section, damage of any origin sustained by a swimming pool, whereby the cost 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.

SUBSTANTIAL MODIFICATION. For the purpose of determining compliance with the pool alarm provisions of this section, any repair, alteration, 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 improvement or repair is started. If a swimming pool has sustained substantial damage, any repairs are considered substantial modification regardless of the actual repair work performed.

SUCTION OUTLET. A fitting, fitting assembly, cover/ grate, sump, and related components that provide a localized low-pressure area for the transfer of water from a swimming pool.

SWIMMING POOL. Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable

[NY] R326.4.1.2.1 Replacement extension. Subject to the approval of the *building official*, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

[NY] R326.4.2 Permanent barriers. Swimming pools shall be completely enclosed by a permanent barrier complying with Sections R326.4.2.1 through R326.4.2.6.

[NY] R326.4.2.1 Barrier height and clearances. The top of the barrier shall be no less than 48 inches (1219mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier may be at ground level, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the barrier shall comply with Sections R326.4.2.2 and R326.4.2.3.

[NY] R326.4.2.2 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.

[NY] R326.4.2.3 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 (1143mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 13/4 inches (44 mm) in width.

[NY] R326.4.2.4 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 be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 13/4 inches (44 mm) in width.

[NY] R326.4.2.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 21/4 inch (57mm) square, unless the fence has vertical slats fastened at the top or the bottom which reduce the openings to not more than 13/4 inches (44 mm).

[NY] R326.4.2.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 13/4 inches (44 mm).

[NY] R326.4.2.7 Gates. Gates shall comply with the requirements of Sections R326.4.2.1 through R326.4.2.6, and with the following requirements:

[NY] R326.4.2.7.1 Self-closing and opening configuration.

All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.

[NY] R326.4.2.7.2 Latching. All gates shall be selflatching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from grade, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.

[NY] R326.5.1 Compliance. Suction outlets shall be designed and installed in accordance with the requirements of CPSC 15 USC 8003 and ANSI/APSP/ICC 7, where applicable.

[NY] R326.6 Suction outlets. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

[NY] R326.6.1 Compliance alternative. Suction outlets may be designed and installed in accordance with ANSI/APSP/ICC 7.

[NY] R326.6.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch by 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers.

[NY] R326.6.3 Atmospheric vacuum relief system required. 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. This vacuum relief system 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.

[NY] R326.6.4 Dual drain separation. Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the 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.

[NY] R326.6.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

[NY] R326.7 Swimming pool and spa alarms, applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm. Pool alarms shall comply with ASTM F2208 (Standard Specification for Pool Alarms), and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

Exceptions:

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346.

[NY] R326.7.1 Multiple alarms. A pool alarm 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 provided.

[NY] R326.7.2 Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

[NY] R326.7.3 Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.