

JACQUELINE M. IZZO  
Mayor



MARK DOMENICO  
Director

**DEPARTMENT OF CODE ENFORCEMENT**  
**Swimming Pools and Spas**

This Information shall be provided by the applicant in order to process the permit application. **NOTE: Please pick up and use the "Pool Packet" for requirements prior to submitting this application. Any pool (including inflatable or plastic, capable of holding 24" of water or more) must follow these regulations.**

1. Address of the property. \_\_\_\_\_
2. Name, address, phone # of property owner. \_\_\_\_\_

**NOTE: If you are not the property owner (Tennant), a notarized letter approving the project is required from the property owner.**

3. Name and # of the applicant (if Different). \_\_\_\_\_
4. Name, address, phone # of Contractor \_\_\_\_\_

• **An approved third party electrical inspection is required. Ask for approved list.**

5. Please note insurance requirement submitted: Workers Comp \_\_\_\_\_ CE-200 \_\_\_\_\_ BP-1 \_\_\_\_\_
6. Approximate cost of work being performed \$ \_\_\_\_\_
7. A **Site Plan** that illustrates the following information (attachment)
  - a. A scaled plan of the swimming pool footprint size and the dimensions from the walls of the structure to the property lines. **NOTE: Above ground pools must be a minimum of 10' from the rear/side lot lines and in ground pools must be at least 5' away.** Include the house and any garages in the diagram as well as property address.
  - b. A diagram showing the location of the pool, fence, gates, plus the fence style and height. The gates **must** swing out from the pool and be self-closing and latching.

8. Is the pool an above ground (AG) or in ground (IG) pool AG    IG

**If above ground:** What is the height above grade measured within 3' of the walls? \_\_\_\_\_

9. Will the pool have an attached deck installed? Yes    No

**If Yes:** A Deck Permit application must be filled out separately.

**NOTE: Elevated decks 30" or higher above grade must be at least 10' from the property lines.**

10. Is there direct access into the pool area from the house or garage? Yes    No
11. Are there overhead powerlines over the location of the pool? Yes    No
12. Is this pool a diving (D) or non-diving (ND) pool? D      ND
13. Will a powered safety cover be installed on the pool? Yes    No
14. Is the pool equipped with a pool water heater? Yes    No

**Signature of Applicant** \_\_\_\_\_ **Date** \_\_\_\_\_

*For Official Use Only*

- |   |     |    |
|---|-----|----|
| <i>Rome Zoning Board of Appeals approval required</i> | Yes | No |
| <i>Rome Planning Board approval required</i>          | Yes | No |
| <i>Rome Historic District approval required</i>       | Yes | No |

**Date Received:** \_\_\_\_\_ **Reviewed by:** \_\_\_\_\_

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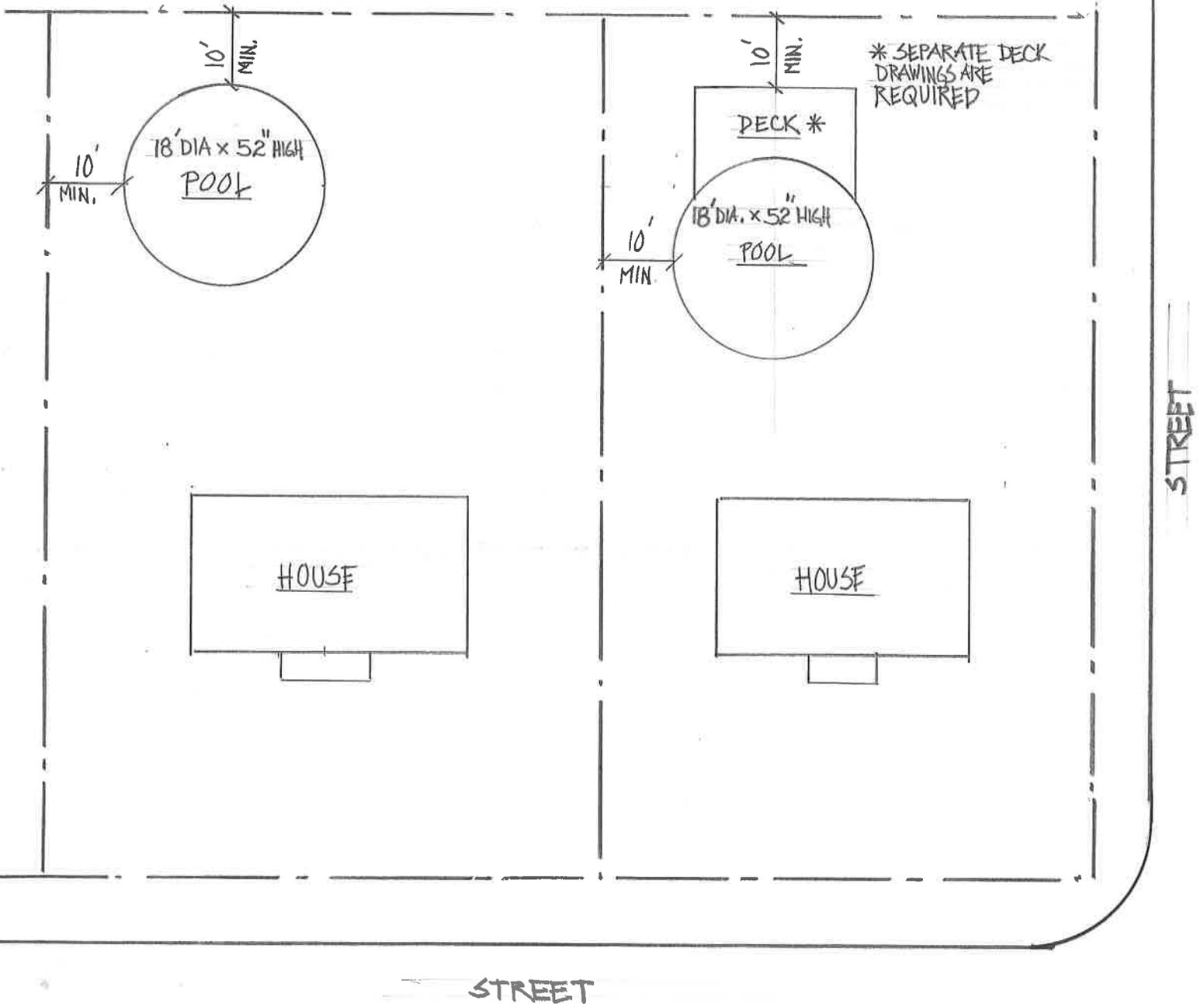
**DEPARTMENT OF CODE ENFORCEMENT**

**Swimming Pools and Spas Sample Site Plan**

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Address of the property. \_\_\_\_\_



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## DEPARTMENT OF CODE ENFORCEMENT

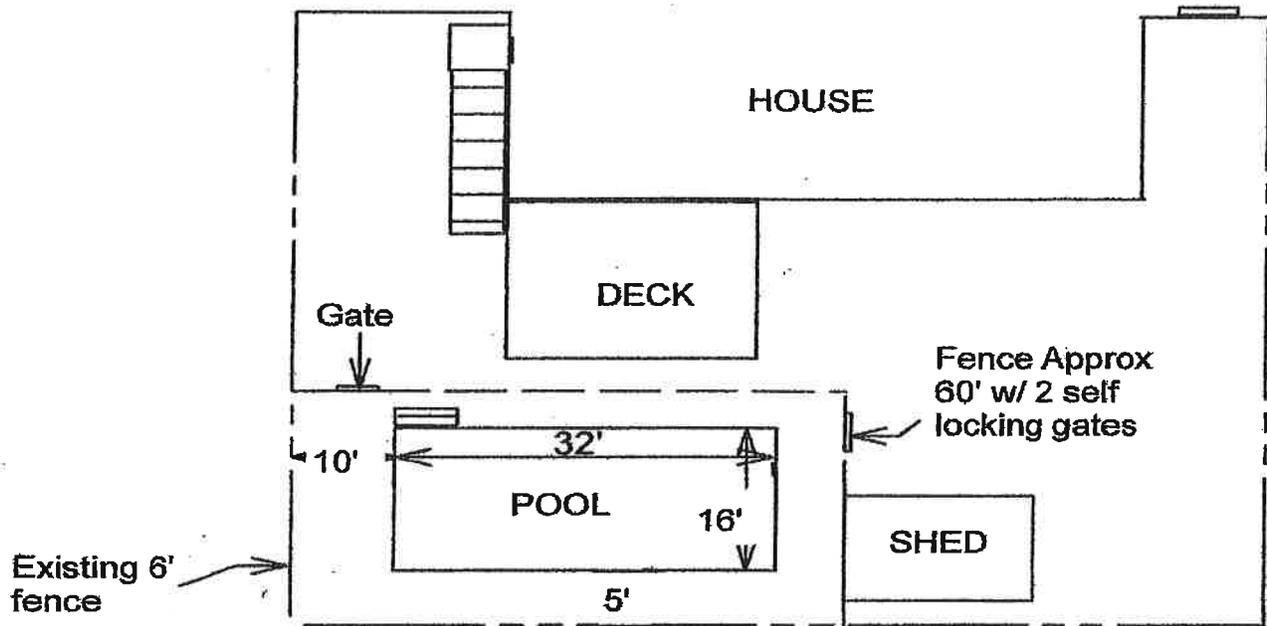
### Swimming Pools and Spas Sample Site Plan

This Information shall be provided by the applicant in order to process the permit application.

**NOTE:** Please pick up and use the "Pool Packet" for requirements prior to submitting this application. Any pool (including inflatable or plastic, capable of holding 24" of water or more) must follow these regulations.

Address of the property \_\_\_\_\_

1. Height and style of fence \_\_\_\_\_
2. Brand of self-closing devices \_\_\_\_\_
3. Brand and style of pool alarm \_\_\_\_\_



NOT TO SCALE

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**DEPARTMENT OF CODE ENFORCEMENT**

**Swimming Pools and Spas Site Plan**

This Information shall be provided by the applicant in order to process the permit application.

**NOTE: Please pick up and use the "Pool Packet" for requirements prior to submitting this application. Any pool (including inflatable or plastic, capable of holding 24" of water or more) must follow these regulations.**

Address of the property. \_\_\_\_\_

1. Height and style of fence \_\_\_\_\_
2. Brand of self-closing devices \_\_\_\_\_
3. Brand and style of pool alarm \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

*For Official Use Only:*

*Date Received:* \_\_\_\_\_

*Reviewed by:* \_\_\_\_\_



**Code Outreach Program – Swimming Pools for Buildings  
Governed by the 2015 International Residential Code**

The swimming pool season is fast approaching. This edition of the Code Outreach Program focuses on some of the frequently asked questions related to swimming pools, spas, and hot tubs for buildings governed by the 2015 International Residential Code.

Section R326 of the 2015 International Residential Code (2015 IRC) is amended in its entirety by Chapter 2, Item 2.24, Section R326 of the 2017 Uniform Code Supplement, by providing New York State specific requirements for new swimming pools, spas, and hot tubs. Section 303 of the 2015 International Property Maintenance Code (2015 IPMC) is amended by the addition of new Sections 303.3 through 303.8 by Chapter 8, Item 8.6 of the 2017 Uniform Code Supplement for existing swimming pools, spas, and hot tubs. Below are some frequently asked questions pertaining to these code sections:

**Can a safety cover be substituted for the requirements of R326.5 “Barrier Requirements”?**

A safety cover that complies with ASTM F 1346 can be substituted for a permanent barrier for spas and hot tubs only, not swimming pools (R326.5.6). A powered safety cover that complies with ASTM F 1346 can substitute the requirement for an alarm and/or a self-closing device on a door that has direct access to a pool, in situations where the dwelling serves as part of the barrier (R326.5.3 (9)). Lastly, an automatic power safety cover on a swimming pool or, a safety cover on a spa or hot tub can be substituted for the requirements of a pool alarm, if such cover complies with ASTM F1346 (R326.7.1).

**Can a neighbor’s fence be used as part of the barrier for a swimming pool?**

The owner of the pool is responsible for maintaining a barrier in compliance with Section 303 of the 2015 IPMC, as modified by the 2017 Uniform Code Supplement. An owner can use a portion of a neighbor’s fence as a barrier, provided the entire fence is installed and maintained in accordance with the barrier requirements of the code. However, should the neighbor’s fence become noncompliant, the pool owner is still required to maintain a code-compliant barrier by installing a new fence or by providing another form of a compliant barrier.

**If I drain my swimming pool, do I still need to maintain a barrier around it?**

A swimming pool is defined in Section R326.2 of the 2015 IRC as amended by the 2017 Uniform Code Supplement as *“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 of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and, fixed-in-place wading pools.”* Draining a pool in and of itself does not remove it from the definition and therefore, would still require a barrier to be maintained.

**When do I need to install a barrier around my new pool?**

An outdoor swimming pool, including an in-ground, above-ground, or on-ground pool, hot tub, or spa, shall be surrounded by a temporary barrier during installation or construction, which shall remain in place until a permanent barrier in compliance with Section R326.5.3 is provided. The temporary barrier shall be replaced within 90 days of either of the following: the date of issuance of the building permit for the installation or construction of the swimming pool, or, commencement of the installation or construction of the swimming pool. The CEO may extend this time frame for good cause, including, but not limited to, adverse weather conditions which delay construction (R326.5.2).

DBSC is preparing updates to the swimming pool information provided on it’s website. The Division anticipates that the update will be completed by the end of May 2018.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

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**DBSC - A Division of Department of State  
OFPC – An Office of the Division of Homeland Security & Emergency Services**

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If you have questions pertaining to the Code Outreach Program, email us at [COP.codes@dos.ny.gov](mailto:COP.codes@dos.ny.gov)

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: [codes@dos.ny.gov](mailto:codes@dos.ny.gov).

To cancel your subscription to this email list, click on the unsubscribe link found [here](#).

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**DEPARTMENT OF CODE ENFORCEMENT**  
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# City of Rome Code Enforcement Department Pool Permitting Guidelines

Updated: March 2015

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## Overview

The Code Enforcement office is responsible for enforcement of building codes, enforcement of zoning code, and issuance building permits and their required inspections. The City of Rome Common Council has adopted the New York State Uniform Fire Prevention and Building Code for the administration and enforcement of all construction and maintenance of existing properties. Permits issued through the Codes Department are available daily between 8:30am and 4:30pm **by appointment**.

All pool projects that require a building permit must conform to the New York State Uniform Fire Prevention and Building Code. Prior to issuing pool permits the code enforcement department will perform a site visit, evaluate required submittals for compliance and determine if the proposed land use is consistent with the zone district. A project may be subject to an approval by the Zoning Board of Appeals. Pending zoning and code requirement compliance, a building permit will be issued. If approval is required by the zoning board, additional time will be required as they meet on the first Wednesday of the month.

## Contact Information

City Hall Annex

Code Enforcement Office  
198 N. Washington Street  
Rome, NY 13440  
Phone: (315) 339-7642  
Fax: (315) 339-7638

<http://www.romenewyork.com/>

Dan Carpenter  
Assistant Building Inspector  
Phone: (315) 838-1719  
[dcarpenter@romecitygov.com](mailto:dcarpenter@romecitygov.com)

## **What Is Zoning And Why Is It Important?**

Zoning regulates the use of land and the location of structures on the property. The City of Rome is segmented into a variety of zone districts, each of which has permitted uses and development standards. These zone districts range from industrial districts to preservation districts and were designed to provide a framework for orderly development and land use within the city. Compliance with the City of Rome Zoning Ordinance is the first step in any pool installation process. For a complete description of the zoning districts, permitted uses and development standards for each zone district, visit <http://www.municode.com/Resources/gateway.asp?pid=10285&sid=32/> and particularly Chapter 80 ZONING CODE.

## **What If the Proposed Pool Project Is Not Permitted In The Zone District?**

An appeal process is established to for people who seek relief from the zoning requirements in the form of a variance. An application is made to the Zoning Board of Appeals through coordination with the Code Enforcement Office. The Zoning Board of Appeals is a volunteer board appointed by the Mayor that meets monthly, reviews applications and rules on the appeals after evaluating required evidence depicting an unreasonable hardship or restriction on the applicant. Applications to the Zoning Board of Appeals that fail will need to reconsider their project or made zoning compliant modifications to the plan. The zoning board of appeals meets the first Wednesday of each month with applications due the first of the preceding month.

## **Who Applies For The Pool Permit?**

The owner of the home or the contractor doing the pool installation must apply for the permit. New York State law requires that all contractors provide proof of worker's compensation insurance when applying for the building permit. Contractors that are sole proprietors that may be exempt must submit a Certificate of Attestation of Exemption from NYS Worker's Compensation. Application is on line at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp> . Home owners performing the work will be required to complete a BP-1 form and have their signature notarized. Building inspectors are required to contact the NYS Worker's Compensation Board if violations are witnessed.

## **Can The Home Owner Perform The Pool Installation?**

The home owner is authorized to physically perform all work for which they believe are qualified. All plumbing work must be performed by a City of Rome licensed plumber with the exception of replacement of domestic fixtures and hot water tanks. See Appendix C for a list of City of Rome licensed plumbers.

All electrical work must be inspected by a certified inspection agency with certification submitted to the Codes Office. See Appendix B for a list of certified electrical inspection agencies.

## **Pool Permits**

All pools with a depth of greater than twenty four (24) inches require a pool permit from the City of Rome. This includes in-ground pools, above ground pools and soft-side pools commonly known as inflatable pools. In addition to New York State Building Code requirements, zoning plays a role in the issuance of a pool permit. Before purchasing a pool or contracting to have one installed, a pool permit application is an essential first step.

## **Pool Zoning Requirements**

The following zoning requirements must be considered prior to applying for a pool permit. Failure to consider these requirements and plan accordingly can result in an additional two month delay in the project. Parcels located on the intersection of two streets are considered and corner lot and by default have two front yards.

### **In Ground Pools**

- All in ground pools must be located in the side or rear yard
- All in ground pools must be located a minimum of five (5) from the side or rear lot line

### **All Above Ground Pools Including Soft-side Pools**

- All above ground pools must be located in the side or rear yard
- All in ground pools must be located a minimum of ten (10) from the side or rear lot line

## **Construction Requirements**

Installation of pools, spas, or hot tubs must meet the following construction requirements from the following New York State Residential Code sections.

## **SECTION G102 DEFINITIONS**

**G102.1 General.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

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

**BARRIER TEMPORARY.** An approved temporary fence, permanent fence, the wall of a permanent structure, any other structure, or any combination thereof that 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 "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.

**SUBSTANTIAL DAMAGE.** For the purpose of determining compliance with the pool alarm provisions of this appendix, 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 appendix, 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.

**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 of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

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

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

## **SECTION G103 SWIMMING POOLS**

**G103.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

**G103.2 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 AG108.

## **SECTION G104 SPAS AND HOT TUBS**

**G104.1 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 AG108.

**G104.2 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 AG108.

## SECTION G105 BARRIER REQUIREMENTS

**G105.1 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.

**G105.2 Temporary barriers.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section AG105.3 is provided.

### Exceptions:

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section AG105.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

**G105.2.1 Height.** The top of the temporary 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.

**G105.2.2 Replacement by a permanent barrier.** A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

**G105.2.2.1 Replacement extension.** Subject to the approval of the code enforcement 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.

**G105.3 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by 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 above-ground 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  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  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  $1\frac{3}{4}$  inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a  $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  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  $1\frac{3}{4}$  inches (44 mm).

8. Gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and with the following requirements:

8.1. 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.

8.2. All gates shall be self-latching, 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 the bottom of the gate, 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.

8.3. All gates 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.

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 F 1346; or

9.2. 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/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are 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 touch pad or switch, to temporarily deactivate the alarm for a single opening. 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 above-ground 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:

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.

**G105.4 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

**G105.5 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

**G105.6 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 G106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

**G106.1 General.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

**G106.1.1 Compliance alternative.** Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

**G106.2 Suction fittings.** Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch × 23 inch (457mm by 584 mm) drain grate or larger, or an approved channel drain system.

**Exception:** Surface skimmers

**G106.3 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.

**G106.4 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.

**G106.5 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).

## **SECTION G107 SWIMMING POOL AND SPA ALARMS**

**G107.1 Applicability.** A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

### **Exceptions:**

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346, as listed in Section AG109.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346, as listed in Section AG109.

Pool alarms shall comply with ASTM F2208, as listed in Section AG109, and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

**G107.2 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.

**G107.3 Alarm activation.** Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

**G107.4 Prohibited alarms.** The use of personal immersion alarms shall not be construed as compliance with this section.

# FROM THE 2017 SUPPLEMENT

## SECTION R326.3 SWIMMING POOLS

**R326.3.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5.

**R326.3.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4.

## SECTION R326.4 SPAS AND HOT TUBS

**R326.4.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 (Standard for Permanently Installed Residential Spas, 1999).

**R326.4.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.

## SECTION R326.5 BARRIER REQUIREMENTS

**R326.5.1 Application.** The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

**R326.5.2 Temporary barriers.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section R326.5.3 is provided.

### Exceptions:

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section R326.5.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

**R326.5.2.1 Height.** The top of the temporary 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.

**R326.5.2.2 Replacement by a permanent barrier.** A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

**R326.5.2.2.1 Replacement extension.** Subject to the approval of the code enforcement 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.

**R326.5.3 Permanent barriers.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by 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 above-ground 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  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  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  $1\frac{3}{4}$  inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a  $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  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  $1\frac{3}{4}$  inches (44 mm).

8. Gates shall comply with the requirements of Section R326.5.3, Items 1 through 7, and with the following requirements:
  - 8.1. 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.
  - 8.2. All gates shall be self-latching, 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 the bottom of the gate, 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.
  - 8.3. All gates 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.
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 F 1346; or
  - 9.2. 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/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are 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 touch pad or switch, to temporarily deactivate the alarm for a single opening. 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 above-ground 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:
  - 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 R326.5.3, 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.

**R326.5.4 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section R326.5.3, Item 9.

**R326.5.5 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

**R326.5.6 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this appendix.

## **SECTION R326.6 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

**R326.6.1 General.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

**R326.6.1.1 Compliance alternative.** Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

**R326.6.2 Suction fittings.** Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M, 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.

**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.

**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.

**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).

## **SECTION R326.7 SWIMMING POOL AND SPA ALARMS**

**R326.7.1 Applicability.** A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

**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.

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.

**R326.7.2 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.

**R326.7.3 Alarm activation.** Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

**R326.7.4 Prohibited alarms.** The use of personal immersion alarms shall not be construed as compliance with this section.

**SECTION R326.8  
STANDARDS**

**R326.8.1 General.** The following table lists the standards that are referenced in Section R326 that are neither listed in Chapter 44 of the 2015 IRC, nor Chapter 10 of this Supplement. The standards are listed by the promulgating agency of the standard, the standard identification, the effective date and title, and the section(s) of Section R326 that reference the standard. Referenced standards that have been incorporated by reference into 19 NYCRR Parts 1220 through 1228 are located in Chapter 10 of this Supplement. Application of referenced standards shall be as specified in Section 102.5.

<b>Standard number</b>	<b>Title</b>	<b>Where referenced</b>
<b>ASTM</b>	<b>ASTM International 100 Barr Harbor Dr, West Conshohocken, PA 19428</b>	
ASTM F2208-2008	Standard Specification for Pool Alarms	R326.7.1
<b>NSPI</b>	<b>National Spa and Pool Institute 2111 Eisenhower Avenue, Alexandria, VA 22314</b>	
ANSI/NSPI-3-99	Standard for Permanently Installed Residential Spas	R326.4.1
ANSI/NSPI-4-99	Standard for Above-ground/On-ground Residential Swimming Pools	R326.3.2
ANSI/NSPI-5-03	Standard for Residential In-ground Swimming Pools	R326.3.1
ANSI/NSPI-6-99	Standard for Residential Portable Spas	R326.4.2
<b>UL</b>	<b>Underwriters Laboratories, Inc.</b>	

## Electrical Requirements

All pools have electrical requirements to operate pumps, heaters and convenient outlets and if installed incorrectly can lead to serious injury or death. A conductive path for fault current can easily be established through the water to the earth. When a person in a pool touches a metallic surface that is energized, the fault-current path through the individual can be fatal. Also, a person in the pool not touching anything but the water could become part of a fault-current path. For example, if an energized device such as an electric appliance drops into the pool, an electrical potential could be established in the pool where a voltage gradient could cause the person to be surrounded by different levels of voltage in the water acting like a conductor.

For these reasons it is imperative that you engage the services of a qualified electrician and have the work inspected by one of the certified electrical inspectors detailed in appendix B prior to calling for a final inspection. The complete NYS Residential Code section regarding the electrical wiring of pools, spas, and hot tubs is available upon request.

## Required Pool Permit Application Submittals

Each application for a pool permit shall be accompanied by a site plan detailing to scale the property boundaries, existing dwelling and accessory structure(s). In cases where the proposed location is at the minimum lot setbacks a survey may be required to ensure zoning compliance.

## Issuance of Pool Permit

Upon successful review of the pool permit application appointments will be made to issue a building permit. At the time of issuance the contractor performing the installation must present one of the following:

- Proof of Workers Compensation Insurance (**Companies that employ workers**)
- Certificate of Attestation of Exemption from NYS Worker's Compensation Insurance (Form CE-200). **Sole Proprietors** may apply for exemption at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp>

If the installation is being performed by the home owner, form BP-1 must be completed and notarized. See appendix D for a copy of the BP-1 form.

City of Rome Building Inspectors are required to contact the New York State Worker's Compensation Board of any discrepancies noted as compared to the submitted worker's compensation insurance information.

Each pool permit has a fee associated with. In ground and hard side pools have a \$50 permit fee. Soft side pools have a permit fee of \$10. At the time of issuance of the permit, the City will also collect a \$100 deposit check made out to the City of Rome. This deposit is kept until verification that a third party electrical inspection is performed. If the third party electrical inspection is not completed within 90 days of issuance of the permit, the check will be cashed and the City of Rome will arrange for a third party electrical inspection and no further refunds will be issued. The fee must be paid at the time of issuance of the pool permit. Issuance of the pool permits gives consent to the City of Rome Code Enforcement Department to enter the property in order to perform the required building inspections.

### **Inspection of the Pool Project**

A final inspection must be called for before use of the pool can commence. At the time of final inspection, barriers, alarms, gates and latches will be inspected for compliance. A third party electrical inspection certificate must be presented at this time. A certificate of compliance which authorizes use of the pool will only be issued following successful final inspection and third party electrical inspection.