

# Pool, Spas and Hot tubs Requirements

These codes are intended to provide protection against potential drowning and near drowning by sufficiently preventing access to swimming pools, spas and hot tubs by persons outside the property, persons within the dwelling, and persons in other parts of the property not contained within the pool enclosure.

Permits are required for any swimming pools, spas and hot tubs, that are taller or with a depth **deeper than 24”inches**. See below for fence and gate requirements.

Town of Kent Zoning code regulations require that pools need to be at **least 15”ft.** from any structure or property line. <https://ecode360.com/8323614>

This section of the 2020 Residential code controls the design of barriers for swimming pools, spas and hot tubs.

For additional information please see the NYS code division web site.  
<https://www.dos.ny.gov/DCEA/currpoolreq.htm>

**Temporary barriers.** An outdoor swimming pool shall be surrounded by a temporary barrier during installation or construction that shall remain in place until a permanent barrier in compliance 2020 Residential code Section R326.4.2 is provided.

## **Exceptions:**

1. Above-ground or on-ground pools where the pool structure constitutes a barrier in compliance with Section R326.4.2.9.
2. Spas or hot tubs with a safety cover which complies with ASTM F1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa.

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

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**Barrier height and clearances.** The top of the barrier shall be no less than 48 inches 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 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, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches in width.

Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1-3/4 inches in width.

**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 or more, spacing between vertical members shall be not greater than 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1-3/4 inches in width.

**Chain link dimensions.** Maximum mesh size for chain link fences shall be 2-1/4" inch square, unless the fence has vertical slats fastened at the top or the bottom which reduce the openings to not more than 1-3/4 inches.

**Gate - 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.

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**Latching.** 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 above grade. In addition, if the latch handle is located less than 54 inches from grade, the latch handle shall be located at least **3 inches below** the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch within 18 inches of the latch handle.

**Locking.** 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.

**Dwelling wall used as a barrier.** A wall or walls of a dwelling may serve as part of the barrier, provided that the wall or walls meet the applicable barrier requirements of Sections R326.4.2.1 through R326.4.2.6, and one of the following conditions shall be met:

1. a) 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/or its screen, if present, are opened.
2. 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;

b) Operable windows in the wall or walls used as a barrier shall have a latching device located no less than 48 inches above the floor. Openings in operable windows shall not allow a 4-inch-diameter sphere to pass through the opening when the window is in its largest opened position; and

c) Where the dwelling is wholly contained within the pool barrier or enclosure, alarms shall be provided at every door with direct access to the pool; or

2. Other approved means of protection, such as self-closing with self-latching devices, so long as the degree of protection afforded is not less than the protection described above.

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**Alarm deactivation switch location.** Where an alarm is provided, the deactivation switch shall be located 54 inches or more above the threshold of the door. In dwellings required to be Accessible units, Type A units, or Type B units, the deactivation switch shall be located 48 inches above the threshold of the door.

**Pool structure as barrier.** Where an above-ground pool structure is used as a barrier, or where the barrier is mounted on top of the pool structure, the structure. The ladder or steps shall be capable of being secured, locked or removed to prevent access. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere; or  
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Residential code of NY

**Indoor swimming pool.** Walls surrounding an indoor swimming pool shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barrier.

**Entrapment protection for swimming pool and spa 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.

**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.

Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch by 23 inch drain grate or larger, or an approved channel drain system. **Exception:** Surface skimmers.

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## **[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.

## **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, 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.

**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.

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

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