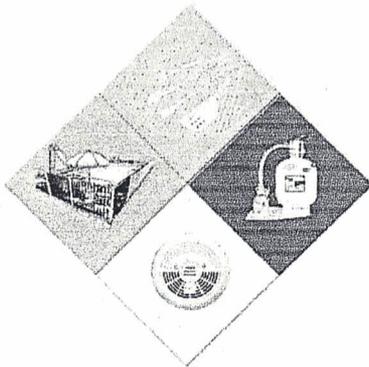


POOL FENCE

AN INVESTMENT WORTH MAKING...

AND A REQUIREMENT OF THE CODE!

Swimming pools, spas, and hot tubs are becoming more frequent in the back yards of homes across the State. While very enjoyable to the users, these places of comfort are very alluring to young children. Protection against unsupervised children is paramount in avoiding a household disaster.



Barriers like pool fences are working! In 1985, New York State started requiring pool fences when the rate of child deaths (newborn to 4 years old) soared to 17 drownings per million. By 1999, that number dropped by 95%.

When do I need a barrier?

Barriers, such as fences, are required around swimming pools, hot tubs and spas. This includes both fixed and portable units, including pre-formed or inflatable pools. The only exception is when a swimming pool is not able to contain more than 24" of water.

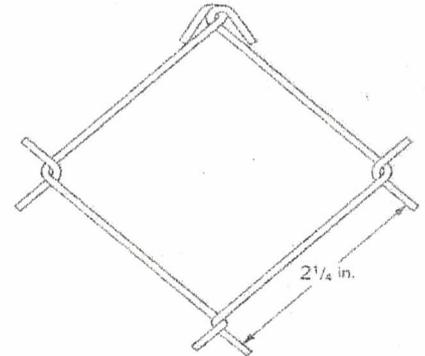
Are existing swimming pools exempt from barrier requirements?

No. All swimming pools, no matter how old, are required to have a barrier around them. The Property Maintenance Code of New York State requires an approved barrier around all swimming pools, regardless of their age.

What are the requirements for barriers?

The Residential Code of New York State and the Building Code of New York State regulate the construction parameters of barriers. Several options are available.

1. A 48" barrier shall surround the pool area. The barrier can be made using various methods including masonry, wood, or metal. Whatever method is used, it must not allow passage of children through the barrier as well as be constructed to prevent climbing.
2. For above ground pools, the side wall can be used as part of the barrier as long as the walls are 48" above the ground and the access ladder is secured. A barrier can be placed on top of the pool if it doesn't quite make the 48" by itself.
3. When the wall of a building serves as the barrier, or a portion thereof, a power operated top can be used or alarms can be placed on the doors leading to the pool area.

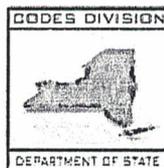
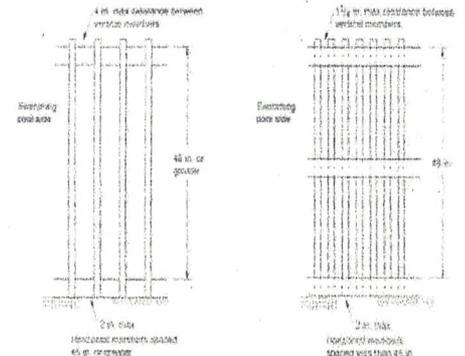


Do I need to put a barrier up to protect my hot tub or spa?

No. Hot tubs and spas are exempt from the barrier if equipped with a safety cover complying with the ASTM F1346 safety standard.

Do fences, gates and folding ladders need to be locked?

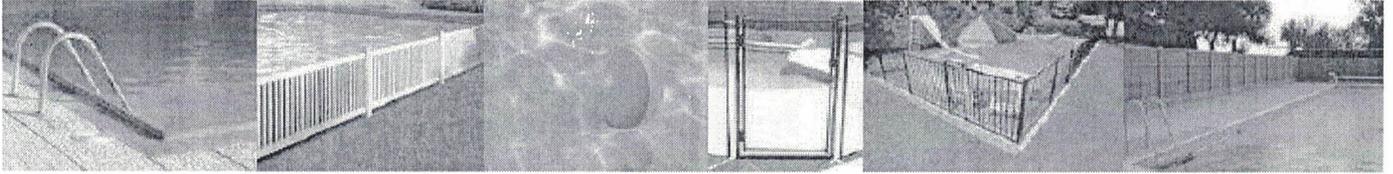
Yes. Pool gates and folding ladders do need to be locked when unsupervised. This needs to be achieved by a key, combination, or child-proof lock.



For more information, contact the Department of State Division of Code Enforcement and Administration 41 State St. Albany, NY 12231
Phone: (518)-474-4073
Fax: (518)-486-4487
<http://www.dos.state.ny.us>



Specifics on fence construction and permitted gates are found in the Residential Code of New York State and the Building Code of New York State



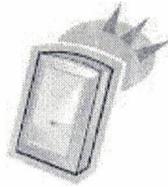
New York State Department of State Swimming Pool Rules and Regulations found in the Uniform Fire Prevention and Building Code (The "Uniform Code")



The term "**Swimming Pool**" means any structure intended for swimming, recreational bathing or wading which contains or which is designed to contain water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

A Detailed Summary of Swimming Pool Safety Requirements can be found in the DOS document titled [Current Requirements for Swimming Pools contained in the Uniform Fire Prevention and Building Code \(The "Uniform Code"\) \(htm\)](#) ([click here for PDF version](#))

Please contact your local municipality for additional Code and Zoning Requirements. Local laws regarding fencing and other safety requirements for swimming pools may be more restrictive than requirements for swimming pools contained in the Uniform Code.



Pool Alarms

Brief Summary of Alarm Requirements for Residential Swimming Pools:

Every swimming pool that is installed, constructed or substantially modified after December 14, 2006 must be equipped with an approved pool alarm which:

is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;

is audible poolside and at another location on the premises where the swimming pool is located;

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.

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 must be installed.

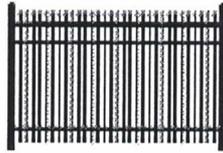
Pool alarms are not required in:

a hot tub or spa equipped with a safety cover or

any swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover

Specific Swimming Pool Alarm Requirements can be found in 19NYCRR Part 1228 or in the DOS document titled "Current Requirements for Swimming Pools contained in the Uniform Fire Prevention and Building Code (The "Uniform Code")"

New York State Department of State
Swimming Pool Rules and Regulations found in the Uniform Fire Prevention and Building
Code (The "Uniform Code")



Pool Barriers (Fences)

Brief summary of Barrier Requirements for Outdoor Residential Swimming Pools:

The barrier must completely surround the swimming pool and must obstruct access to the swimming pool.

The barrier must be at least 4 feet (48 inches) high.

In the case of an above-ground pool, the barrier may be at ground level or mounted on top of the pool structure; however, if the barrier is mounted on top of the pool structure, the space between the top of the pool structure and the bottom of the barrier cannot exceed 4 inches.

A building wall can form part of the required barrier. However, where a wall of a dwelling serves as part of the barrier, at least one of the following requirements must be satisfied:

the pool must be equipped with a powered safety cover

all doors with direct access to the pool through that wall must be equipped with an alarm

other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body

In the case of an above-ground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, 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, then:

the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier

when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.

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

Specific Barrier requirements can be found in the DOS document titled "[Current Requirements for Swimming Pools contained in the Uniform Fire Prevention and Building Code \(The "Uniform Code"\)](#)"

Barrier requirements for One-and Two-Family Dwelling Swimming Pools can be found in Appendix G, Residential Code of New York State

Barrier requirements for Residential Swimming Pools can be found in Chapter 31, Section 3109, Building Code of New York State

Barriers requirements for Public Swimming Pools can be found in Chapter 31, Section 3109, Building Code of New York State

New York State Department of State
Swimming Pool Rules and Regulations found in the Uniform Fire Prevention and Building
Code (The "Uniform Code")

Additional Pool Requirements

Additional pool requirements such as anti-entrapment devices (suction fittings), safety glazing, backflow prevention, pool heaters and other requirements may be found in the Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code of New York State or by contacting your local municipality or the Department of State Codes Division at (518)-474-4073.

Please contact your local municipality for additional Code and Zoning Requirements. Local laws regarding fencing and other safety requirements for swimming pools may be more restrictive than requirements for swimming pools contained in the Uniform Code.

New York State Department of Health

Additional Pool requirements can be found at the NYS Department of Health Website at <http://www.health.state.ny.us/nysdoh/phforum/nyocr10.htm> (click on *Table of Contents* then *NEXT* till SUBPART 6-1 SWIMMING POOLS.) Subpart 6-1 does not apply to swimming pools, or other bathing facility, owned and/or maintained by an individual for the use of family and friends.

Helpful Pool Safety Links



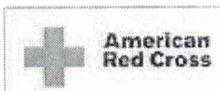
NYS Department of Health
Website
<http://www.health.state.ny.us>



US Consumer Product Safety Commission (CPSC)
(Swimming Pool Safety Tips)
www.cpsc.gov/CPSC/PUB/PREREL/prhtml74/74056.html



CPSC Pool and Spa Safety Publications
www.cpsc.gov/CPSC/PUB/PUBS/chdrown.html



The American Red Cross
www.redcross.org



National Safe Kids Campaign
www.safekids.org



Centers for Disease Control
<http://www.cdc.gov>



NSF International
<http://www.nsf.org>



Underwriters
Laboratories
Underwriters Laboratories
<http://www.ul.com>



APSP The Association of
Pool & Spa Professionals
National Spa and Pool Institute
<http://www.nspi.org>