

# **Bureau of Code Enforcement**

## **The City of Troy, NY**

### **Residential Swimming Pool Regulations (as of May 2007)**

#### **Permit required**

- A permit will be required for all pools or spas that have a water level deeper than 24 inches.
- For inground pools the contractor must obtain the permit.
- For above ground pools the owner may obtain the permit. If a contractor is hired we will also accept a letter (on company letterhead) allowing the owner to sign the permit in their name.

#### **Application for permit**

The following must be submitted to this office when applying for a permit.

1. If a contractor is listed on the permit liability insurance, workers compensation and disability must be on file. Ask for our insurance document, which will explain these requirements in detail.
2. A site plan. Please provide 2 copies. It should be neatly drawn to scale on an 8 ½" by 11" (minimum) sheet of paper. The site plan must include:
  - Property lines of the lot and their dimensions.
  - Location of the house and any accessory structures (garages, sheds, etc.)
  - Proposed location of the pool. The size of the pool. The distances from the pool to adjacent property lines and to the house. (The minimum distance from the pool to adjacent property lines and the main building is 8 feet).
  - Location and type of existing and proposed overhead utility wires in the vicinity of the pool.
  - Location, type and height of existing or proposed fencing around the pool area.
  - Location of any existing or proposed decks that will allow direct access to the pool.
  - Name of adjacent street, house address, owner's name, north arrow and date of drawing.
3. At least 2 photographs to show the proposed pool location and any existing fencing or deck that will be used in conjunction with the pool. For in ground pools, photographs should also illustrate the existing grading of the yard, especially if the ground slopes noticeably near the neighboring property lines.
4. Owner's agreement. See below.
5. A City of Troy, NY licensed electrician. If the homeowner is not performing this work.
6. Cost of the work.
7. Fee for the permit. Cash, check or money orders are acceptable. (Made payable to the City of Troy, NY).

## **Zoning Ordinance Requirements**

§ 285-77. Private outdoor swimming pools.

A single private outdoor swimming pool per property is permitted as an accessory use provided:

- A. That the pool is not a commercial enterprise.
- B. That no edge of the pool walls may be closer than eight feet to any property line or main building on the property. No walking surface of any deck or platform that is at or above the water level of an aboveground swimming pool and is within five feet of the pool walls may be closer than five feet to any interior lot lines.
- C. That the pool does not encroach on the front yard of the property, as required in the Zoning District.

If these requirements cannot be met, a variance must be obtained from the Zoning Board of Appeals before a permit can be issued.

## **NYS Residential Code Requirements**

§RAG102

### **DEFINITIONS**

**§RAG102.1 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 that contains 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.

## §RAG103

### SWIMMING POOLS

**§RAG103.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in §RAG107.

**§RAG103.2 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 §RAG107.

## §RAG104

### SPAS AND HOT TUBS

**§RAG104.1 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 §RAG107.

**§RAG104.2 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in §RAG107.

## §RAG105

### BARRIER REQUIREMENTS

**§RAG105.1 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.

**§RAG105.2 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 1.25-inch (32 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 §RAG105.2, 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, which are approved by the governing body, 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 §RAG105.2, 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.

**§RAG105.3 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with §RAG105.2, Item 9.

**§RAG105.4 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

**§RAG105.5 Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in §RAG107, shall be exempt from the provisions of this appendix.

### **Pool Alarm Emergency Adoption April 5, 2007**

#### **(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 Underwriter's Laboratory, Inc. (or other approved independent testing laboratory) to 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; 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.

## Homeowner's Agreement

The Code of Ordinances of the City of Troy, NY, requires that, in order to install and maintain a swimming pool, the following requirements, among others, must be met:

1. PRIOR TO FILLING THE POOL, the pool must be enclosed / fenced in accordance with the requirements of the State Uniform Code and approved by the City of Troy, NY.
2. Because an electrical current of 0.05 amperes can be fatal, th National Electrical Code requires, for 120 volt circuits, the installation of a ground-fault circuit interrupter which protects by detecting ground leakage of as little as 0.005 amperes and disconnects the circuit serving the pool within a fraction of a second.
3. No pool shall be installed near any overhead electrical conductors (electric service, telephone, cable TV or others) unless the horizontal and vertical clearances comply with the requirements of the National Electric Code. See attached diagram.
4. PRIOR TO USING THE POOL, all electric work done in conjunction with the installation of a swimming pool must be inspected and approved by an inspection agency authorized by the City of Troy, NY. See list, which follows below.

TO: Bureau of Code Enforcement, City Hall, Troy, New York 12180

I, the undersigned, am the owner of property located at \_\_\_\_\_,  
Troy, New York, and I wish to install a private swimming pool at that location.

I HAVE READ AND UNDERSTAND the above stated requirements AND I AGREE to comply with them fully in the installation, operation and maintenance of the swimming pool.

\_\_\_\_\_  
Owner's name (type or print)

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

### Inspection Agencies:

New York Board of Fire Underwriters, Albany, NY  
(518) 436-2122 or (518) 758-7814

Middle Department Inspection Agency, Watervliet, NY  
(518) 273-0861

Commonwealth Electrical Inspection Agency, Inc.  
Bob Meson, Troy, NY  
(518) 238-2229

The Inspector, LLC.  
Bill Ryan, Balston Spa, NY (518) 363-0181  
Rick Moon, Galway, NY (518) 882-6140  
Doug Hull, Troy, NY (518) 663-7647

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