

SWIMMING POOL  
ENCLOSURE LAW AND FACT SHEETS  
FOR  
HOMEOWNERS

**IMPORTANT NOTES**

- \* **!!! NO SWIMMING POOL, ETC. CAN BE USED WITHOUT FIRST OBTAINING THE REQUIRED CERTIFICATE OF COMPLIANCE!!!**
  
- \* **USING A SWIMMING POOL PRIOR TO ISSUANCE OF A CERTIFICATE OF COMPLIANCE IS A VIOLATION OF LOCAL LAW PUNISHABLE BY A \$1,500 FINE OR IMPRISONMENT NOT TO EXCEED 15 DAYS OR BOTH.**
  
- \***!!! NO SWIMMING POOL, ETC. CAN BE FILLED WITHOUT FIRST PROTECTING THE STRUCTURE WITH AN ENCLOSURE APPLICABLE TO THE PROJECT PER NYS CODE!!!**

**SWIMMING POOL FACT SHEET**  
(Inground and Above-Ground)

**A building permit is required for any swimming pool or exterior hot tub, whirlpool, etc. capable of holding 24" of water.**

**APPLICATION:**

To obtain the required permit, submit the following documentation to the Department of Building and Development:

1. A copy of the plot plan for the intended parcel showing the proposed location of the pool along with all applicable setback measurements from property lines.
2. A completed building permit application.

**INSPECTIONS:**

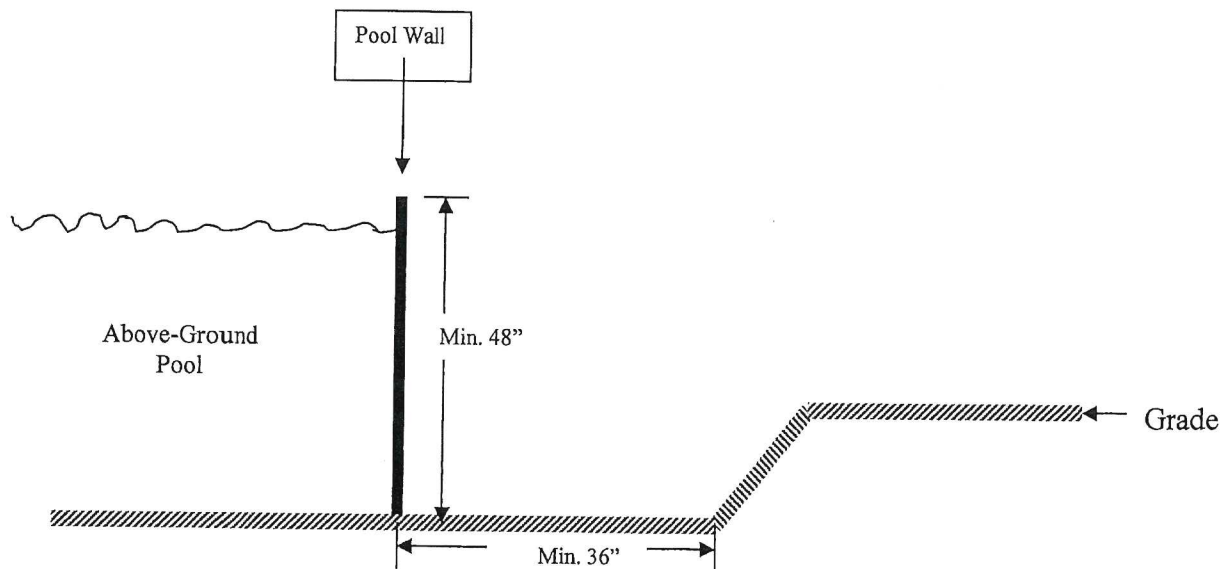
Upon issuance of the building permit, the applicant is responsible for obtaining **three** inspections as follows:

1. All pool inspections shall now include an additional inspection for verification of the pool location prior to actual installation. All applicants should be advised to call for an inspection once the pool location is established so we can verify the location meets all the setback requirements. This is to try and avoid requiring a variance after the pool is installed.
2. Electrical installation inspection - **See attached list of electrical inspectors**
3. Final inspection by the Building Department, after final electrical inspection is approved and the required enclosure is completed in accordance with the applicable New York State Code including the 2016 Uniform Code Supplement and the International Swimming Pool and Spa Code.

Upon satisfactory completion of the required inspections, a Certificate of Compliance will be issued.

## NOTE

To be exempt from the enclosure requirements of the International Swimming Pool and Spa Code, an above-ground pool must be a minimum height of 48 inches from grade to the top of the pool wall. Additionally, the surrounding grade must be level for a minimum distance of 36 inches around the sides of the pool as illustrated below.





Town of Clifton Park  
**Department of Building and Development**  
One Town Hall Plaza  
Clifton Park, NY 12065  
**518-371-6702**  
[wade@cliftonpark.org](mailto:wade@cliftonpark.org)

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## ***ELECTRICAL INSPECTIONS***

### **COMMONWEALTH ELECTRICAL INSPECTION SERVICES INC**

**1-800-801-0309**  
**518-238-2229**

### **MIDDLE DEPARTMENT INSPECTION AGENCY**

**Ray Novak**                      **518-273-0861 (7:30-9:00 am)**  
**Steve Reynolds**  
**Marty Sawyer**              **(cell 518-703-1244)**

### **THE INSPECTOR, LLC**

**David Smith**                **518-481-5300**

### **IEC NEW YORK CHAPTER, INC**

**ecnychapter.com**        **716-676-6380**

### **Z3 CONSULTANTS INC**

**Gary Beck, Jr**              **845-471-9370**

### **SMART WIRE INSPECTION GROUP**

**Bruce Campbell**        **518-441-5975**  
**cecchase8@gmail.com**

### 2015 IPMC Section 303 (Swimming pools, spas and hot tubs).

Section 303.2 of the 2015 IPMC shall be deemed to be amended to read as follows:

**303.2 Enclosures.** The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. For public swimming pools, spas and hot tubs refer to Chapter 31 of the 2015 IBC. Design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs. (Chapter 31 of the 2015 IBC references the International Swimming Pool and Spa Code for public pools and spas).

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

### 2015 IPMC Section 303 (Swimming pools, spas and hot tubs).

Section 303 of the 2015 IPMC shall be deemed to be amended by the addition of new Sections 303.3, 303.4, 303.5, 303.6, 303.7 and 303.8 to read as follows:

**303.3 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 (102mm).
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 tolerance 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 (1143mm), 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 2.25 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 Section 303.3, 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 F 1346; 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/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 immediately 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 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 Section 303.3, 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.

**303.4 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with Section 303.3, Item 9.

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

**303.6 Swimming pool and spa alarms.** Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this section.

**303.6.1 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 F 1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F 1346.

Pool alarms shall comply with ASTM F 2208 and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

**303.6.2 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.

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

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

**303.7 Temporary barriers.** An outdoor swimming pool, including an in-ground, aboveground 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 303.3 is provided.

**Exceptions:**

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section 303.3
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.

**303.7.1 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.

**303.7.2 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.

**303.7.2.1 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.

**303.8 Entrapment protection for swimming pools and spas.** Swimming pools and spas shall maintain body entrapment protections for suction outlets in accordance with the 2015 IBC or the 2015 IRC, as applicable and as amended by this supplement.

**[NY] SECTION R327  
ENERGY STORAGE SYSTEMS**

**[NY] R327.1 General.** *Energy storage systems* installed in *buildings or structures* that are subject to the provisions of this code shall be installed and maintained in accordance with Sections R327.2 through R327.11. The temporary use of an owner's or occupant's electric powered vehicle as an *energy storage system* shall be in accordance with Section R327.12.

*Energy storage system* installations exceeding the permitted aggregate ratings in Section R327.5 shall be installed in accordance with Section 1206.2 through 1206.17.7.7 of the *Fire Code of New York State*.

**[NY] R327.2 Equipment listings.** *Energy storage systems listed and labeled* solely for utility or commercial use shall not be used for residential applications.

**Exceptions:**

1. Where *approved*, repurposed unlisted battery systems from electric vehicles are allowed to be installed outdoors or in detached dedicated cabinets located not less than 5 feet (1524 mm) from exterior walls, property lines and public ways.
2. *Energy storage systems* less than 1 kWh (3.6 megajoules).

**[NY] R327.3 Installation.** *Energy storage systems* shall be installed in accordance with the manufacturer's instructions and their *listing*.

**[NY] R327.3.1 Spacing.** Individual units shall be separated from each other by at least 3 feet (914 mm) of spacing unless smaller separation distances are documented to be adequate based on large-scale fire testing complying with Section 1206.6 of the *Fire Code of New York State*.

**[NY] R327.4 Location.** *Energy storage systems* shall only be installed in the following locations:

1. Detached garages and detached *accessory* structures.
2. Attached garages separated from the *dwelling unit* living space and *sleeping units* in accordance with Section R302 of this code.
3. Outdoors on exterior walls located a minimum 3 feet (914 mm) from doors and windows.
4. Utility closets and storage or utility spaces within *dwelling units* and *sleeping units*

**[NY] R327.5 Energy ratings.** Individual *energy storage system* units shall have a maximum rating of 20 kWh. The aggregate rating shall not exceed:

1. 40 kWh within utility closets and storage or utility spaces.
2. 80 kWh in attached or detached garages and detached *accessory structures*.
3. 80 kWh on exterior walls.
4. 80 kWh outdoors on the ground.

**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.

**[V] 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.