



**TOWN OF WASHINGTON  
BUILDING DEPARTMENT**

**SWIMMING POOL, SPAS, AND HOT TUB  
BARRIER, ENCLOSURE AND ALARM AGREEMENT**

Please read each section below, referring to Section 3109 of the New York State Building code, or the Town of Washington Building Inspector, with any questions, sign page 2, and submit with your building permit application.

**Temporary barriers during construction:**

- In ground pools shall be provided with a temporary barrier during construction, measuring at least 48 inches above grade, and this temporary barrier must remain in place until a compliant permanent barrier is installed. This permanent barrier must be installed within 90 days of the installation of the swimming pool.

**Permanent Barrier requirements, outdoor swimming pools, hot tubs, or spas:**

- The top of the barrier shall be at least 48 inches above grade, as measured on the side of the barrier which faces away from the swimming pool.
- The bottom of the barrier shall be no higher than 2 inches above grade, as measured on the side of the barrier which faces away from the swimming pool.
- Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.
- No opening in the barrier shall be large enough to permit the passage of a 4 inch diameter sphere.
- Solid barriers, such as masonry walls, shall not contain indentations or protrusions, except for normal construction tolerances and tooled joints.
- 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, (for example, a split rail fence with wire mesh applied over it) the horizontal members shall be on the swimming pool side of the barrier, and the spacing between vertical members, including decorative cutouts, shall not exceed 1.75 inches.
- Where the barrier is composed of horizontal and vertical members, and the spacing between horizontal members is 45 inches or more (for example, a wrought iron fence) spacing between vertical members shall not exceed 4 inches, and spacing within any decorative cutouts (such as in a picket fence) shall not exceed 1.75 inches.
- Maximum mesh size for a chain link fence shall be a 2.25 inch square, unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than 1.75 inches.
- Barriers composed of diagonal members, such as lattice fences, shall have a maximum opening of 1.75 inches.
- For above ground pools which have walls higher than 48 inches above grade, and which serve as a permanent barrier, no additional barrier is required, however, the ladder or steps which serve as access to the pool must be either: Capable of being secured, locked or removed to prevent access, OR surrounded by an approved barrier.

- Spas or hot tubs equipped with a safety cover which complies with ASTM F 1346 shall be exempt from the above barrier requirements.

**Barrier requirements for indoor swimming pools, hot tubs, spas, or when the wall of a dwelling serves as part of the barrier:**

- The pool shall be equipped with a powered safety cover in accordance with ASTM F 1346; OR
- All doors and with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door, or its screen, are opened, the deactivation switch for which must be located 54 inches above the threshold of the door. The alarm must be listed and labeled in accordance with UL 2017.
- Operable windows in walls giving direct access to the pool must have a locking device no closer than 48 inches above the floor AND must not allow a 4 inch diameter sphere to pass through when in their largest opened position.
- Other means of protection, such as self closing doors with self latching devices, may be acceptable, as long as the degree of protection is not less than described in the door alarm requirements.

**Access gate requirements:**

- Access gates shall comply with the requirements listed above for barriers. Additionally:
- Pedestrian access gates shall open outward, away from the pool, and be self closing and self latching, and equipped with a key, combination or other sufficiently child proof lock so as to prevent access when the swimming pool is not in use or not supervised.
- Gates other than pedestrian access gates shall be self latching.
- Where the release mechanism of the self latching device is located less than 54 inches above the bottom of the gate, the release mechanism shall be: located on the pool side of the gate, and at least 3 inches below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

**Pool Alarm Requirements:**

- **Every swimming pool which is installed, constructed, or substantially modified after December 14, 2006 must be equipped with a pool alarm which:**
- Is capable of detecting a child entering the water at any point on the surface of the swimming pool, and giving an audible alarm which is audible both poolside AND inside the building in which it is monitored.
- Pool alarms must comply with ASTM F 2208.
- **The use of personal immersion alarms shall not be construed as compliance with this section.**
- Swimming pools, hot tubs and spas equipped with a safety cover classified to reference standard ASTM F 1346 are exempt from this requirement.

Please fill out and sign below, and submit with your building permit application.

I, \_\_\_\_\_ at \_\_\_\_\_  
Print Name Print Address

As an applicant for a building permit for a swimming pool, hot tub, or spa, have read the pool barrier and alarm requirements as set forth in Section 3109 of the New York State Building Code, and understand that that no Certificate of Occupancy will be issued, nor may the pool, hot tub or spa, be occupied, until I have complied with these standards.

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