

**TOWN OF CLARKSON - BUILDING DEPARTMENT**  
**Permits / Inspections / Code Enforcement**  
**Planning Board / Zoning Board of Appeals / Conservation Board**  
**3710 Lake Road, P.O. Box 858      Tel. 585-637-1145**  
**Clarkson, New York 14430      Fax 585-637-1147**

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## **SWIMMING POOL REGULATIONS**

**\*\*Temporary pools, spas, hot tubs, or tanks that have a water depth of 24 inches or greater are required to have a permit\*\***



### **Placement of Pools and Safety Information and Regulations**

- The building line of a pool shall be considered to be the inside fence of the pool wall at the normal level of the water surface. Such building line shall be not less than 10 feet from the rear lot line, not less than 10 feet from each side lot line and behind the front setback of the dwelling.
- Pools shall be located at least 10 feet horizontally from overhead electrical power lines.
- Pools cannot be placed on easements or where it may disrupt drainage patterns

### **Barrier Requirements**

At least 4 feet in height, around all outdoor swimming pools at all residential use and mixed-use properties. All existing and proposed swimming pools (including spas) that are “capable of containing water more than 24 inches deep” shall be surrounded by a barrier enclosure. However, spas which are equipped with a safety cover which complies with ASTM F1346 are exempt from the permanent barrier requirement pursuant to Executive Law §378(14).

The permanent barrier requirements for swimming pools which are newly constructed or substantially modified after May 12, 2020, apply regardless of whether a safety cover is provided. These requirements also apply to swimming pools constructed prior to May 12, 2020, as barrier requirements have been part of the Uniform Code since 1984. However, spas which are equipped with an ASTM F1346-compliant safety barrier are exempt from the permanent barrier requirements. Permanent barriers must satisfy specific requirements summarized as follows:

1. The top of the barrier must be at least 4 feet (48 inches) high.



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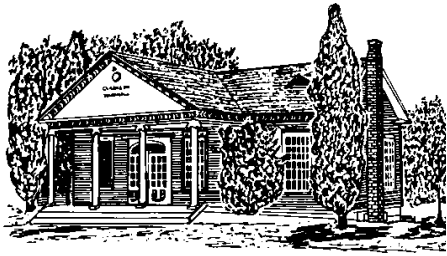
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2. The space between the bottom of the barrier and grade cannot exceed 2 inches.
3. Where the top of the pool is above grade, the barrier may be at ground level or mounted on top of the pool structure.
4. A solid barrier surface without openings, such as a masonry or stone wall, cannot contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
5. Openings in the barrier must comply with the provisions of Sections R326.4.2.3 through R326.4.2.6 of the 2020 RCNYS or Sections 3109.3.2.3 through 3109.3.2.6 of the 2020 BCNYS, as applicable.
6. Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.

**Building or dwelling wall as part of the barrier.**

A wall or walls that are part of the building or dwelling, and all the walls surrounding an indoor pool, can form part of the required barrier if they meet the barrier provisions summarized above, in addition to one of the two conditions noted below:

- a) all doors with direct access to the pool through that wall are equipped with an alarm that is listed in accordance with UL 2017, Alarms for access to pools regulated by the 2020 RCNYS shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening, the deactivation shall last for not more than 15 seconds; and
- 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. Alternatively, these sections allow the use of other approved means of protection, such as self-closing and self-latching devices, as long as the degree of protection afforded is not



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less than the protection afforded by Item 1 (described above). Pool Structure as a barrier.

In the case of an above-ground pool, where the pool structure itself serves as a part of the required barrier, or where the barrier is mounted on top of the pool structure, the pool structure shall meet the applicable barrier and gate requirements summarized in this document. If the pool is residential, then the pool structure must be designed and constructed in compliance with ANSI/APSP/ICC 4. In either case, if the means of access is a ladder or steps, then:

1. the ladder or steps shall be capable of being secured, locked or removed to prevent access, or
2. the ladder or steps shall be surrounded by a complying swimming pool barrier

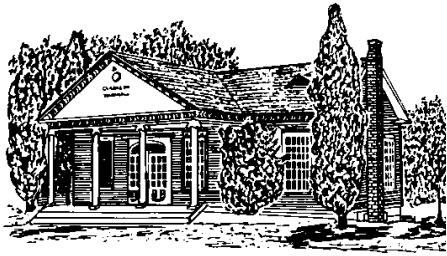
**Gates.**

Access gates must satisfy the above requirements applicable to barriers, and the additional requirements summarized below:

1. All gates must be self-closing.
2. If the gate is a pedestrian access gate, the gate must open outward, away from the pool.
3. All gates shall be self-latching, with the latch handle located within the enclosure and at least 40 inches above grade.

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 openings greater than 0.5 inches within 18 inches of the latch handle.

4. All gates must be securely locked with a key, combination, or another child-proof lock sufficient to prevent access when the swimming pool is not in use or supervised



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### **Pool Alarms**

Unless it is equipped with an automatic safety cover compliant with ASTM F1346, a swimming pool that is installed, constructed, or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm (or multiple alarms if necessary) that:

- is in compliance with reference standard ASTM F2208-2014, titled Standard Safety Specification for Residential Pool Alarms (see Section R326.7 of the 2020 RCNYS and Section 3109.5 of the 2020 BCNYS);
- is capable of detecting entry into the water and of giving an audible alarm pool side and inside the dwelling or, for a pool regulated by the 2020 BCNYS, inside the building where it is monitored as applicable (see Section R326.7.2 of the 2020 RCNYS and 3109.5.2 of the 2020 BCNYS); and
- is not a personal immersion alarm (see Section R326.7.3 of the 2020 RCNYS and Section 3109.5.3 of the 2020 BCNYS).

Pool alarms are not required in either a spa equipped with a safety cover or in a swimming pool equipped with an automatic power safety cover, where either complies with reference standard ASTM F1346-91 (2010), titled Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs

### **Building Permit Process**

The items needed to obtain a Building Permit are as follows:

- Completed Building Permit Application
- Instrument Survey Map of the property including the following information:
  - o Proposed location of the pool
  - o Dimensions and depth of the pool
  - o Workers Comp and Liability Insurance of installer, or CE-200 Form of person performing the work.



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### **Pool Permit Fees**

- In-ground Pool Building Permit Fee - \$80.00
- Above-ground Pool Fee - \$65.00
- Spa/Hot Tub Fee - \$65.00

### **After Building Permit is Issued**

- Once the Building Permit is issued it is the Homeowners' responsibility to call for a Final Inspection to be done by the Building Inspector. You can call the office at 585-637- 1145 or email: [building@clarksonny.org](mailto:building@clarksonny.org)
- Please remember before you call for the Final Inspection a copy of the Electrical Certificate will be needed for permanently installed pools.
  - An Inspection must be completed to obtain the electrical certificate through one of the following agencies:
    - Middle Department Inspection Agency – (585) 454-5191
    - Commonwealth Electrical Inspection Services – (585) 624-2380
    - New York Electrical Inspection Agency – (585) 436-4460

### **AS A REMINDER:**

The final pool inspection MUST be completed by the Building Inspector, at this time a copy of the Electrical Certificate must be obtained. **You will be unable to use the pool until the Certificate of Compliance has been issued.**

NOTE: The Above Rules are subject to change. Please call the Building Department for any questions or concerns