

## **Building Permit Requirements for Swimming Pools**

All pools, spas and hot tubs capable of holding twenty-four (24) inches of water shall require a building permit with the Village of Newark Code Enforcement Office. Each building permit application shall be accompanied by the following:

- A completed building permit application.
- A survey indicating proposed location of the proposed pool, spa or hot tub along with the associated setbacks to all property lines. From the rear and side property lines, the setback must be four (4) feet or greater. Also, all buildings, easements, power lines and other utilities shall be indicated on the map along with their respective distances to the proposed pool, spa or hot tub.
- Certificate of liability, disability and Workmen's Compensation insurance. Please list Village of Newark, 100 E Miller St, Newark NY 14513 as Certificate Holder or Additionally Insured. If Workmen's Compensation is not required, a waiver must be filed using Form WC/DB-100 (7-04).
- Plans must comply with New York State Uniform Fire Prevention and Building Codes and Chapter 62 and Chapter 170 of the Village of Newark Code. Application may be made to the Zoning Board of Appeals for a variance, if required and that application fee is \$100.00.
- Estimated cost of the pool, spa or hot tub.
- Manufacturer's information relating to size and design of pool, as well the number of gallons of water needed to fill the pool, spa or hot tub.

## **Electrical**

A Ground Fault Circuit Interrupter (GFCI) shall protect all pools requiring electrical connections.

The electrical portion of an installation of a pool, spa or hot tub shall be inspected by a Village approved third party electrical inspection agency prior to the final inspection by the Code Enforcement Officer.

## **Barrier Requirements**

The provisions of this section shall control the design of barriers for swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

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 twenty-four (24) inches of water. Hot tubs and spas are exempt from the barrier if equipped with a safety cover complying with the ASTM F1346 safety standard.

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.

- A 48 inch barrier shall surround the pool, spa or hot tub area. This 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, and should also be constructed to prevent climbing. All barriers shall meet the requirements of Section AG105 of the Residential Code of New York State.
- For above-ground pools, spas or hot tubs, the side wall can be used as part of the barrier as long as the walls are 48 inches above the ground and the access ladder is secured. A barrier can be placed on top of the pool, spa or hot tub, if it does not quite meet the 48 inch requirement by itself.
- 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, spa or hot tub area.

Spa and hot tub covers, 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.

**NOTE: Although the self-set or quick-set swimming pool (not rigid metal walls) has a 48 inch wall or greater, it does not obstruct access because it is not rigid and therefore does not meet the requirements of section AG105.2 of Appendix G of the Residential Code of New York State (RCNYS) as a barrier. The wall can easily be deflected by a child who grabs the top inflated ring.**

### **Pool Alarms**

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:

- 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 installed, used and maintained in accordance with the manufacturer's instructions;
- 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
- is not an alarm device which is located on persons(s) or which is dependent on device(s) located on person(s) for its proper operation.

### **Multiple Pool Alarms**

A pool alarm installed pursuant to subdivision (Pool Alarms) 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.

## **FEES AND CHARGES:**

Fees are per Village Board authorized fee schedule on file in the Building and Zoning Department.

Costs for the work described in the Application for Building Permit include the cost of all of the construction, and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

## **INSPECTIONS:**

Schedule inspections at least two (2) days in advance. Call (315)-331-4770, Code Enforcement Official. Office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday, except legal holidays when the office is closed.

## **OTHER:**

- A. The applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the New York State Uniform Fire Prevention and Building Code. The authority conferred by such permit may be limited by conditions.
- B. A building permit may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the New York State Uniform Fire Prevention and Building Code, or with any condition attached to such permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.
- C. A building permit shall expire twelve (12) months from the date of issuance, or upon the issuance of a Certificate of Occupancy (other than a temporary Certificate of Occupancy), whichever comes first. The Code Enforcement Official may, upon written request for good cause, allow successive extensions for periods not excluding three (3) months each, provided that (1) The permit has not been revoked or suspended at the time the application for extension is made; (2) The relevant information in the application is up to date; (3) a renewal fee of \$ 30.00 is paid with the extension request.