

Construction Code Communicator



State of New Jersey
Philip D. Murphy, Governor

Department of Community Affairs
Lt. Governor Sheila Y. Oliver, Commissioner



Volume 32, Number 2

Summer 2020

Above Ground Swimming Pools - Ladders with Attached Gates

Recently, the Code Assistance Unit has received several calls regarding companies who claim their premanufactured ladders with attached gate products meet all required state and local codes. Unfortunately, the International Swimming Pool and Spa Code (ISPSC) does not specifically recognize products, but based on the information provided by the manufacturer, the product may be able to establish compliance. For example, an above ground pool that is proposed to use a ladder with a "clamshell" cover on the outside of the pool may be in compliance with Section 305, Barrier Requirements, and for Section 702, Ladders and Stairs, the portion within the pool for entrapment purposes. This means review and inspection will still be required by the local enforcing agency in order to determine code compliance.

Lastly, in a past Construction Code Communicator (CCC) article, titled "*Swimming Pool Definition – IRC/2015*," guidance was regarding what would qualify as an above ground swimming pool and reads, in part, as follows:

As per R201.3, where terms are not defined in the IRC, such terms shall have the meanings ascribed in other publications of the International Code Council. In the case of "Swimming Pools," please visit Section 202 of the IBC/2015 where it states: SWIMMING POOL. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on- ground pools; hot tubs; spas and fixed-in place wading pools.

This remains the same in the 2018 codes. In addition, this has prompted the question: **where is the 24" measurement to be taken from?** Per the definition above, if the pool/spa can contain over 24 inches of water, it is regulated; the 24- inch measurement should be taken from the deepest point of the interior floor surface to uppermost part of the pool/spa wall.

Source: Keith Makai
Code Assistance Unit
(609) 984-7609

Swimming Pool Etiquette – 2020 Edition

Ok, here it is . . . the official scoop on all you've ever wanted to know about the Uniform Construction Code (UCC) requirements applicable to private swimming pools. Specifically, this article explains provisions for swimming pool depths, materials, barriers, and electrical requirements. Identifying the point at which a swimming pool is regulated by the 2018 edition of the International Building & Residential Code (IBC & IRC) and the Building Subcode & One- and Two-Family Dwelling Subcode has been confusing for several enforcing agencies. This article should clarify these uncertainties.

Definition/Application:

Sections 3109 of the 2018 IBC and Section R326 of the 2018 IRC require that all swimming and bathing facilities be regulated by the 2018 International Swimming Pool & Spa Code (ISPSC), except for those that are 24 inches or less in depth. This is based on the definition of "Swimming Pools" at Section 202 of the 2018 IBC; see explanation/application of this definition on page 1 within the article, "Above Ground Swimming Pools - Ladders with Attached Gates."

Barrier:

"Barrier" is defined at Section 202 of the 2018 ISPSC as "a permanent fence, wall, building wall, or combination thereof that completely surrounds the pool or spa and obstructs the access to the pool or spa. The term 'permanent' shall mean not being able to be removed, lifted, or relocated without the use of a tool." The requirements for a swimming pool barrier can be found at Section 305 of the 2018 ISPSC and modifications to the barrier requirements are noted at Section 3109/R326 of the 2018 IBC/IRC:

* Section 305.1, General, deletes the allowance for swimming pools to use a powered safety cover that complies with ASTM F1346 as a barrier.

* Section 305.4, Structure wall as a barrier, is deleted because it is redundant. If a wall of the home/building meets the other criteria of Section 305, it should be allowed as a barrier,

* Section 305.5, On ground residential pool structure as a barrier, in Item 3, deletes the allowance of removable ladder or "flip-up" stairs to be used as a barrier. At a minimum, for example, a 48" on-ground pool would require a barrier around the access ladder/stair.

A swimming pool barrier may be placed anywhere up to the property line, provided a local ordinance does not say otherwise, and as long as the pool is completely surrounded. As written, the barrier must be independent of any neighboring barrier and neighboring barriers are not to be shared for purposes of meeting pool barrier requirements.

Two conforming pool barriers may be placed back to back, provided the barriers are not climbable from either side. However, if a neighboring property contains a climbable fence or barrier, the barrier for the new pool should be placed a sufficient distance away in order to limit access to the pool. This distance should be based upon the topography of the properties. Separation distances between the fence and the barrier may range from two feet to four feet. Smaller or greater ranges may be appropriate, based upon specific circumstances.

However, it was determined back in the Winter 2008 edition of the Construction Code Communicator (and republished Winter 2017) that it is permissible to share a swimming-pool barrier, provided the local authority having jurisdiction grants a variation to do so. The variation should include a statement from the fence owner acknowledging use of his fence as a swimming-pool barrier and a statement from the pool owner acknowledging his responsibility to install a compliant barrier should the neighbor remove his fence for any reason.

The barrier should not be climbable, as per code, from the side away from the swimming pool; and if there is a swimming pool on both sides of the barrier, the barrier should not be climbable from either side.

Electrical:

The Code Assistance Unit has also encountered some confusion about whether an electrical permit is required for the installation of a swimming pool. Typically, there are two scenarios that would trigger the need for an electrical permit: [1a] if a swimming pool is capable of holding water to a depth of greater than 42 inches, OR [1b] a pool has nonmetallic, molded polymeric walls or inflatable fabric walls, regardless of dimension (definition of Storable Pool at Article 680 of the National Electrical Code/2017); or [2] if a swimming pool is equipped with permanent recirculation equipment, regardless of dimension.

Permits:

In short, it should be assumed a permit application is required to install any pool. Also, note that requirements for building, electrical and plumbing components are independent may require separate tech sections, as applicable. For example:

(continued on next page)



(Swimming Pool Etiquette – 2020 Edition)

- Building tech section required for pool that can contain water over 24 inches deep; this is not material specific (see definition for “on-ground pool” in the 2018 ISPSC).
- Electrical tech section required. However, if on-ground with nonmetallic, molded polymeric or inflatable walls, not required if all of the following conditions are met:
 - Motor/filtration pump unit is portable (no foundation/not bolted down) and can be readily disassembled from the water circulation system;
 - Motor/filtration pump unit is listed (UL, etc.) as double insulated and has a cord with a minimum of 25 feet in length;
 - Pool is capable of holding water to a maximum depth of 42 inches; and
 - Pool has no underwater lighting.

And as a friendly reminder, swimming pools receive a Certificate of Approval (not a Certificate of Occupancy). In addition, please see these related swimming pool articles:

- Swimming Pools and Spas – Plan Review & Inspections (page 7, Winter 2019 edition)
 - RE: Entrapment hazards; Pool barriers; and Bonding/grounding
- Pool Construction and Equipotential Bonding (page 15, Fall 2019 edition)
 - RE: Structural reinforcing steel in a conductive pool shell

Source: Rob Austin

Code

Assistance/Development Unit

(609) 984-7609