

**TOWN OF RED HOOK  
OFFICE OF BUILDING & ZONING**

The swimming pool season is fast approaching. This edition of the Code Outreach Program focuses on some of the frequently asked questions related to swimming pools, spas, and hot tubs for buildings governed by the 2015 International Residential Code.

Section R326 of the [2015 International Residential Code](#) (2015 IRC) is amended in its entirety by Chapter 2, Item 2.24, Section R326 of the [2017 Uniform Code Supplement](#), by providing New York State specific requirements for new swimming pools, spas, and hot tubs. Section 303 of the [2015 International Property Maintenance Code](#) (2015 IPMC) is amended by the addition of new Sections 303.3 through 303.8 by Chapter 8, Item 8.6 of the 2017 Uniform Code Supplement for existing swimming pools, spas, and hot tubs. Below are some frequently asked questions pertaining to these code sections:

**Can a safety cover be substituted for the requirements of R326.5 “Barrier Requirements”?**

A safety cover that complies with ASTM F 1346 can be substituted for a permanent barrier for spas and hot tubs only, not swimming pools (R326.5.6). A powered safety cover that complies with ASTM F 1346 can substitute the requirement for an alarm and/or a self-closing device on a door that has direct access to a pool, in situations where the dwelling serves as part of the barrier (R326.5.3 (9)). Lastly, an automatic power safety cover on a swimming pool or, a safety cover on a spa or hot tub can be substituted for the requirements of a pool alarm, if such cover complies with ASTM F1346 (R326.7.1).

**Can a neighbor’s fence be used as part of the barrier for a swimming pool?**

The owner of the pool is responsible for maintaining a barrier in compliance with Section 303 of the 2015 IPMC, as modified by the 2017 Uniform Code Supplement. An owner can use a portion of a neighbor’s fence as a barrier, provided the entire fence is installed and maintained in accordance with the barrier requirements of the code. However, should the neighbor’s fence become noncompliant, the pool owner is still required to maintain a code-compliant barrier by installing a new fence or by providing another form of a compliant barrier.

**If I drain my swimming pool, do I still need to maintain a barrier around it?**

A swimming pool is defined in Section R326.2 of the 2015 IRC as amended by the 2017 Uniform Code Supplement as *“Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and, fixed-in-place wading pools.”* Draining a pool in and of itself does not remove it from the definition and therefore, would still require a barrier to be maintained.

**When do I need to install a barrier around my new pool?**

An outdoor swimming pool, including an in-ground, above-ground, or on-ground pool, hot tub, or spa, shall be surrounded by a temporary barrier during installation or construction, which shall remain in place until a permanent barrier in compliance with Section R326.5.3 is provided. The temporary barrier shall be replaced within 90 days of either of the following: the date of issuance of the building permit for the installation or construction of the swimming pool, or, commencement of the installation or construction of the swimming pool. The CEO may extend this time frame for good cause, including, but not limited to, adverse weather conditions which delay construction (R326.5.2).