THE BOARD OF HEALTH

71 West Main St.; Dudley, MA 01571
Telephone: 508-949-8017 Fax: 508-949-8031

SWIMMING POOL APPLICATIONS
Private Septic & Well
Fee: $20

● The installer or homeowner shall provide a scale drawing of the proposed site of the pool installation. The scale drawing shall include the following:

*Property lines
*House and any accessory structures
*Wells
*Septic systems

Many properties have septic plans on file with the Board of Health; plans are usually drawn to scale.

As the applicant for above/ in-ground swimming pool permit in the Town of Dudley, I hereby agree, as owner of the property located at _____
To make sure that the installer does NOT place the pool on any sections of the septic system. For in-ground pools you must be 20 ft away from septic system. (10 ft. above ground pool)

It is the property owner's responsibility to follow all Town of Dudley regulation(s). A licensed installer is not required, but we strongly urge the services of an experienced installer be obtained. It is the owner's and installer's responsibility to make sure that the pool is placed with in the all town regulation(s). _____(itl)

Date: _____

Property Owner(s) Name (Print): _____

Address: _____

Phone: _____

Property Owner's Signature: _____

Installer Name (Print): _____

Installer Signature: _____
(Recommended, not required)

OFFICE USE

Board of Health Review Fee $20: _____ Check # _____

Approved by: _____ Title _____ Date: _____

TOWN OF DUDLEY
BUILDING DEPARTMENT

PLEASE NOTE: **ALL DEPARTMENTS NEED TO SIGN OFF BEFORE THE BUILDING DEPARTMENT WILL ACCEPT ANY APPLICATION FOR REVIEW!**

PROJECT ADDRESS: _____

Property Owners Name _____

Property Owners Address _____

Contractor/Business Name _____

Contractors Address _____

TAX COLLECTOR/ TREASURER

Unpaid bill (Contact Tax Collector for more information) _____

Completed by _____ Date _____

BOARD OF HEALTH

Approved by _____ Date _____

SEWER DEPARTMENT

Approved by: not needed Date: _____

WATER DEPARTMENT

Approved by: not needed Date _____

CONSERVATION COMMISSION

Approved by _____ Date _____

FIRE PROTECTION REVIEW

Approved by not needed Date _____

The Commonwealth of Massachusetts
Board of Building Regulations and Standards
Massachusetts State Building Code, 780 CMR

Building Permit Application To Construct, Repair, Renovate Or Demolish a *One- or Two-Family Dwelling*

FOR MUNICIPALITY USE
Revised Mar 2011

This Section For Official Use Only

Building Permit Number: _____ Date Applied: _____

_____ _____ _____
Building Official (Print Name) Signature Date

SECTION 1: SITE INFORMATION

1.1 Property Address: _____

1.1a Is this an accepted street? yes_____ no_____

1.2 Assessors Map & Parcel Numbers

_____ _____
Map Number Parcel Number

1.3 Zoning Information:

_____ _____
Zoning District Proposed Use

1.4 Property Dimensions:

_____ _____
Lot Area (sq ft) Frontage (ft)

1.5 Building Setbacks (ft)

Front Yard		Side Yards		Rear Yard	
Required	Provided	Required	Provided	Required	Provided

1.6 Water Supply: (M.G.L c. 40, §54)
Public ☐ Private ☐

1.7 Flood Zone Information:
Zone: ___ Outside Flood Zone? Check if yes☐

1.8 Sewage Disposal System:
Municipal ☐ On site disposal system ☐

SECTION 2: PROPERTY OWNERSHIP[1]

2.1 Owner[1] of Record:

_____ _____
Name (Print) City, State, ZIP

_____ _____ _____
No. and Street Telephone Email Address

SECTION 3: DESCRIPTION OF PROPOSED WORK[2] (check all that apply)

New Construction ☐	Existing Building ☐	Owner-Occupied ☐	Repairs(s) ☐	Alteration(s) ☐	Addition ☐
Demolition ☐	Accessory Bldg. ☐	Number of Units_____	Other ☐ Specify:_____		

Brief Description of Proposed Work[2]: _____

SECTION 4: ESTIMATED CONSTRUCTION COSTS

Item	Estimated Costs: (Labor and Materials)
1. Building	$
2. Electrical	$
3. Plumbing	$
4. Mechanical (HVAC)	$
5. Mechanical (Fire Suppression)	$
6. **Total Project Cost**:	$

Official Use Only

1. Building Permit Fee: $_____ Indicate how fee is determined:
☐ Standard City/Town Application Fee
☐ Total Project Cost[3] (Item 6) x multiplier _____ x _____
2. Other Fees: $_____
List: _____

Total All Fees: $_____
Check No. _____ Check Amount: _____ Cash Amount: _____
☐ Paid in Full ☐ Outstanding Balance Due: _____

SECTION 5: CONSTRUCTION SERVICES

5.1 Construction Supervisor License (CSL)

Name of CSL Holder

No. and Street

City/Town, State, ZIP

Telephone Email address

License Number Expiration Date

List CSL Type (see below) _____

Type	Description
U	Unrestricted (Buildings up to 35,000 cu. ft.)
R	Restricted 1&2 Family Dwelling
M	Masonry
RC	Roofing Covering
WS	Window and Siding
SF	Solid Fuel Burning Appliances
I	Insulation
D	Demolition

5.2 Registered Home Improvement Contractor (HIC)

HIC Company Name or HIC Registrant Name

No. and Street

City/Town, State, ZIP Telephone

HIC Registration Number Expiration Date

Email address

SECTION 6: WORKERS' COMPENSATION INSURANCE AFFIDAVIT (M.G.L. c. 152. § 25C(6))

Workers Compensation Insurance affidavit must be completed and submitted with this application. Failure to provide this affidavit will result in the denial of the Issuance of the building permit.

Signed Affidavit Attached? Yes ..... ☐ No ..... ☐

SECTION 7a: OWNER AUTHORIZATION TO BE COMPLETED WHEN OWNER'S AGENT OR CONTRACTOR APPLIES FOR BUILDING PERMIT

I, as Owner of the subject property, hereby authorize _____ to act on my behalf, in all matters relative to work authorized by this building permit application.

Print Owner's Name (Electronic Signature) Date

SECTION 7b: OWNER[1] OR AUTHORIZED AGENT DECLARATION

By entering my name below, I hereby attest under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

Print Owner's or Authorized Agent's Name (Electronic Signature) Date

NOTES:

1. An Owner who obtains a building permit to do his/her own work, or an owner who hires an unregistered contractor (not registered in the Home Improvement Contractor (HIC) Program), will ***not*** have access to the arbitration program or guaranty fund under M.G.L. c. 142A. Other important information on the HIC Program can be found at www.mass.gov/oca Information on the Construction Supervisor License can be found at www.mass.gov/dps

2. When substantial work is planned, provide the information below:

Total floor area (sq. ft.) _____ (including garage, finished basement/attics, decks or porch)
Gross living area (sq. ft.) _____ Habitable room count _____
Number of fireplaces _____ Number of bedrooms _____
Number of bathrooms _____ Number of half/baths _____
Type of heating system _____ Number of decks/ porches _____
Type of cooling system _____ Enclosed _____ Open _____

3. "Total Project Square Footage" may be substituted for "Total Project Cost"

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers

Applicant Information **Please Print Legibly**

Name (Business/Organization/Individual):_____

Address:_____

City/State/Zip:_____ Phone #_____

Are you an employer? Check the appropriate box:

1. __ I am an employer with _____ employees (full and/or part-time)*
2. __I am a sole proprietor or partner-ship and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3. __ I am a homeowner doing all work myself. [No workers' comp. insurance required.]†
4. __I am a general contractor and I have hired the sub-contractors listed on the attached sheet. I These sub-contractors have employees and have workers' comp. insurance.
5. __~ We are a corporation and its officers have exercised their right of exemption per MGL C. 152, ' 1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

6. __ New Construction
7. __Remodeling
8. __ Demolition
9. __Building Addition
10. __ Electrical repairs or additions
11. __Plumbing repairs or additions
12. __ Roof repairs
13. __ Other _____

H Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
I Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name:_____

Policy # or Self-ins. Lic. #:_____ Expiration Date:_____

Job Site Address:_____ For all FCCIP towns _____ City/State/Zip:_____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL C. 152 can lead to the imposition of criminal penalties of a fine up to $1,500.oo and /or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature:_____ Date:_____

Phone #:_____

Official use only. Do not write in this area, to be completed by city of town official.

City or Town:_____ **Permit/License #:**_____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
6. Other_____

Contact Person:_____ **Phone #:**_____

+ Insurance Liability & Copy of licenses
Fax # 508 949-8031

780 CMR 421.0 SWIMMING POOLS

(Refer to M.G.L c, 140, § 206 for further requirements pertaining to public or semi-public, outdoor, inground swimming pool enclosures, up safety equipment, inspection, and penalties for violations.)

421.1 General: Swimming and bathing pools shall conform to the requirements of 780 CMR 421.0 provided that 780 CMR 421.0 shall not be applicable to any such pool less than 24 inches (610 mm) deep or having a surface area less than 250 square feet (2,.25 m^2), except where such pools are permanently equipped with a water-recirculating system or involve structural materials. For the purposes of 780 CMR, pools are classified as private swimming pools, public swimming pools **or semi-public swimming pools,** as defined in 780 CMR 421.2.
Materials and constructions used in swimming pools shall comply with the applicable requirements of 780 CMR.

421.2 Definitions: The following words and terms shall, for the purposes of 780 CMR 421.0 and as used elsewhere in 780 CMR, have the meanings shown herein.

Pools, swimming, hot tubs and spas

Above-ground/on-ground pool: See definition of private swimming pool.
Barrier .A fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. **(Refer to MG.L c. 140, § 206 for required enclosure of public or semi-public, outdoor, inground swimming pools.)**
Hot tub (special purpose pool): A unit designed for recreational and therapeutic use which is shallow in depth aud not meant for swimming or diving. These pools are not drained, cleaned or refilled for each user. It may include, but not be limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for such a pool includes but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs, float tanks, etc. This standard excludes residential units and facilities used or under the direct supervision and control of licensed medical personnel.
In-ground pool: See definition of private swimming pool.
Private swimming pool: Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 ***or R4*** and which is available only to the family and guests of the householder. This includes in-ground, above- ground and on-ground swimming pools, hot tubs and spas.
Private swimming pool, indoor: Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.
Private swimming pool, outdoor: Any private swimming pool that is not an indoor pool.
Public outdoor, inground* swimming pool:** Any swimming pool ***which is used, or intended to be used, for swimming or recreational bathing by the general public. Refer

to M.G.L c 140, § 206for requirements pertaining to public or semi-public, outdoor, inground swimming pool enclosures, safety equipment, inspection, and penalties for violations.

Public swimming pool, outdoor: Any public swimming pool that is not defined as an outdoor, inground swimming pool.

Semi-public outdoor, inground swimming pool: (as defined by M.G.L c. 140, § 206) any swimming or wading pool on the premises of, or used in connection with, a hotel, motel, trailer court, apartment house, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities

Semi-public outdoor, inground swimming pool shall also mean a pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only. Refer to M.G.L c 140, § 206 for requirements pertaining to public or semi-public, outdoor, inground swimming pool enclosures, safety equipment, inspection, and penalties for violations.

Semi-public swimming pool, outdoor: Any semi- public swimming pool that is not defined as a semi-public outdoor, inground swimming pool.

Spa: See definition of private swimming pool.

Wading Pool: A pool of water in a basin having a maximum depth of less than two feet intended chiefly as a wading place for children. It does not include any residential pool as herein defined.

421.3 Permits and construction documents: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or *altered* until *construction documents* have been submitted and a permit has been obtained from the code official. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the code official for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the permit application.

421.3.1 Construction documents: *Construction documents* shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to *lot lines,* buildings, walks and fences in as well as details of the water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed *construction documents* of structures, vertical elevations and sections through the pool showing depth shall be included.

421.4 Locations: Private swimming pools shall not encroach on any front or side yard required by 780 CMR or by the governing zoning law, unless in accordance with specific rules of the jurisdiction in which the pool is located. A wall of a swimming pool shall not be located less than six feet (1829rnm) from any rear or side property line or ten feet (3048 mm) from any street property line, unless in accordance with specific rules of the jurisdiction in which the pool is located.

421.5 Structural design: The pool structure shall be engineered and designed to withstand the expected forces to which the pool will be subjected.

421.5.1 Wall slopes: To a dehe wall Slope shall not be more than one unit horizontal in five units vertical (1:5).

421.5.2 Floor slopes: The slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to seven units horizontal (1:7). For public pools greater than 1,200 square feet (111.6 m'), the slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to ten units horizontal (1:10). The transition point between shallow and deep water shall not be more than five feet (1524 mm) deep.

421.5.3 Surface cleaning: All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove-scum and foreign matter from the surface of the water. Where skimmers are used for private pools, there shall be at least one skimming device for each 1,000 square feet (93 mm) of surface area or fraction thereof. For public pools where water skimmers are used, there shall be at least one skimming device for each 500 square feet (55.8 m') of surface area or fraction thereof. Overflow gutters shall not be less than three inches (76 mm) deep and shall be pitched to a slope o one unit vertical to 48 units horizontal (1:48) toward drains, and constructed so that such gutters are safe, cleanable end that matter entering the gutters will not be washed out by a sudden surge of entering water.

421.5.4 Walkways: All public and semi-public swimming pools shall have walkways not less than four feet (1219 ram) in width extending entirely around the pool. Curbs or sidewalks around any swimming pool shall have a slip-resistant surface for a width of not less than four foot (305 mm) at the edge of the pool, and shall be so arranged as to prevent return of surface water to the pool.

At least one means of egress shall be provided from private pools. All public and semi-public pools shall provide ladders to other means of egress at both sides of the diving section and at least one means of egress at the shallow section; or at least one means of egress in the deep section and the shallow section if diving boards are not provided. Treads of steps and ladders shall have slip-resistant surfaces and handrails on both sides, except that handrails are not required where there are not more than four steps or where the steps extend the full width of the side or end of the pool. (Refer to 521 CMR 19.00, the Architectural Access Board's rules and regulations, for requirements pertaining to the accessibility of all public and semi-public swimming pools.)

421.6 Water supply: All swimming pools shall be provided with a potable water supply, free of cross connections with the pool or its equipment.

421.6.1 Water treatment: See 105 CMR 935.000 Minimum Standards for Swimming Pools.

421.6.2 Drainage systems: The swimming pool and equipment shall be equipped to be emptied completely of water and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.

421.7 Appurtenant structures: All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing,

heating and air conditioning systems, shall comply with all applicable requirements of 780 CMR, applicable zoning laws and requirements, 105 CMR 435.000: Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V), '48 CMR 2.00: (State Plumbing Code, and 527 CMR 12.00: the State Electrical Code. 421.7.1 Accessories: All swimming pool accessories shall be designed, constructed and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to insure stability.

421.8 Equipment installations.-Pumps, filters and other mechanical and electrical equipment for public swimming pools shall be enclosed in such a manner as to provide access only to authorized persons and not to bathers. Construction and drainage shall be arranged to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

421.9 Enclosures for outdoor, inground public and semi-public swimming pools: Outdoor, inground public and semi-public swimming pools shall be provided with an enclosure **in accordance with M. G.L c. 140, § 206.**

421.9.1 Enclosure for public and semi-public outdoor, inground swimming pools: Every public and semi-public outdoor, inground swimming pool shall be enclosed by a fence six feet in height and rumly secured at ground level provided that any board or stockade fence or structure shall be at least five feet in height, but if over f ve feet in height, the fence shall be chain link Such enclosure, including gates therein, shall not be less than six feet above the ground, and any gate shall be self-latching with latches placed four feet above the ground or otherwise made inaccessible from the outside to children up to eight years of age. Such enclosure shall be constructed of such material and maintained so as not to permit any opening in said enclosure, other than a gate, wider than three inches at any point along the enclosure.Any such pool shall be equipped with at least one life ring and rescue hook.

421.9.1.1 Enclosure for all other public and semi-public swimming pools: The enclosure shall extend not less than four feet (1219 mm) above the ground All gates shall be self-closing and self-latching with latches placed at least four feet (1219 mm) above the ground

421.9.2 Construction of enclosure for all other public and semi-public swimming pools: Enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than four inches (102 mm) in diameter through any opening or under the fence. Fences shall be designed to withstand a horizontal concentrated load of 200 pounds (91 kg) applied on a one-square-foot (0.092 mm) area at any point of the fence.

421.10 Enclosures for private swimming pools, spas and bot tubs: In lieu of any zoning laws or ordinances to the contrary, private swimming pools, spas and hot tubs shall be enclosed in accordance with 780 CMR 421.10.1 through 421 .10.4 or by other approved barriers.

421.10.1 Outdoor private swimming pool: An outdoor private swimming pool, including an in- ground, above ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following.

1. The top of the barrier shall be at least 48 inches (1219 mm) above finished ground level

measured on the side of the barrier which faces away from the swimming pool The maximum vertical clearance between finished ground level and the barrier shall be two inches (5 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above finished ground level, such as an above-ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).

2. Openings in the barrier shall not allow passage of a four-inch (102 mm) diameter sphere.

3. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. 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 (114) mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1'/4 inches (44 mm) in width. Decorative cutouts shall not exceed 1 1/4 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Decorative cutouts shall not exceed 13/4 inches (44 mm) in width.

size for chain link fences shall be a 1 1/4 inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than I 3/.-inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 13/4 inches (44 mm).

8. Access gates shall comply with the requirements of 780 CMR 421.10.1 items I through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (I i 72 mm) from the bottom of the gate: (a) the release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate, and (b) the gate and barrier shall not have an opening greater than '2/2 inch (13 mm) within l 8 inches (457 rnm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

9.1. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after

the door is opened. The alarm shall have a minimum sound pressure rating of 85 dBA at ten feet (3048 mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touchpads or switches shall be located at least 4 inches (1372 mxn) above the threshold of the door.

9 2. The pool shall be equipped with an approved power safety cover.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier which meets the requirements of 780 CMR **421.10.1 items I through 9:** A removable ladder shall not constitute an acceptable alternative to enclosure requirements.

421.10.2 Indoor private swimming pool: All walls surrounding an indoor private swimming pool shall comply with 780 CMR 421.10.1, item 9.

421.10.3 Prohibited locations: Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

421.10.4 Exemptions: The following shall be exempt from the provisions of 780 CMR 421.0.

l. A spa or hot tub with an approved safety cover.

2. Fixtures which are drained after each use.

421.11 Diving boards: Minimum water depths and distances for diving hoppers for pools. based on board height above water, shall comply with Table 421. I I (I) for public pools and Table 421. I I (2) for private pools.
The maximum slope permitted between point D2 and the transition point shall not exceed one unit vertical to three units horizontal (1:3) in private and public pools. D, is the point directly under the end of the diving boards. D2 is the point at which the floor begins to slope upwards to the transition point. See Figure 421. 11.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AG101
GENERAL

AG101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas and hot tubs installed in or on the *lot* of a one- or two-family dwelling.

AG101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Sections AG101.2.1 or AG101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AG101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the *building official*, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

AG101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

SECTION AG102
DEFINITIONS

AG102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family *townhouse* not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating *equipment* are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AG103
SWIMMING POOLS

AG103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

AG103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

AG103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high hazard areas shall be designed and constructed in conformance with ASCE 24.

SECTION AG104
SPAS AND HOT TUBS

AG104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

AG104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION AG105
BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of

the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. 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 (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1^3/_4$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1^3/_4$ inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1^3/_4$ inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a $2^1/_4$-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1^3/_4$ inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than $1^3/_4$ inches (44 mm).

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

   8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and

   8.2. The gate and barrier shall have no opening larger than $^1/_2$ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a *dwelling* serves as part of the barrier, one of the following conditions shall be met:

   9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

   9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and *labeled* in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

   9.3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved* by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

    10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

    10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AG105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION AG106
ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.