

2009 IRC Residential Pools

Pool Fences and Guards

Stratham Town Code for pool fencing and barriers. There is also the language in the IRC appendix (which has been adopted as code by the State of NH under the IRC building code) attached.

8.2 Fencing of Swimming Pools:

- 8.2.1 Purpose: To insure the health and safety of the people of the Town of Stratham and more particularly to help prevent accidental drowning and electrocutions in swimming pools.
- 8.2.2 All outdoor artificial pools which have a maximum depth of more than three feet when filled to capacity with water shall be surrounded by a wall, fence or other enclosure having a minimum height of 48 inches. If the event an artificial pool has elevated sides higher than 48 inches and it is so constructed that a child cannot easily climb the pool sides or otherwise gain access to the pool, no fencing is required.
- 8.2.3 The wall, fence or other enclosure shall be constructed so that a child will be unable to crawl under or through, or easily climb over it so that in fact, the only easy access to the pool is a gate or door. All such gates or doors shall be secured when the pool is not attended. All gates and doors shall be self-closing.
- 8.2.4 All pools hereafter constructed must comply with this Ordinance, and all existing pools must comply by July 1, 1983.
- 8.2.5 These requirements shall not apply to natural bodies of water such as ponds and streams, nor shall it apply to ponds constructed primarily for agricultural or industrial purposes.
- 8.2.6 In accordance with RSA 676:17, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be liable to pay a penalty of not more than \$275.00 for each day that the violation is in existence (Rev. 3/02).
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- 8.2.7 All such installations shall comply with National Electrical Code.
- 8.3 Barriers: All fences, walls, and similar enclosures, except trees, shrubs and natural vegetation, are subject to the restrictions of this section. All fences or enclosures surrounding an outdoor swimming pool shall also comply with Sections 8.2 of the Building Code.
- 8.3.1 Fence Permits: No fence shall be erected or replaced prior to obtaining a permit from the Building Inspector, except wire or rail fencing for agricultural use, which is exempt from the permit requirement.
- 8.3.2 Common Boundary Line Fence Permits: Common Boundary Line Fences are those placed along the common boundary line of properties. A Common Boundary Line Fence permit application shall be signed by all property owners of the land involved. The permit shall hold the town harmless from any disputes which may arise concerning such fences.

- 8.3.3 Height: Fences and walls shall not exceed six (6) feet in height.
- 8.3.4 Setback: All fences, except "Common Boundary Line Fences," shall be located at least one (1) foot from the property line. The applicant is responsible for establishing the boundary with a survey by a licensed New Hampshire surveyor.
- 8.3.5 Finished Side: Any fence within 10 feet of a lot line shall have the finished side face the abutting properties, and the side of a fence containing the posts and other bracing appurtenances shall face inward to the property on which the fence is located. For Common Boundary Line Fences, the finished side(s) shall be as designated by the property owners in the application.
- 8.3.6 Sight Distance: All fences and walls shall comply with the corner clearance requirements of Article II of the Stratham Zoning ordinance.
- 8.3.7 Town Rights-of-Way: Erection of fences within Town Rights-of-Way is prohibited. Fences abutting a right-of-way shall be set back at least one (1) foot from the right-of-way line.

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Appendix G - Swimming Pools, Spas and Hot Tubs

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 (51mm) 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 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.

SECTION AG107 ABBREVIATIONS

AG107.1 General.

ANSI-American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP-Association of Pool and Spa Professionals
NSPI-National Spa and Pool Institute
2111Eisenhower Avenue
Alexandria, VA 22314

ASCE-American Society of Civil Engineers
1801Alexander Bell Drive
Reston, VA 98411-0700

ASTM-ASTM International
100 Barr Harbor Drive,
West Conshohocken, PA 19428

UL-Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook,IL 60062-2096

SECTION AG108 STANDARDS

AG108.1 General.

ANSI/NSPI

ANSI/NSPI-3-99 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4-99 Standard for Above-ground/On-ground Residential
Swimming Pools AG103.2

ANSI/NSPI-5-2003 Standard for Residential In-ground Swimming Pools AG103.1

ANSI/NSPI-6-99 Standard for Residential Portable Spas AG104.2

ANSI/APSP

ANSI/APSP-7-06 Standard for Suction Entrapment avoidance in Swimming Pools,
Wading Pools, Spas, Hot Tubs and Catch Basins AG106.1

ASCE

ASCE/SEI-24-05 Flood Resistant Design and Construction AG103.3

ASTM

ASTM F 1346-91(2003) Performance Specification for Safety Covers and
Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs

AG105.2,
AG105.5

UL

UL 2017-2000 Standard for General-purpose Signaling Devices and Systems-with
Revisions through June 2004

AG105.2