

2025 RESIDENTIAL CODE OF NEW YORK STATE
SWIMMING POOL, SPA AND HOT TUB
MINIMUM SAFETY REQUIREMENTS
AND VILLAGE ZONING INFORMATION

ZONING INFORMATION

- All types swimming pools count in rear yard coverage
- All types swimming pools do not count in total lot coverage
- All types of swimming pools must be located in the rear yard
- All pool pumps, filter and heater equipment, patios, and water fall structures must be no closer than 4 feet to the rear and side property lines and not in the front yard.
- All types of swimming pools must be 7 feet from other structures
- All types of swimming pools must be no closer than 5 feet to the property lines
- Drywell required with 10% capacity of the pool water volume connected to pump filter system
- Maximum of two gates to the enclosed pool area.
- Fencing and gates to meet the minimum requirements of the NYS Residential

[NY] R328.4 Barriers, application.

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 sufficiently preventing access to *swimming pools, spas and hot tubs* by persons outside the property, persons within *buildings* on the property, and persons in other parts of the property not contained within the *swimming pool* enclosure.

[NY] R328.4.1 Temporary barriers.

An outdoor *swimming pool* shall be surrounded by a temporary barrier during installation or construction that shall remain in place until a *permanent barrier* in compliance with Section R328.4.2 is provided.

Exceptions:

1. Above-ground or on-ground *swimming pools* where the pool structure constitutes a barrier in compliance with Section R328.4.2.9.
2. *Spas or hot tubs* with a safety cover which complies with ASTM F1346, provided that such safety cover is in place during the period of installation or construction of such *hot tub or spa*. The temporary removal of a safety cover as required to facilitate the installation or construction of a *hot tub or spa* during periods when at least one person engaged in the installation or construction is present is permitted.

[NY] R328.4.1.1 Height.

The top of the *temporary 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*.

[NY] R328.4.1.2 Replacement by a permanent barrier.

A *temporary barrier* shall be replaced by a complying *permanent barrier* within either of the following periods:

1. Within 90 days of the date of issuance of the *permit* for the installation or construction of the *swimming pool*.
2. Within 90 days of the date of commencement of the installation or construction of the *swimming pool*.

[NY] R328.4.1.2.1 Replacement extension.

Subject to the approval of the *building official*, the time period for completion of the *permanent barrier* may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

[NY] R328.4.2 Permanent barriers.

Swimming pools, spas, and hot tubs shall be completely enclosed by a permanent barrier complying with Sections R328.4.2.1 through R328.4.2.9.

Exception: A *hot tub or spa* with a safety cover which complies with ASTM F1346 shall not be required to comply with Section R328.4.2.

[NY] R328.4.2.1 Barrier height and clearances.

The top of the barrier shall be no less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier may be at ground level, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the barrier shall comply with Sections R328.4.2.2 and R328.4.2.3.

[NY] R328.4.2.2 Solid barrier surfaces.

Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

[NY] R328.4.2.3 Closely spaced horizontal members.

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 $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than $1\frac{3}{4}$ inches (44 mm) in width.

[NY] R328.4.2.4 Widely spaced horizontal members.

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 be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than $1\frac{3}{4}$ inches (44 mm) in width.

[NY] R328.4.2.5 Chain link dimensions.

Maximum mesh size for chain link fences shall be a $1\frac{3}{4}$ inch (57 mm) square, unless the fence has vertical slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).

[NY] R328.4.2.6 Diagonal members.

Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than $1\frac{3}{4}$ inches (44 mm).

[NY] R328.4.2.7 Gates.

Gates shall comply with the requirements of Sections R328.4.2.1 through R328.4.2.6 and Sections R328.4.2.7.1 through R328.4.2.7.3.

[NY] R328.4.2.7.1 Self-closing and opening configuration.

All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the *swimming pool*.

[NY] R328.4.2.7.2 Latching.

All gates shall be self-latching. For doors and gates in barriers, the door and gate latch release mechanisms shall be in accordance with the following:

1. Where door and gate latch release mechanisms are accessed from the outside of the barrier and are not of the selflocking type, such mechanism shall be located not less than 54 inches (1372 mm) above the finished floor or ground surface.
2. Where door and gate latch release mechanisms are of the self-locking type such as where the lock is operated by means of a key, an electronic opener or the entry of a combination into an integral combination lock, the lock operation control and the latch release mechanism shall be located not greater than 54 inches (1372 mm) above the finished floor or ground surface.
3. At private pools, where the only latch release mechanism of a self-latching device for a gate is located on the pool and spa side of the barrier, the release mechanism shall be located at a point that is at least 3 inches (76 mm) below the top of the gate.

[NY] R328.4.2.7.3 Locking.

All gates shall be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the *swimming pool* through such gate when the *swimming pool* is not in use or supervised.

[NY] R328.4.2.8 Dwelling wall as barrier.



A wall or walls of a *dwelling* and its *accessory structures* may serve as part of the barrier, provided that the wall or walls meet the applicable barrier requirements of Sections R328.4.2.1 through R328.4.2.6, and one of the following conditions shall be met:

1. All of the following:
 - 1.1. Doors with direct access to the *swimming pool* through that wall shall be equipped with an alarm that 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 audible alarm shall activate within 7 seconds; sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened; and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds.
 - 1.2. Operable windows providing direct access to the *swimming pool*, having a sill height of less than 48 inches above the indoor finished floor in the wall and a sill height of less than 72 inches (1829 mm) above the adjacent exterior surface, in the wall or walls used as a barrier, shall have a latching device located no less than 48 inches (1219 mm) above the floor. Openings in operable windows which provide direct access to the *swimming pool* shall not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the window is in its largest opened position.
 - 1.3. Where the *dwelling* or *accessory structure* is wholly contained within the pool barrier or enclosure, alarms shall be provided at every door with direct access to the *swimming pool*.
2. Other approved means of protection, such as self-closing with self-latching devices, so long as the degree of protection afforded is not less than the protection afforded by Item 1 described above.

[NY] R328.4.2.8.1 Alarm deactivation switch location.

Where an alarm is provided, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible units, Type A units, or Type B units, the deactivation switch shall be located 48 inches (1219 mm) above the threshold of the door.

[NY] R328.4.2.8.2 Multiple dwelling wall as a barrier.

A wall or walls of a multiple dwelling may serve as part of the barrier, provided there is no direct access from the dwelling to the pool.

[NY] R328.4.2.9 Pool structure as barrier.

Where an above-ground *swimming pool* structure is used as a barrier, or where the barrier is mounted on top of the pool structure, the structure shall be designed and constructed in compliance with ANSI/APSP/ICC 4 and meet the applicable barrier requirements of Sections R328.4.2.1 through R328.4.2.8. Where the means of access is a ladder or steps, one of the following conditions shall be met:

1. The ladder or steps shall be capable of being secured, locked or removed to prevent access. 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.
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections R328.4.2.1 through R328.4.2.8.

[NY] R328.4.3 Indoor swimming pool.

Walls surrounding an indoor *swimming pool* shall comply with Section R328.4.2.8.

[NY] R328.4.4 Prohibited locations.

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

[NY] R328.5 Suction entrapment avoidance.

Suction outlets shall be designed and installed in accordance with the requirements of CPSC 15 USC 8003 and ANSI/APSP/ICC 7, where applicable.

[NY] R328.5.1 Suction Fittings.

Swimming pool and spa suction outlets shall have a cover that conforms to ANSI/APSP/ICC 16.

[NY] R328.6 Swimming pool and spa alarms, applicability.

A *swimming pool* or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm. Pool alarms shall comply with ASTM F2208, and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

Exceptions:

1. A *hot tub* or *spa* equipped with a safety cover which complies with ASTM F1346.
2. A *swimming pool* (other than a *hot tub* or *spa*) equipped with an automatic power safety cover which complies with ASTM F1346.

[NY] R328.6.1 Multiple alarms.

A pool alarm 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 provided.

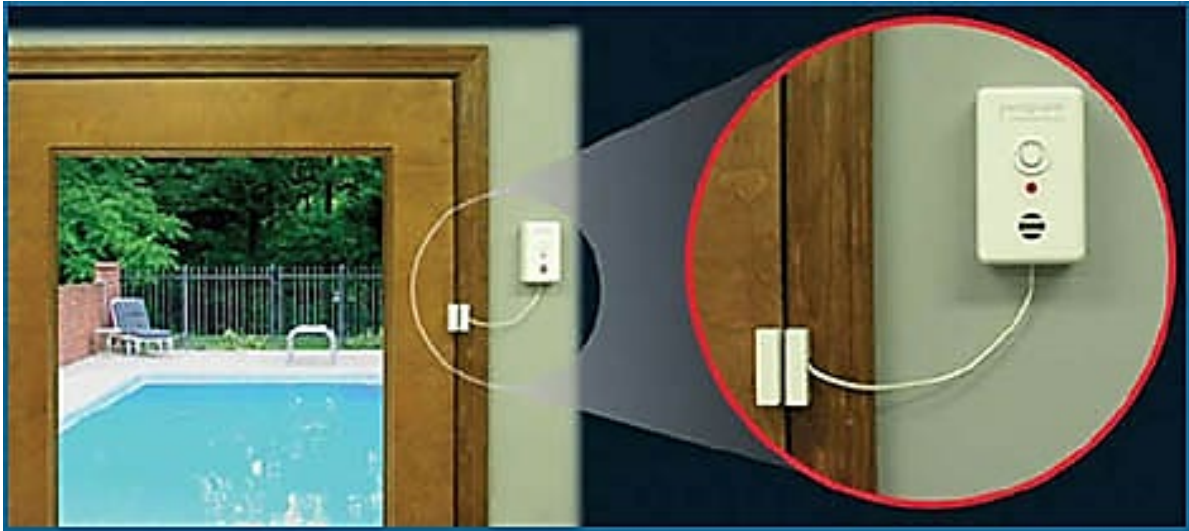
[NY] R328.6.2 Alarm activation.

Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the *dwelling* where it is monitored.

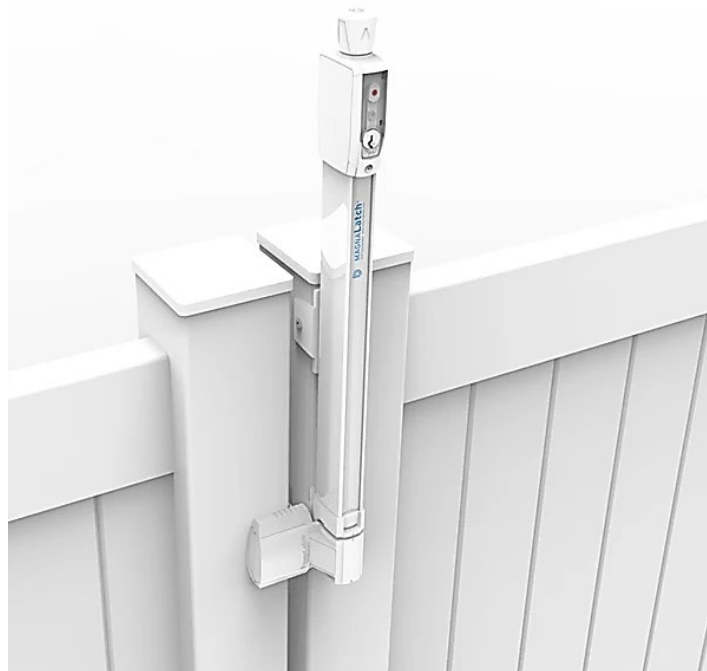
[NY] R328.6.3 Prohibited alarms.

The use of personal immersion alarms shall not be construed as compliance with this section.

SAMPLE DOOR ALARMS



SAMPLE GATE LATCHES



SAMPLE POOL ALARMS



SAMPLE WINDOW OPENING LIMITERS

