



## LOWER NAZARETH TOWNSHIP PLANNING & ZONING OFFICE

623 MUNICIPAL DRIVE, SUITE 200

NAZARETH, PA 18064

TELEPHONE: 610-759-7434

FAX: 610-746-3317

### Above Ground Swimming Pool Submission Checklist

- 1 cc of Permit Application, signed the Property Owner and Applicant, if not the Property Owner
- 4 cc of plot plan of location of pool on property, showing dimensions to property lines, septic system, and house
- 2 cc of Pool specifications, including dimensions and type of pool construction
- 2 cc of Electrical information, i.e. heaters, pumps, filters, etc.
- 2 cc of Ladder information
- 1 cc of signed Barrier System Acknowledgement Form
- 1 cc of current Insurance Certificate for contractor installing the pool, **showing proof of Worker's Compensation insurance**
- 1 check for \$254.00 for Building Permit, payable to "Lower Nazareth Township"
- 1 check for \$50.00 for Zoning Permit, payable to "Lower Nazareth Township"

*If the pool wall is less than 48" or the distance from the top of pool wall to ground level is less than 48" at any point, you must also provide:*

- 2 cc of Fence Specifications including style, finished height, gate system, hinge system, and latch mechanisms, along with a plan showing the proposed location of the fence on the property.

#### **Please Note!**

Once a complete application has been received, the Township has, by law, up to 15 business days to approve/deny your application. Please account for this timeframe when planning your project. If your permit is approved in advance of the 15<sup>th</sup> day or additional information is required to process the permit, we will contact you accordingly.

**PLEASE NOTE!**

**AN APPOINTMENT WITH THE PLANNING/ZONING ADMINISTRATOR  
IS REQUIRED TO TURN IN YOUR PERMIT.  
PLEASE CALL FOR AN APPOINTMENT AT 610-759-7434,  
MONDAY-FRIDAY, 7:30 A.M. TO 4:00 P.M.**

***THANK YOU FOR YOUR COOPERATION!***



**LOWER NAZARETH TOWNSHIP**  
 623 Municipal Drive, Suite 200  
 Nazareth, PA 18064  
 Ph. 610-759-7434/Fax 610-746-3317

**TOWNSHIP USE ONLY**

Permit # \_\_\_\_\_

Approve/Deny By \_\_\_\_\_

Received Stamp

**POOL/HOT TUB PERMIT APPLICATION**

**LOCATION OF PROPOSED WORK OR IMPROVEMENT**

Address \_\_\_\_\_ Tax Map Id# (if Known) \_\_\_\_\_

**RESPONSIBLE PARTIES**

Is This Application Being Made By The Property Owner?  Yes  No → If Not, Then By Whom?  Tenant  Contractor  Other

**Applicant** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Address \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Alternate Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Same as Applicant

Address: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Alternate Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_

**Contractor:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Not Applicable  Property Owner

Address: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Alternate Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_

**Worker's Compensation Certificate Required** Attached  Yes  No (Permit will not be released without proof of Worker's Compensation Insurance)

**Architect or Engineer:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

Not Applicable

Address: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Alternate Phone #: (\_\_\_\_) \_\_\_\_\_ Fax #: (\_\_\_\_) \_\_\_\_\_

**Complete Items A Thru E as they apply to this permit and the property in question:**

**A. BUILDING PERMIT is requested for:**

- Above Ground Pool  In-Ground Pool  w/fence
- Hot Tub  Accessory Building +500 s.f.
- Other \_\_\_\_\_

**B. ZONING/GRADING PERMIT is requested for:**

- In-Ground Pool  Above Ground Pool  Fence
- Pool Deck  Accessory Building
- Other \_\_\_\_\_

**C. PROPOSED IMPROVEMENTS:**

**Pools:** Above Ground Pool Diameter (Ft) \_\_\_\_\_ Depth Of Pool \_\_\_\_\_ (Ft)  
In Ground Length (Ft) \_\_\_\_\_ X Width (Ft) \_\_\_\_\_ = **Total Area of Pool** \_\_\_\_\_ Depth Of Pool \_\_\_\_\_ (Ft)

Type of Construction:  Concrete  Liner  Fiberglass  Metal  Other \_\_\_\_\_

**Barrier Protection:** Fence Height: \_\_\_\_\_ Number of Gates: \_\_\_\_\_ Door Alarm System  Yes  No

**Patios, Decks, & Walkways:**  Not Applicable Height above Grade \_\_\_\_\_ Material \_\_\_\_\_  
 Length \_\_\_\_\_ x Width \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_

**Accessory Structures:**  Not Applicable

Structure Length (Ft) \_\_\_\_\_ X Width (Ft) \_\_\_\_\_ = **TOTAL AREA OF THE STRUCTURE** \_\_\_\_\_ s.f.

Height: Structure Height \_\_\_\_\_ (Ft) Number Of Stories \_\_\_\_\_

**D. PROPOSED SETBACKS & LOT COVERAGE:**

New Impervious Coverage \_\_\_\_\_ s.f. Existing Building/Impervious Coverage \_\_\_\_\_ s.f. Total Impervious Coverage \_\_\_\_\_ s.f.  
 Pool Setback from Property Line: Rear Yard (Ft) \_\_\_\_\_ Left Side Yard (Ft) \_\_\_\_\_ Right Yard \_\_\_\_\_ (Ft)  
 From Septic (Ft) \_\_\_\_\_ From Rear of Dwelling (Ft) \_\_\_\_\_  
 Fence Setback from Property Line: Rear Yard (Ft) \_\_\_\_\_ Left Side Yard (Ft) \_\_\_\_\_ Right Yard \_\_\_\_\_ (Ft)

**E. ESTIMATED COST OF CONSTRUCTION \$ \_\_\_\_\_ (To The Nearest Dollar)**

<p><b>SITE OR PLOT PLAN (For Applicant Use)</b>  <input type="checkbox"/> Check here if separate document(s) attached</p>


The Applicant certifies that all information on this application is correct and the work will be completed in accordance with the “approved” construction documents, PA Act 45 (Uniform Construction Code) and any additional building code requirements adopted by Lower Nazareth Township. The property owner and Applicant assume the responsibility of located all property lines, setback lines, easements, rights-of-way, flood areas, etc. Issuance of a permit and approval of construction documents shall not be construed as authority to violate, cancel or set aside any provisions of the codes or ordinances of Lower Nazareth Township or any other governing body. The Applicant certifies he/she understands all the applicable codes, ordinances, and regulations. The application, together with plans and attachments, are made part of this application by the undersigned. The Applicant and owner also agree they are responsible for the replacement of any township road to township standards, which are damaged during the building of the permitted structure or improvement.

Per Sections 403.43(a) and 403.63(a) of Act 45, the Applicant agrees to extend the required action period for 5 business days for any Building Permits that require Zoning/Grading Permit issuance.

Per Section 403.43(m) and 403.63(k) of Act 45, the Applicant shall submit all required fees of the permit, or the permit will be deemed invalid and the application denied.

By signing this application, authorization is granted to any municipal representative of Lower Nazareth Township to access the above property as stated within this application at any reasonable hour; to inspect and verify that any proposed use and/or structure contained within this application and/or that exists on the above property complies with all Lower Nazareth Township ordinances; and states that the information provided on this application by the Applicant(s) and owner(s) is true and correct to the best of their knowledge or belief. The Applicant hereby acknowledges that Lower Nazareth Township and their assigns are the sole producer of construction inspection services for Lower Nazareth Township.

The Applicant also understands that occupancy of the structure will not take place until both building construction and grading construction are completed as per the permit application and approved plan.

SIGNATURE OF APPLICANT(S) \_\_\_\_\_ DATE \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER(S) \_\_\_\_\_ DATE \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

OFFICE USE ONLY

DATE APPLICATION RECEIVED \_\_\_\_\_

ISSUED BY: \_\_\_\_\_ ZONING ADMINISTRATOR and/or BUILDING CODE OFFICIAL

PERMIT FEES		
Bldg Permit Fee	\$ _____	<input type="checkbox"/> Cash <input type="checkbox"/> Check _____ Receipt # _____
Twp Admin & Education Fee	\$ _____	
<b>TOTAL BUILDING PERMIT FEES</b>	\$ _____	
Zoning/Grading Permit Fee	\$ _____	<input type="checkbox"/> Cash <input type="checkbox"/> Check _____ Receipt # _____

FEE CALCULATION: \_\_\_\_\_  
\_\_\_\_\_



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623 MUNICIPAL DRIVE, SUITE 200  
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**PENNSYLVANIA WORKERS COMPENSATION  
INSURANCE COVERAGE INFORMATION AFFIDAVIT**

***PLEASE READ DIRECTIONS CAREFULLY BEFORE FILLING OUT THIS FORM.*** A building or zoning permit will not be issued by Lower Nazareth Township until this form is completed properly.

Please complete all sections. All blank spaces must be completed with the requested information and boxes must be checked as they pertain to your status with the Pennsylvania Workman's Compensation Insurance Law.

If you are claiming an exemption, this form must be signed in front of a notary public.

**NOTE:** If an exemption is claimed, this form will only be maintained in the Lower Nazareth Township records for one year after the building/zoning permit is issued. It is the responsibility of the contractor to renew this permit yearly. If the contractor wishes to provide a certificate of insurance, the contractor must notify their insurance company that Lower Nazareth Township is to be named as the policy certificate holder on the certificate.



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# WORKER'S COMPENSATION AFFIDAVIT

**Property Owner performing own work.** I own this property and will perform all work myself. If I do hire contractors or employees to perform any work under the building permit issued in connection herewith, I, or my contractor will provide proof of worker's compensation insurance immediately.

**Contractor will perform work.**

Name of Contractor \_\_\_\_\_

Title of Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone# (\_\_\_\_) \_\_\_\_\_ Fax # (\_\_\_\_) \_\_\_\_\_ Federal ID Number: \_\_\_\_\_

*Choose only one of the following:*

- Certificate of Insurance.** Attached hereto is my Certificate of Insurance or self-insurance evidence compliant with Pennsylvania's Worker's Compensation Law, which insurance or self-insurance remains in full force and effect.
- Contractor has no employees.** As contractor, I will perform all work required in connection with this permit myself. I have no employees and will use no subcontractors. I understand that I am prohibited by law from employing any individual to perform work under the permit issued in connection herewith, unless I provide proof of insurance to Lower Nazareth Township. After receipt of the permit, if I employ any other persons, I agree to notify Lower Nazareth Township and immediately provide proof of workers compensation coverage (NOTARY REQUIRED).
- Contractor uses subcontractors.** I have no employees and will use only subcontractors in performing the work under the permit issued in connection herewith. Prior to commencement of the work I have been provided with evidence or workers' compensation insurance coverage for each subcontractor I will use in performing the work. Alternately, I have been provided with evidence that non-covered subcontractors have no employees and I will not allow them to use employees on the job unless further evidence or worker's compensation coverage is provided to me (NOTARY REQUIRED).
- Religious Exemption.** All of my employees who will perform work under the permit issued in connection herewith are exempt on religious grounds under Section 304.2 of the Worker's Compensation Act. By way of further explanation, I state the following: \_\_\_\_\_ (NOTARY REQUIRED)

I agree that my failure to comply with the matters set forth in this Affidavit will result in a **STOP WORK ORDER** and it may not be lifted until proper Worker's Compensation coverage is obtained, or until further proof or exemption is submitted. I further agree that should any required Worker's Compensation coverage terminate during the progress of the work, that I will immediately notify Lower Nazareth Township and understand a **STOP WORK ORDER** will be issued until coverage is reinstated. My signature on this form constitutes my verification that the statements contained here are true, and that I am subject to the penalty of 18 Pa. C.S.A. 94904 relating to unsworn falsifications to Lower Nazareth Township Municipal representatives or authorities.

Signature \_\_\_\_\_

**NOTARY REQUIRED**

Name (Please Print) \_\_\_\_\_

Subscribed and sworn to before me this

Date \_\_\_\_\_

\_\_\_\_\_ day of 20\_\_

seal

\_\_\_\_\_  
(Signature of Notary Public)

My Commission expires: \_\_\_\_\_





## SWIMMING POOLS

Excerpted from the 2001 Lower Nazareth Township Zoning Ordinance, Article XV,  
*ADDITIONAL REQUIREMENTS FOR SPECIFIC USES, Section 1503, Additional Requirements  
for Accessory Uses*

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20. Swimming Pool, Household. (referred hereafter as "pool")
- a. A building permit shall be required to locate or construct a noncommercial swimming pool.
  - b. The pool shall not involve any commercial use.
  - c. Enclosure Around In-Ground Pools. A new or existing in-ground pool shall be completely surrounded by a secure fence, wall, portion of a building and/or similar enclosure not less than 4 feet in height above the surrounding the existing ground level. This enclosure shall be constructed to make it impenetrable for small children to climb up or slip through the enclosure. All gates or door openings through such enclosure (other than a door to a building) shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed times when not in use.
  - d. Enclosure Around Above Ground Pool. Any existing or new above ground pool shall include a secure fence, wall or other enclosure a minimum of 4 feet high above the surrounding ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended. All decks attached to an above ground pool shall be required to be 4' in height above the existing ground level and shall have a ladder that can be raised and locked in a position so that it is a minimum of 4 feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
  - e. Location. A pool and any deck or shelter that is elevated above the surrounding ground level shall meet the applicable setback requirement for an accessory building. Patios around pools that are level with the average surrounding ground level are not required to meet setbacks. Where practical, a pool shall be located to the rear of a dwelling. A pool is not permitted within a required front yard. The water surface of a pool shall be setback a minimum of 15 feet from all lot lines and shall not be located under or within 20 feet of overhead

electrical lines or over a water or sewer easement or within 10 feet of a septic tank or primary or alternate septic drain field.

- f. Drainage. A proper method shall be provided for drainage of the water from the pool that will not overload or flood any: a) on-lot septic system or b) portion of a building or property not owned by the owner of the pool. A pool shall not be located so as to interfere with the operation of a well or on-lot septic system.
- g. The Township may establish an inspection fee to assure compliance with this Ordinance, and shall require that the applicant call for a final inspection of the pool by the Township prior to use. The Township does not assume responsibility for guaranteeing to the public that all new and existing pools fully comply with these provisions.
- h. Water Service. Any inlet from a central water system shall be above the overflow level of the pool. If the water for a pool is supplied by a private water system, there shall be no crossed connection with the central water system.
- i. Nuisances. A pool shall not include illumination of adjacent residential properties beyond what is customary in a residential neighborhood. A pool shall also not include the playing of a radio or recorded music at a volume louder than is necessary for the convenient hearing of persons at the pool.
- j. All in-ground pools must comply with the current Township Building Code ordinance as amended for construction of the pool.

## FENCES AND WALLS

Excerpted from the 2001 Lower Nazareth Township Zoning Ordinance, Article XV,  
*ADDITIONAL REQUIREMENTS FOR SPECIFIC USES, Section 1503, Additional Requirements  
for Accessory Uses*

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### 5. Fences and Walls.

- a. Unless otherwise stated, these uses shall be allowed in all Districts.
- b. Sight Distance. No fence or wall shall obstruct the sight distance requirements of Section 1404.C., nor obstruct safe sight distance within an alley.
- c. Fences -
  - (1) Any fence located in the front yard of a use in the residential districts shall have a minimum ratio of 3:1 of open to structural areas, shall not exceed 5 feet in height and shall be constructed entirely of wood (and any required fasteners).
  - (2) Fences shall not be required to comply with the rear and side yard setbacks for accessory structures, unless the fence would abut a public street.
  - (3) A fence located in a residential district in a location other than a front yard shall have a maximum height of 6 feet. This restriction shall not apply to a fence of up to 10 feet which may be used to enclose a tennis or racquet sport court provided that such fence is not within a required setback area for an accessory structure.
  - (4) A fence shall not be required to comply with accessory structure setbacks, except that no fence shall be built within 5 feet of the future right-of-way of a street and a fence in a residential district shall be setback a minimum of 1.5 feet from a lot line of an abutting dwelling.
  - (5) No fence shall be located within the paved area setback required under Section 1703.
  - (6) Any fence that has one side that is smoother and/or more finished than a second side shall place that smoother and/or more finished side so that it faces away from the area that is enclosed.
  - (7) No fence shall be located in a drainage or utility easement unless approved by the Board of Supervisors. The permittee must agree to be responsible for all legal costs incurred by the creation and approval of an easement agreement with the Township and recorded on their deed, if approved.

d. Walls -

- (1) Engineering retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
- (2) No wall shall be located in the required front yard in a residential district, except as a backing for a permitted sign at an entrance to a development and except for a decorative wall with a maximum height of 3 feet.
- (3) A wall in a residential district shall have a maximum height of 1 foot for every 2 feet if it is setback from a lot line, up to a maximum height of 6 feet.
- (4) Walls that are attached to a building shall be regulated as a part of that building, and the regulations of this Section shall not apply.

## ARTICLE V

### LDR LOW DENSITY RESIDENTIAL DISTRICT

501. PURPOSE. To provide for the orderly expansion of areas that offer neighborhoods of single family detached houses at a low density. To carefully protect these areas from uses that may not be fully compatible.
502. PERMITTED BY RIGHT USES. Only the following uses are permitted by right in the LDR District, provided that the requirements for specific uses in Article XV are met:
- A. The following principal uses:
1. Single Family Detached Dwelling (includes Mobile/manufactured home\*)
  2. Crop Farming
  3. Swimming Pool, Public or Semi-Public\*
  4. Publicly-owned Recreation
  5. Wildlife Sanctuary
  6. Commercial Forestry\*
  7. Township-owned Use
- \*See additional requirements in Section 1502.
- B. The following accessory uses, within the requirements of Section 1503:
1. Home Office\*\*
  2. Accessory Use or Structure clearly customary and incidental to a permitted by right, approved special exception or conditional use.
  3. Swimming Pool, Private\*\*
  4. Recreational Facilities limited to use by residents of a development and their occasional guests.
  5. Essential Services\*\*
  6. Accessory Use or Structure permitted under Section 1503.C.\*\*
503. SPECIAL EXCEPTION USES. Only the following uses are permitted by special exception in the LDR District, provided that the requirements for specific uses in Article XV are met:

A. Home Occupation\*\*

\*\*See additional requirements in Section 1503.

504. CONDITIONAL USES. Only the following uses are permitted conditional uses in the LDR District, provided that the requirements for specific uses in Article XV are met:

- A. Public or Private Primary or Secondary School\* (with an expansion of an existing school permitted by right)
- B. Emergency Service Station\* (with expansion of an existing station permitted by right)
- C. Golf Course\*
- D. Place of Worship\*
- E. Cemetery\*
- F. Cluster Development\*\*\*

\*See additional requirements in Section 1502.

\*\*See additional requirements in Section 1503.

\*\*\*See additional requirements in Article XX.

505. LOT AND SETBACK REGULATIONS. Lot and setback regulations for uses in the LDR District shall be as follows; unless a more restrictive requirement is stated in Article XV for a particular use or elsewhere in this Ordinance. See definitions of these terms in Article II.

A. Minimum Lot Area

- Residential with both public water & sewer – 22,000 square feet
- Non-residential with both public water & public sewer – 43,560 square feet
- Any use with public water & no public sewer – 43,560 square feet
- Any use with public sewer & no public water – 43,560 square feet
- Any use with neither public water & nor public sewer – 65,340 square feet

	<u>Residential Use with both public water and public sewer</u>	<u>Any Use without both public water and public sewer</u>
B. <u>Minimum Lot Depth</u>	150 feet	180 feet
C. <u>Minimum Lot Width</u>		
1. at minimum front yard setback line	100 feet	150 feet
2. at future street right-of-way line	40 feet	40 feet
3. except: for any newly created lot with a new driveway entering directly onto an arterial street	150 feet	300 feet

- D. Maximum Building Coverage. 30%
- E. Maximum Impervious Coverage. 45%
- F. Minimum Front Yard Building Setbacks. 30 feet, for principal and accessory structures, except:  
Variation. Up to 50 percent of the principal residential buildings may be located up to 5 feet forward of the front yard building setback line, provided that an equal or greater number of principal residential buildings in the same stage of construction will be 5 feet or greater behind the front yard building setback line. This variation shall only be permitted if approved at the time of approval of the subdivision plan.
- G. Minimum Side Yard Setback. 15 feet for principal structures, (each of 2 side yards) 10 feet for accessory structures and uses. Corner lots - See Section 1404.B.
- H. Minimum Rear Yard Setback . 40 feet for principal structures, 10 feet for accessory structures or uses.
- I. Maximum Height. 2-1/2 stories or 35 feet, whichever is less
- J. Minimum Setback from Industrial District Boundary or Existing Industrial/Commercial Use. 150 feet for any new principal residential building
- K. Setback from Arterial Streets. 40 feet, for all principal buildings from the future right-of-way line.
- L. Minimum Width and Length of Dwellings. 16 feet
- M. One Use. No lot shall include more than one principal use

506. ADDITIONAL REQUIREMENTS.

- A. Parking. See Article XVII.
- B. Signs. See Article XVIII.
- C. Site Plan Review. See Section 1411.A. Site Plan review by the Planning Commission is required for nonresidential building expansions and parking lots.
- D. Condominium Ownership. See Section 1419.



# LOWER NAZARETH TOWNSHIP PLANNING & ZONING OFFICE

623 MUNICIPAL DRIVE, SUITE 200  
NAZARETH, PA 18064  
TELEPHONE: 610-759-7434  
FAX: 610-746-3317

## SWIMMING POOL OR SPA APPLICATION BARRIER SYSTEM ACKNOWLEDGEMENT AND WAIVER OF DAMAGES

- A. Please indicate the style of barrier system to be used with the proposed pool.
- The fence or barrier system will completely surround the pool on all four sides. Check this box and go to B.
  - A wall of the dwelling will serve as a part of the barrier system. I will be installing the necessary UL 2017 listed door alarms and will be including the necessary specification sheet with the permit submittal. I understand that this equipment must be installed and operational for the required final inspection.
- B. I, (we) acknowledge that I have read and understand Appendix G of the 2009 Residential Code. I, (we) the owner of record, shall maintain all safety standards associated with this pool to include any and all fences, barriers, locking covers, audible alarms, locking doors, gates and the like, as required by recognized codes, standards, and the Use and Occupancy Certification; and hereby hold Lower Nazareth Township and their agents harmless for any and all damages or responsibilities that may occur as a result of or associated with this pool.

We agree that we **will not** fill the pool/hot tub with more than 24" of water until the proper barriers have been installed for the pool/hot tub **and** it has been inspected by Lower Nazareth Township's third party inspection agency. Furthermore, we agree that we will not use the pool/hot tub until final inspections have been received.

---

Signature of Owner of Record

---

Date

---

Address:

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Parcel #:



## 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  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  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  $1\frac{3}{4}$  inches (44 mm) in width.
  6. Maximum mesh size for chain link fences shall be a  $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  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  $1\frac{3}{4}$  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  $\frac{1}{2}$  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  
2111 Eisenhower Avenue  
Alexandria, VA 22314

ASCE—American Society of Civil Engineers  
1801 Alexander 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/SBI-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