



Code Outreach Program – Above-Ground Swimming Pool Barrier Requirements

This document is intended to clarify some of the barrier requirements applicable to new or substantially modified *residential* above ground swimming pools. Those reviewing plans for the installation, or substantial modification, of a swimming pool should review the full text of the provisions found in the Uniform Code as well as the local laws, ordinances, codes, and regulations of the municipality where the pool is to be installed for any further requirements.

The word “*residential*,” as used in this document, applies to pools accessory to one- and two-family dwellings regulated by the [2020 Residential Code of New York State](#) (2020 RCNYS) and to pools accessory to detached one- and two-family dwellings classified as Group R-3 occupancies constructed under the [2020 Building Code of New York State](#) (2020 BCNYS). Provisions for communal swimming pools accessory to townhouses and swimming pools accessory to other buildings regulated by the 2020 BCNYS, can be found in Section 3109 of the 2020 BCNYS. The provisions for *residential* pools are found in Section R326 of the 2020 RCNYS.

The 2020 RCNYS defines a swimming pool as “*any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools, indoor pools, hot tubs, spas, and wading pools.*”

New or substantially modified swimming pools are required to be provided with temporary barriers during installation (see Section R326.4.1) and with permanent barriers thereafter. The permanent barrier requirements are found in Section R326.4.2 and include heights, clearances, and opening size and configuration.

In accordance with Section R326.4.2.9, as an alternate to a conventional on ground barrier, the barrier for above-ground or on-ground swimming pools, including quick set, inflatable swimming pools, is permitted to be mounted on top of the pool structure or the pool structure may constitute a barrier, where all the following requirements are met:

1. the structure shall meet the applicable barrier and gate requirements of Section R326.4.2, including among others, a 48-inch height (see Section R326.4.2.9);
2. the barrier is designed “*to provide protection against potential drowning and near drowning by sufficiently preventing access to [the] swimming*” pool (see Section R326.4);
3. the pool and pool structure must be designed and constructed in compliance with ANSI/APSP/ICC 4, 2012 titled *American National Standard for Aboveground/ Onground Residential Swimming Pools* (see Section R326.4.2.9);
4. the pool manufacturer certifies that the pool structure, if used as a barrier or with a barrier mounted on it, is designed with accepted structural engineering practices (see Section 6.1 of ANSI/APSP/ICC 4); and
5. if the means of access is a ladder or steps, then:
 - a. the ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - b. the ladder or steps shall be surrounded by a complying swimming pool barrier. See Section R326.4.2.9 (1) and (2).

A wall, or walls, of a dwelling may also serve as part of the barrier, provided that they meet the applicable barrier requirements of Section R326.4.2. Barriers shall be located in a manner that prohibits permanent structures, equipment, or similar objects from being used to climb the barrier.

Other requirements of the 2020 RCNYS are applicable, including requirements for gates, pool alarms, and entrapment protection.

The [2020 Property Maintenance Code of New York State](#) requires that all swimming pools, enclosures/barriers, alarms, and entrapment protection be maintained in a clean and sanitary condition, and in good repair.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

DBSC - A Division of Department of State
OFPC – An Office of the Division of Homeland Security & Emergency Services

If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.ny.gov

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.ny.gov

To cancel your subscription to this email list, click on the unsubscribe link found [here](#).