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Commissioner

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DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF CODE ENFORCEMENT

Matthew J. Driscoll, Mayor

SWIMMING POOLS/HOT TUB/SPA ENCLOSURES

PART 720 AND PART 744 (NYS UNIFORM CODE NYCRR)

Outdoor swimming pools shall be provided with an enclosure that shall comply with the following:

- a) shall be at least four feet in height and have a maximum vertical to adjoining grade of 2 inches
- b) where a picket-type fence is provided, openings between pickets shall not exceed 4 inches
- c) where a chain-link fence is provided, openings between links shall not exceed 2 3/8 inches
- d) enclosures shall be constructed so as to not provide footholds
- e) pickets and chain-link twists shall extend above the horizontal bar
- f) such enclosures shall have railings and posts within the enclosure, shall be capable of resisting a horizontal force of 150 pounds per square foot applied at a height of 4 feet midway between posts. Fence material or fabric shall be capable of withstanding a horizontal force of 50 pounds per square foot applied to an area 12 inches square. Gates provided in the enclosure shall be self-closing and self-latching with the handle located within the enclosure and at least 40 inches above grade and 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.
- g) a wall of a dwelling is permitted to serve as part of the enclosure under the following conditions:
 - 1) windows in the wall shall have a latching device at least 40 inches above the floor
 - 2) a swinging door in the wall shall be self-closing and self-latching
 - 3) a sliding door in the wall shall have a self latching device
- h) where an above-ground pool has a deck which abuts or is adjacent to a dwelling and direct access is through the exterior wall of the dwelling, such access shall be in accordance with part (g) above

Exemptions:

- a) Above-ground pools with at least 46 inches between pool decking or pool top and adjoining grade are exempt from the requirements above, provided their access ladder or steps can be blocked, swung up or removed in an approved manner when not in use.
- b) A pool less than 24 inches deep is exempt from the requirements of 720 and 744 above.