

App. Approved _____
 Date _____ Authorized Official _____
 App. Disapproved _____
 Date _____ Authorized Official _____
 Sewer Permit No. _____
 Date _____
 Electrical Permit No. _____
 Date _____
 Board Decisions _____ Case # _____

TOWN OF CLAY
 4401 Route 31, Clay, NY 13041 (315)652-3800
**RESIDENTIAL SWIMMING POOL
 BUILDING PERMIT APPLICATION**
 Department of Planning & Development

Permit Number _____
 Date Filed _____
 Tax Map Number _____ - _____ - _____

 Applicant – do not write above this line ***Visit us online at www.townofclay.org***

FEES:

____ Above Ground Pool \$ 60.00
 size _____
 depth _____
 ____ Inground Pool \$120.00
 size _____
 ____ Jacuzzi, Hot tub \$ 60.00
 ____ with a cover
 ____ Deck(enclosure around pool) \$ 30.00
 ____ Fence for enclosure \$ 30.00

Property Information:
 Address _____
 City _____ State _____ Zip _____
 Owner Information – PLEASE PRINT
 Property Owner _____
 Owner's Address _____
 City _____ State _____ Zip _____
 Owner's Phone No.(H) _____ (W) _____
 Contact email: _____
 Owner's Signature _____
 Total Project Value: \$ _____
 Permit Fee: \$ _____ (Cash or Check Only)

Please check the electrical agency you have hired to do your electrical inspection.
 ____ 1. CNY Electrical Inspection Service, LLC – attached work order # _____
 ____ 2. Commonwealth Electrical Inspection Agency – attached work order # _____
 ____ 3. Middle Department Inspection Agency - attached work order # _____
 ____ 4.The Inspector Electrical Agency - attached work order # _____
 ____ Attach survey showing location of pool and barrier if applicable. Distances must be shown from property lines and structures to meet zoning setbacks.
 ____ Attach deck plans, fence/barrier locations, sizes, gates, self closing latches and there locations. Temporary Barriers –Height and Type _____ (60 days max.)
 ____ Pool /Door Alarms - make _____ Model _____ Quantity ____
 ____ Entrapment Device Protection Plan for in ground pools.
 Contractor Installing Pool _____ Address _____
 Contractor installing other structures _____
 Contractor Liability Insurance attached _____ on file _____
 Contractor Disability Insurance attached _____ on file _____
 Contractor Workman's Compensation attached _____ on file _____
 Any plumbing work must be inspected and certified with the Onondaga Cty. Dept. of Health.

APPLICATION IS HEREBY MADE to the commissioner for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions, alterations, swimming pools, or for removal or demolition, as herein described. The applicant agrees to comply with all applicable laws, ordinances and regulations.

Date _____ **Owners Signature** _____

SWIMMING POOL GUIDELINES

1. SWIMMING POOL PERMIT INSTRUCTIONS

Be advised that the Town of Clay strictly enforces the Building Code of New York State, Section 3109, The Residential Code of N.Y. State Appendix G, and the Town of Clay Zoning Local Law §230-20(B)3 for swimming pools.

Fill out a Building Permit Application including a survey showing where the swimming pool will be exactly placed.

Please be advised that setbacks on inground pools shall be measured to the concrete pad attached to pool.

Depositing of excess soil into the drainage swales will not be tolerated. Excess dirt must be removed from the property. Using the excess dirt to build up the grade of property should not be done. Filling of drainage swales will cause drainage problems for you and for your neighbors.

Before we will take in a permit application for your swimming pool, you will need to supply us with a copy of the electrical work order from one of the following agencies: CNY Electrical Inspection Service, Inc., Larry Kinne; 633-0027, Middle Department Inspection Agency; Jerry Bellows; 452-5304, The Inspector; Tim Willsey; 1-800-487-0535 or 247-9162 or Commonwealth Electrical Inspection Service, Inc.; 1-800-801-0309.

Please ask the agency at what part of electrical installation will they need to inspect, and how many inspections are required.

The perimeter enclosure (fence) around your pool must be complete before you fill your pool with water. Temporary construction fencing is not allowed when water is in the pool.

Once your pool and fencing is completed, and the electric has been certified safe, please call us to perform a final inspection so that we may issue a certificate of compliance to allow you to use your pool.

Thank you for your cooperation and enjoy a safe swimming season.

2. SWIMMING POOL CODE

Section 230-20(B)3 Code of the Town of Oay

3. Swimming pools and hot tubs. No building permit for the erection or maintenance of a swimming pool shall be issued except upon compliance with Chapter 81, Building Construction, of the Town Code and the following provisions: [Amended 3-20-2006 by L.L. No 3-2006

a. *Map or Survey*. The application shall be accompanied by a map or survey showing the

exact location of the pool with references to lot side lines, existing buildings, water mains, electric lines, gas lines and sewer lines. The application shall show the manner and method of disposal of waste water.

- b. *Lighting.* No lighting shall be permitted in, on or about a swimming pool except such lighting that shall shine into or upon the pool which shall cast no light or reflections onto abutting properties.
- c. *Overhead Wires.* No overhead electric lines shall be maintained within twenty (20') feet of the nearest portion of a pool or appurtenances.
- d. *Perimeter.* A perimeter of at least four (4') feet around all edges of the pool shall be maintained between the edges of the pool and fence erected around the pool.
- e. *Disposal of Waste Water.* Waste water shall not be discharged into any public sewer of the Town of Clay. Waste water shall be prevented from flowing over or into the land of any adjoining property owner or over any abutting street.
- f. *Filling.* No pool having water capacity in excess of one hundred (100) gallons shall be filled or added to between the hours of 7:00 A.M. and 10:00 P.M. No pool shall be filled or added to at any time during the effectiveness of emergency water orders or measures.
- g. *Existing Pools.* Existing pools shall conform to all provisions of this subdivision.
- h. *Abandonment.* Should the owner abandon the pool, he shall arrange to remove the depression and return the surface of the ground to its original grade and approximately in the same condition as before the pool was constructed and the Enforcement Officer shall be notified therefore.

3. REGULATIONS FOR INSTALLATION OF FENCES

*To: Fence Contractors and Interested Residents in the Town of Clay
Town of Clay Zoning Ordinance Chapter 230
230.20 General Supplementary Regulations*

B. Structures.

(2) Fences. [Amended 3-20-2006 by L.L. No. 3-2006]

- (a) No wall or fence, other than a wire fence, shall be erected, replaced or maintained on any residential lot having a height in excess of seven (7) feet.
- (b) No fence or hedge having a height in excess of two and one-half (2 1/2) feet shall be erected, replaced or maintained in the front yard or side yard between the street line and the setback line.

- (c) Fences cannot be erected across a drainage easement per §185-20 Discharge of stormwater and unpolluted drainage. [Amended 8-6-1984 by Ord. No. 84-01]
- (d) Fences in Flood Zones must comply with Chapter 112-Flood Damage Prevention.
- (e) Fences surrounding swimming pools must comply with §230.20B (3).

§ 185.20 Discharge of stormwater and unpolluted drainage.

- B. No person shall obstruct, interfere with or divert the natural flow of any stormwater, surface water, ground water, roof runoff, outside footing drains, subsurface drainage or other unpolluted waters, or the flow of any such waters into and by means of drainage facilities created by the Town or created by others with Town approval.

New York State Building Code.

Fences involving swimming pools must comply with Section 3109 of the New York State Residential Code.

APPENDIX G

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION G101 GENERAL

G101.1 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.

SECTION G102 DEFINITIONS

G102.1 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 PERMANENT. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

BARRIER TEMPORARY. An approved temporary fence, permanent fence, the wall of a permanent structure, any other structure, or any combination thereof that prevents access to the swimming pool by any person not engaged in the installation or construction of the swimming pool during its installation or construction.

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.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the pool alarm provisions of this appendix, damage of any origin sustained by a swimming pool whereby the cost of restoring the swimming pool to its before-damaged condition would equal or exceed 50 percent of the market value of the swimming pool before the damage occurred.

SUBSTANTIAL MODIFICATION. For the purpose of determining compliance with the pool alarm provisions of this appendix, any repair, alteration, addition or improvement of a swimming pool, the cost of which equals or exceeds 50 percent of the market value of the swimming pool before the

improvement or repair is started. If a swimming pool has sustained substantial damage, any repairs are considered substantial modification regardless of the actual repair work performed.

SWIMMING POOL. 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 fixed-in-place wading pools.

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 G103 SWIMMING POOLS

G103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

G103.2 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.

SECTION G104 SPAS AND HOT TUBS

G104.1 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.

G104.2 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 G105 BARRIER REQUIREMENTS

G105.1 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.

G105.2 Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section AG105.3 is provided.

Exceptions:

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section AG105.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, 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.

G105.2.1 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.

G105.2.2 Replacement by a permanent barrier. A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

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

G105.2.2.1 Replacement extension. Subject to the approval of the code enforcement 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.

G105.3 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. Gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and with the following requirements:
 - 8.1. All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.
 - 8.2. All gates shall be self-latching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from the bottom of the gate, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.
 - 8.3. 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.
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 in accordance with UL 2017. The audible alarm shall activate within 7 seconds and 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. 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, shall be acceptable so 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.

G105.4 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

G105.5 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

G105.6 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 G106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

G106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

G106.1.1 Compliance alternative. Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

G106.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an

18 inch × 23 inch (457mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

G106.3 Atmospheric vacuum relief system required. Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

G106.4 Dual drain separation. Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

G106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

SECTION G107 SWIMMING POOL AND SPA ALARMS

G107.1 Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

Exceptions:

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346, as listed in Section AG109.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346, as listed in Section AG109.

Pool alarms shall comply with ASTM F2208, as listed in Section AG109, and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

G107.2 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.

G107.3 Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

G107.4 Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.

**SECTION G108
ABBREVIATIONS**

G108.1 General.

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

APSP—Association of Pool and Spa Professionals
2111 Eisenhower Avenue, Suite 500
Alexandria, VA 22314-4695

ASME—American Society of Mechanical Engineers
Three Park Avenue, New York, NY 10016-5990

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

NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue, Alexandria, VA 22314

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

Spas, Hot Tubs and Whirlpool
Bathing AppliancesAG106.2

ASME A112.19.17—02 Manufacturers
Safety Vacuum Release Systems (SVRS)
for Residential and Commercial Swimming
Pool, Spa, Hot Tub and
Wading PoolAG106.3

UL

UL2017—2000 Standard for General-purpose
Signaling Devices and Systems—with Revisions
through June 2004AG105.3

**SECTION G109
STANDARDS**

G109.1 General.

ANSI/APSP

ANSI/APSP 7—06 American National
Standard for Suction Entrapment Avoidance
in Swimming Pools, Wading Pools, Spas,
Hot Tubs, and Catch BasinsAG106.1.1

ANSI/NSPI

ANSI/NSPI-3—99 Standard for Permanently
Installed Residential Spas G104.1

ANSI/NSPI-4—99 Standard for
Above-ground/On-ground Residential
Swimming PoolsAG103.2

ANSI/NSPI-5—03 Standard for Residential
In-ground Swimming PoolsAG103.1

ANSI/NSPI-6—99 Standard for Residential
Portable SpasAG104.2

ANSI/ASME A112.19.8—07 Suction Fittings
for Use in Swimming Pools, Wading Pools,
Spas, Hot Tubs and Whirlpool Bathing
Appliances AG106.2

ASTM

ASTM F 1346—91 (1996) Performance
Specification for Safety Covers and
Labeling Requirements for All Covers
for Swimming Pools, Spas and
Hot Tubs. AG105.2, AG105.3, AG105.6, AG107.1

ASTM F2208—2008 Standard Specification
for Pool Alarms AG107.1

ASME

ANSI/ASME A112.19.8—07 Suction Fittings
for Use in Swimming Pools, Wading Pools,



TOWN OF CLAY

DEPARTMENT OF PLANNING AND DEVELOPMENT

4401 State Route 31 Clay, New York 13041-8707

(315) 652-3800

MARK V. TERRITO
COMMISSIONER

FAX (315) 622-7259

SWIMMING POOL SAFETY ENCLOSURE Above Ground Pool with an Attached Deck

An above ground swimming pool with sidewalls that are at least four feet high does not require enclosure by a separate fence as long as the pool has a removable or lock-up ladder. Many pool owners build an adjacent deck area either at one side or completely around the pool. Access to the pool must be limited by additional fencing or gates if the deck adjoins the house or when steps are installed down to the ground. These situations present unique design features to comply with all aspects of the building code. The following examples are simple solutions that are often used by knowledgeable contractors to comply with the code. Other designs are possible and the code does not limit design possibilities.

Situation #1: Deck with stairs down to the ground.

The deck is built with normal 36-inch high guardrail with pickets 4 inches apart except at the end where the stairs will be located. The guardrail on the end is built 48 inches high with 4 inch spacing between the pickets. Both guardrail designs are such that a bottom rail is not used. Instead, the pickets attach to the side of the deck. Prior to starting the stairs, a 3' X 3' landing must be built to accommodate an out-swing gate (the pool enclosure code requires gates to open out from the pool area and the stair code does not allow gates to open over top of the steps.) The gate should be of solid board construction. The latch side of the guardrail should also be of solid board construction for a distance of 18 inches. Latch hardware must be located on the poolside of the gate only. See the attached plans for details.

Situation #2: House deck connected to pool deck with stairs.

Normally, one deck is attached to the house and the pool deck is higher or lower and connected with a set of stairs. Follow situation #1 guidelines and adapt them to create the barrier between the two decks.

Situation #3: One deck from the house to the pool.

All doors from the house onto the deck must have alarms that comply with the pool enclosure code. The majority of accidental drownings occurred when small children entered the pool area from the house without supervision. The small battery operated alarm mounted near the top of the door allows the adult to activate the *pass-through* mode for 15 seconds to use the door. A small child cannot reach the keypad and the alarm sounds when the door opens. These alarms are available through pool supply dealers. Any stairs to the ground would have to comply with situation #1 above.

Situation #4: When leveling ground for above ground pools.

Above ground pools must maintain 48-inches from the top rail of pool to finished grade. If excavation occurs to decrease the 48-inch minimum height, a 48 inch wide level surface around the bottom of the pool will be required; this will ensure the 48-inch height requirement from top of pool to finished grade. A second option would be to use an approved fence enclosure.

Questions regarding the permit process or Code requirements regarding swimming pools may be directed to the Building Services Division at 410.638.3366 to obtain further clarification.

