

# TOWN OF ALDEN

Building Department – 3311 Wende Road, Alden, NY 14004

Phone 716-937-6969, ext. 4 – Email: [glenn.christner@erie.gov](mailto:glenn.christner@erie.gov)

## PERMIT REQUIREMENTS FOR IN-GROUND AND ABOVE GROUND SWIMMING POOLS

This packet contains general requirements that should be considered as part of your project and should not be considered as a complete list of all code requirements. Refer to the codes listed below for all requirements pertaining to swimming pool installation. All new swimming pools shall be constructed and installed in accordance with the applicable sections of the Residential Code of New York State. (This document is available in the Building Department office by request.)

### **PERMIT REQUIRED**

A building permit is required for the construction or installation of any swimming pool that is capable of holding a depth of more than 24 inches of water. This includes any portable or storable pool. Any pool that contains a filter system, heater or electrical lighting also requires a building permit. A building permit shall be obtained before any construction or installation may begin. Any change to an existing pool location, electrical component or barrier, will also require a new building permit.

### **APPLICATION PROCESS**

The following information shall be submitted when applying for a building permit:

- **Completed Application for Building Permit.**
- **A scaled plot plan of the lot showing the following:**
  - Proposed pool location – show distances to property lines and adjacent structures.
  - House and adjacent structures including existing decks and patios.
  - Location of overhead or underground utility lines and easements. Show horizontal and vertical distance from edge of pool or spa to all electric lines.
  - Location, size and heights of all barrier enclosures including fences, and gates. Show location of all doors leading directly to pool area.
  - Location of gas lines, pool heaters, pumps, electrical: wiring, boxes, lighting and receptacles associated with the pool. Show distance from pool to these features.
  - Location of any deck constructed in conjunction with the pool. (A separate building permit is required when constructing deck that is connected to a pool)
- **Proof of Insurance or Exemption Document(s).** See attached Proof of Insurance Requirements.

Return the completed permit application, plans and associated documents and forms to the Code Enforcement Department or mail to:

Town of Alden  
Building Department  
3311 Wende Road  
Alden, NY 14004

Once the permit application, plans, associated documents and forms have been received by the Building Inspector, they will be reviewed within 5 business days. If approved, a building permit will be issued and you will be notified to pick up your permit at the Town Clerk's office. At that time, you will be required to pay the appropriate permit fee. Checks may be made payable to the Town of Alden.

Upon receipt of payment, the applicant will be issued a permit placard which shall be displayed throughout the construction process. Construction or installation may not begin until the applicant obtains and displays the permit placard.

If the application is not approved, you will be notified in writing as to why it was not approved. You have the right to seek relief from a denied building permit by seeking a variance from the Zoning Board of Appeals. You will be given instructions regarding this process with your denial.

## **INSTALLATION REQUIREMENTS**

Once you have received your approved building permit and approved plans, the installation of your swimming pool may begin.

The building permit placard SHALL be displayed in a conspicuous location on the building site until construction is complete and a Certificate of Compliance is issued.

Any deviation from the approved plans shall be authorized by the approval of revised plans subject to the same procedure established for the examination of the original plans. An additional permit fee may be charged predicated on the extent of the variation from the original plans.

## **LOCATION**

Pools shall not be placed below or above utility lines or within any easements. Any changes to the pool location, electrical service or barriers will require a new building permit. Town of Alden zoning regulations will also dictate where the pool may be located on the property.

## **CALL BEFORE YOU DIG**

Care should be taken when excavating to minimize potential problems with buried gas, water, sewer and underground electrical lines. Applicants shall obtain assistance regarding the location of underground utilities by calling Dig Safely New York at 811 at least two full working days prior to starting your work, not counting the day of your call, weekends or holidays.



## **POOL ALARMS**

All swimming pools shall be equipped with a pool alarm.

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

Pool alarms shall comply with ASTM F2208 and shall be installed, used and maintained in accordance with the manufacturer's instructions.

A pool alarm shall 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.

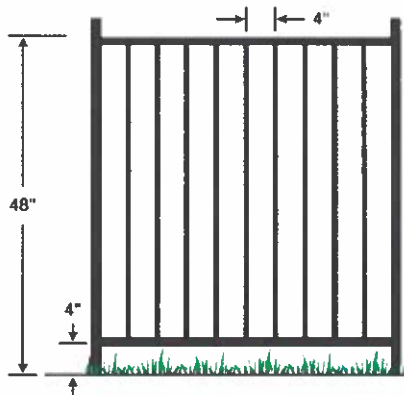
Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

The use of personal immersion alarms do not constitute compliance with these requirements

## **BARRIER REQUIREMENTS**

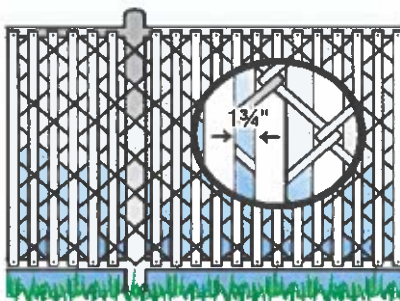
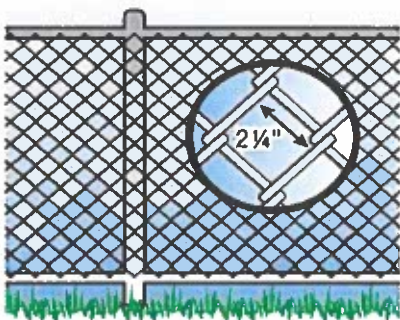
All pools and spas shall be provided with safeguards to prevent children from gaining uncontrolled access to the pool or spa. To successfully restrict access to the pool or spa, an approved barrier shall be constructed. A successful pool barrier prevents a child from getting OVER, UNDER or THROUGH and keeps the child from gaining access to the pool except when supervising adults are present.

The height of the barrier or fence shall be at least **48"** above grade measured on the side of the barrier which faces away from the pool. Rigid pool walls may be utilized as the required barrier.



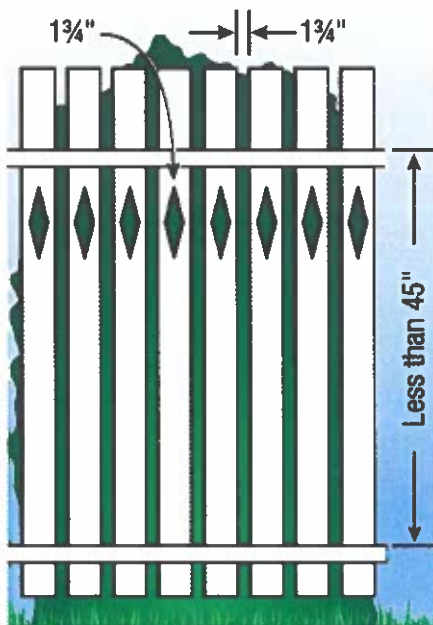
### **For a Chain Link Fence:**

The mesh size shall not exceed 2-1/4" square unless the fence has slats fastened at the top or bottom which reduces the openings to not more than 1-3/4" in width.



### **For a Barrier (Fence) Made Up of Horizontal and Vertical Members:**

If the distance between the tops of the horizontal members is **less** than 45", the horizontal members shall be located on the swimming pool side of the fence. The spacing between the vertical members shall not exceed 1-3/4" in width. Where there are decorative cutouts within the vertical members in the fence, the spacing within the cutouts must not exceed 1-3/4" in width.

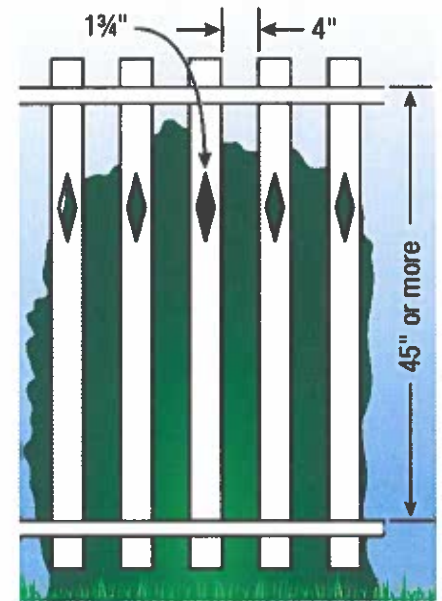


### **For a solid barrier:**

No indentations or protrusions shall be present, other than normal construction tolerances and masonry joints.

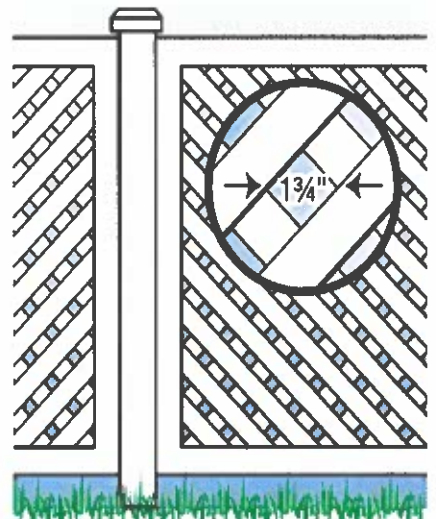


If the distance between the tops of the horizontal members is **more** than 45", the spacing between vertical members shall not exceed 4" in width.



### **For a Fence Made Up of Diagonal Members (Latticework):**

The maximum opening in the lattice shall not exceed 1-3/4"

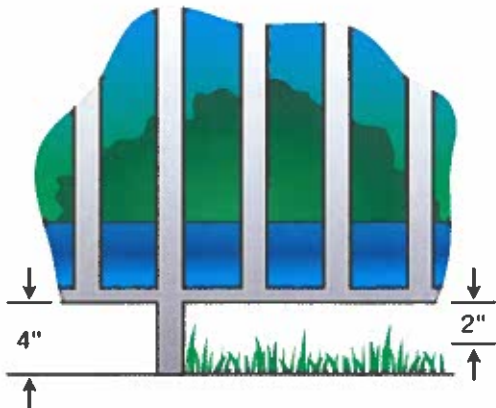


### Barrier Clearances:

Where the adjacent grade slopes toward the pool, a minimum barrier height of 48" above grade must be maintained for minimum horizontal distance of 48" measured from the top edge of the pool.

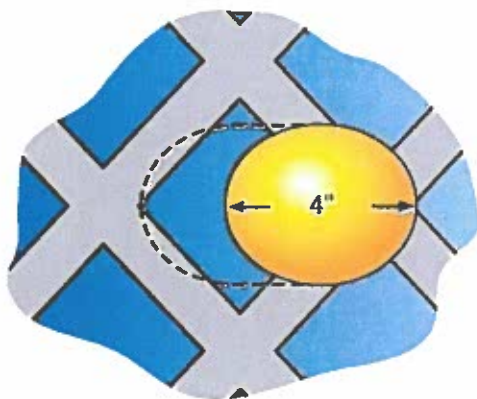
Pool equipment must be placed at least 48" from the pool wall to prevent the equipment from being used for climbing.

For any pool barrier, the maximum vertical clearance between grade and the bottom of the barrier shall be 2" 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.

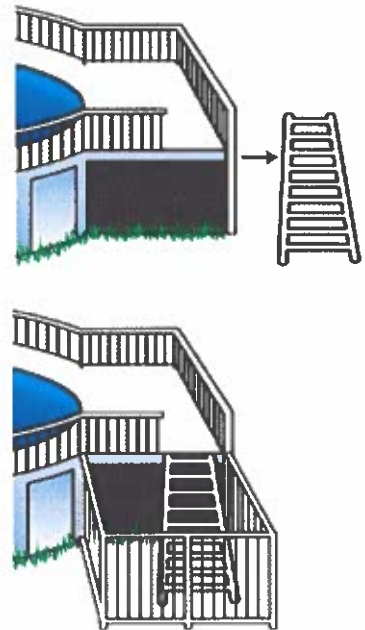


Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4".

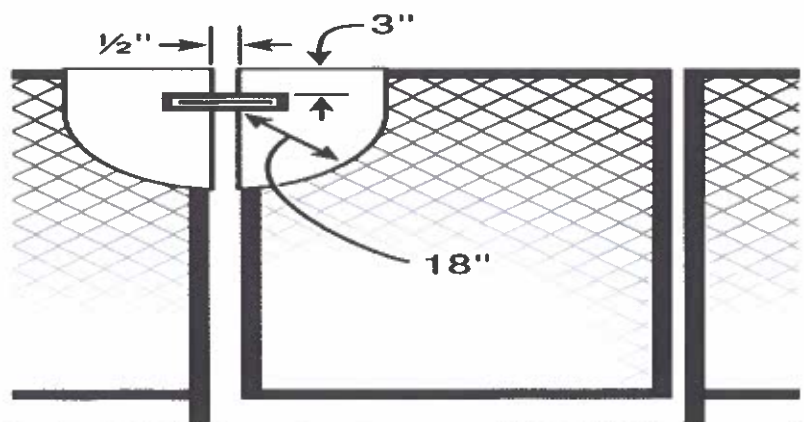
To prevent a child from getting through a fence or other barrier, all openings should be small enough so that a 4" diameter sphere cannot pass through.



Above-ground pools shall have barriers unless the structure itself meets the barrier height requirements. **The walls of portable, storable pools that are formed by the height of the water, require a solid barrier regardless of its size.** 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, the ladder or steps shall be capable of being secured, locked or removed to prevent access. Permanently installed ladders or steps must be protected by an approved fence and gate.



Gates located in the enclosure shall swing away from the pool and have a self-closing and self-latching device. Where the release mechanism self-latching device is located less than 54" from the bottom of the gate, the release mechanism shall be located on the poolside of the gate at least 3" below the top of the gate. The gate and barrier shall have no opening greater than 1/2" within 18" of the release mechanism to prevent a child from reaching through or over the top of the gate and releasing the latch.





### When the House Wall Forms Part of the Pool Barrier:

If the pool barrier is part of a house wall, garage wall, shed wall, and/or similar structure, and there are access door(s) in the barrier walls, a door alarm shall be installed and mounted on the side of the door or screen door opposite the pool. This alarm shall produce an audible warning when the door or screen door are opened. The alarm shall activate within 7 seconds after the door is opened and sound continuously for a minimum of 30 seconds. The alarm shall be able to be heard throughout the house. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a manual touch pad or switch that allows adults to temporarily deactivate the alarm for no more than 15 seconds. The deactivation touch pad or switch shall be located at least 54" above the threshold of the door covered by the alarm.

Approved power safety covers can also be installed on pools to serve as security barriers. Spas or hot tubs installed with an approved safety cover are exempt from the above barrier requirements.



### ELECTRICAL WIRING REQUIREMENTS

All electrical components shall comply with the applicable requirements of Chapter 42 of the *2020 Residential Code* or *Article 680 of the 2017 National Electrical Code*.

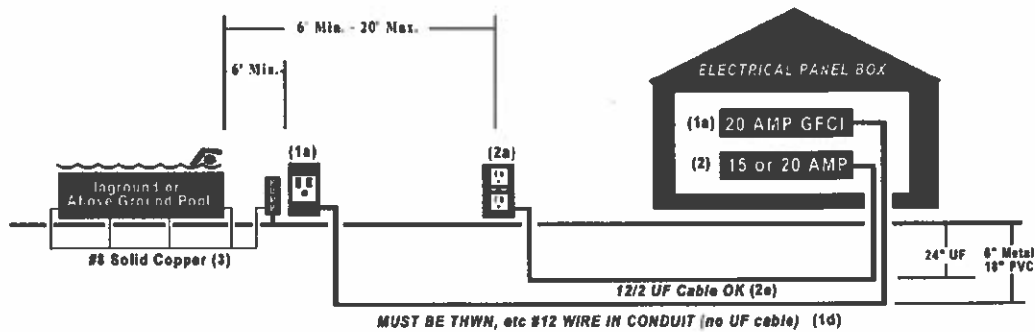
#### Pool Pump Receptacle (Outlet) and Wiring Method

- Receptacles that provide power for pump motors or other loads directly related to the circulation and sanitation system, are permitted to be located between 6' and 10' from the inside walls of pools. No receptacles are permitted within 6' of the inside wall of the pool.
- The receptacle shall be a single, grounding type and protected by ground-fault circuit interrupter (GFCI).
- The receptacle shall have an **extra-duty, in-use, weatherproof cover** that can be closed when the cord is plugged in.
- The circuit line for the pump motor shall be a dedicated line going directly to the panel box and is to be isolated from all other receptacles/loads.
- Ground wire for the pump motor shall not be less than #12 AWG **insulated green copper grounding wire** and in conduit. (Exception: When entering a building, the wire may change to NM).
- Conduit:
  1. Nonmetallic (PVC) conduit\* shall be buried at least 18" below grade (12" if GFCI protected).
  2. Rigid metal conduit\* shall be buried at least 6" below grade.

\* All wires used in conduit shall be single strand wires (ex: THWN, etc. - **No NM or UF Cable in conduit**).
- The pool pump cord shall be #12 AWG and shall not exceed 3' in length. **The use of extension cords is prohibited.**
- Pool pumps shall be provided with an energy saving timer.

#### Convenience Receptacle (Outlet) and Wiring Method

- At least one 125-volt, 15 or 20 ampere receptacle shall be located not closer than 6' from, but not further than 20', from the outside pool wall. (Can be existing and/or wired with any NEC Chapter 3 approved wiring method).
- No receptacles are permitted within 6' of the inside walls of pools.
- Receptacle shall be located within 20' of the outside wall of the pool and be a GFCI protected, Tamper Resistant (TR), and a Weather Resistant (WR) type receptacle.
- Receptacle shall be separate from the pool pump receptacle wiring.
- Receptacle shall have an **extra-duty, in-use, weatherproof cover** that can be closed when the cord is plugged in.
- Wiring:
  1. UF cable, if buried, shall be at least 24" deep (12" if GFCI protected).
  2. Nonmetallic (PVC) conduit\* shall be buried at least 18" below grade (12" if GFCI protected).
  3. Rigid metal conduit\* shall be buried at least 6" below grade. \* All wires used in conduit shall be single strand wires (ex: THWN, etc. - **No NM or UF Cable in conduit**).



### Equipotential Bonding of the Pool

- All metal parts shall be bonded together using a #8 (or larger) **solid bare copper wire**.
- Conductive pool shells shall be bonded in a minimum of four (4) equal points uniformly spaced around the pool. Shall use non-corrosive clamps/lugs. (Sheet metal screws are NOT permitted to be used).
- Nonconductive and conductive pool shells shall have a #8 (or larger) **solid bare copper wire** 18"-24" from the inside pool wall under the perimeter surface 4" - 6" below the final grade.
- The pool water shall be intentionally bonded by means of a conductive surface area not less than nine (9) square inches installed in contact with the pool water.

### INSPECTIONS REQUIRED

All work needs to be inspected prior to coverage or concealment. Call the Building Inspector at (716) 937-6969 ext 4, AT LEAST 24 HOURS IN ADVANCE to schedule an inspection unless prior inspection arrangements have been made. Any work that is covered and not inspected will be subject to uncovering. A Certificate of Compliance will not be issued unless all required inspections have been performed by the Code Enforcement Officer.

The following inspections are required to be performed: The following inspections are required to be performed before work can proceed to the next step:

- A site/footing inspection is required by the Building Inspector to approve pool location, reinforcement and footing prior to the placement of any concrete.
- All required electrical equipment and bonded components must be inspected by a certified third-party inspection agency before concealed from view. It is the owner's responsibility to contact an approved agency for this inspection.
- Other agencies or inspectors may only be used with prior approval by the Building Inspector.
- A gas line inspection is required by the Building Inspector prior to covering when a pool heater is installed.
- If a deck is installed or constructed, an inspection of the footings, framing, railing & gate is required. (A separate building permit is required, and structural plans must be submitted for review at the time of application).
- A final inspection of the pool installation and required barriers must be performed upon completion and before use. **The pool cannot be filled with water unless proper barriers are in place.**

Depending on the type of pool, some of the inspections listed below may not be applicable. The permit applicant will be advised when the permit is issued as to what inspections will be required.

For further assistance and information, contact:

**Town of Alden Building Department**

3311 Wende Road

Alden, NY 14004

Phone (716) 937-6969, ext. 4

Email: glenn.christner@erie.gov