

SECTION R328 BARRIER REQUIREMENTS

[NY] **3109.3.1 Temporary barriers.** An *outdoor swimming pool* shall be surrounded by a *temporary barrier* during installation or construction that shall remain in place until a *permanent barrier* in compliance with Section 3109.3.2 is provided.

Exceptions:

1. Above-ground or on-ground *swimming pools* where the pool *structure* constitutes a barrier in compliance with Section 3109.3.2.10.
2. *Spas* or *hot tubs* with a safety cover which complies with ASTM F1346, 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.

[NY] **3109.3.1.1 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*.

[NY] **3109.3.1.2 Replacement by a permanent barrier.** A *temporary barrier* shall be replaced by a complying *permanent barrier* within either of the following periods:

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

[NY] **3109.3.1.3 Replacement extension.** Subject to the approval of the *building 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.

[NY] **3109.3.2 Permanent barriers.** *Swimming pools*, spas, and hot tubs shall be completely enclosed by a *permanent barrier* complying with Sections 3109.3.2.1 through 3109.3.2.9.

Exception: A hot tub or spa with a safety cover which complies with ASTM F1346 shall not be required to comply with Section 3109.3.2.

Your signature below indicates that you have read, understand, and agree with the Barrier Requirements as stated above.

Signature: _____

Printed Name: _____

Date: _____