



# TOWN OF WHEATFIELD

## COUNTY OF NIAGARA

### Office of Building, Plumbing and Zoning

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## TOWN OF WHEATFIELD AGREEMENT

I, \_\_\_\_\_, as the owner of the premises at

\_\_\_\_\_ do hereby state that, having read the general requirements for swimming pool enclosures and alarms (attached), I will comply with said requirements prior to completion of the pool. I acknowledge my responsibility to contact the Building Department immediately to schedule all required building and electrical and inspections upon completion of and prior to the use of the pool. I understand that no permits regarding pools or associated equipment will be issued until this letter is signed and returned to the Town of Wheatfield Building Department.

The undersigned further attests that a copy of any Offering plan, declarations, deed restrictions, easements, and/or licenses or other property restrictions have been reviewed and understood by the purchaser prior to signing a contract to build or purchase.

Permission is hereby granted to the Town of Wheatfield for access to my property to conduct required inspections.

SIGNED: \_\_\_\_\_

Property owner

Date

### §RAG105 BARRIER REQUIREMENTS

**§RAG105.1 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.

**§RAG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with 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 aboveground 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).

**PLEASE BE ADVISED THAT A “BARRIER” IS DEFINED AS “A FENCE, WALL, BUILDING WALL OR COMBINATION THEREOF WHICH COMPLETELY SURROUNDS THE SWIMMING POOL AND OBSTRUCTS ACCESS TO THE SWIMMING POOL.” ALTHOUGH THE SELF-SET POOL HAS A 48 INCH WALL, IT DOES NOT OBSTRUCT ACCESS BECAUSE IT IS NOT RIGID. THE WALL CAN EASILY BE DEFLECTED BY A CHILD WHO GRABS THE TOP INFLATED RING. THIS INTERTIPITATION IS FROM NEW YORK STATE DEPARTMENT OF STATE, DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION.**

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 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 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 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 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 1.75 inches (44 mm)
8. Access gates shall comply with the requirements of §RAG105.2, Items 1 through 7, 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. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, , the release mechanism and openings shall comply with the following;
  - 8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 rmm) below the top of the gate, and
  - 8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
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 F1346; or
  - 9.2. All 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 its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is 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 touchpad or switch, to temporarily deactivate the alarm for a single opening. Such 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, which are approved

by the governing body, 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 aboveground 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, then:

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 §RAG105.2, 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.

**§RAG105.3 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with §RAG105.2, Item 9.

**§RAG105.4 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

### **1221.3. Swimming pool alarms. [amended text 12/14/2006]**

(a) **Purpose.** Paragraph (b) of subdivision (14) of section 378 of the Executive Law, as added by Chapter 450 of the Laws of 2006, requires that the New York State Uniform Fire Prevention and Building Code (the Uniform Code) provide that any “residential or commercial swimming pool constructed or substantially modified after the effective date of this paragraph (December 14, 2006) shall be equipped with an acceptable pool alarm capable of detecting a child entering the water and of giving an audible alarm.” The Introducer’s Memorandum in Support of Chapter 450 states, in pertinent part, that “drowning is the second leading cause of unintentional injury-related deaths in children between the ages of one and fourteen nation wide, and the third leading cause of injury-related deaths of children in New York. . . . technological advances have produced several different types of pool alarms designed to sound a warning if a child falls into the water. When used in conjunction with access barriers, these alarms provide greater protection against accidental pool drownings.” This section and section 1220.5 of Part 1220 of this Title are intended to implement the provisions of Executive Law section 378(14)(b).

(b) **Definitions.** The following terms shall, for the purposes of this section and for the purposes of section 1220.5 in Part 1220 of this Title, have the following meanings:

(1) **Approved.** Approved by the code enforcement official responsible for enforcement and administration of the Uniform Code as complying with and satisfying the purposes of this section and section 1220.5 in Part 1220 of this Title.

(2) **Commercial swimming pool.** Any swimming pool (as defined in paragraph (4) of this subdivision) that is not a residential swimming pool (as defined in paragraph (3) of this subdivision).

(3) **Residential swimming pool.** A swimming pool (as defined in paragraph (4) of this subdivision) which is situated on the premises of a detached one- or two-family dwelling; a multiple single-family dwelling (townhouse) not more than three stories in height; a one-family dwelling converted to a bed and breakfast; a community residence for 14 or fewer mentally disabled persons, operated by or subject to licensure by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities; a one-or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, created pursuant to Article 40 of the Public Health Law, and defined as a hospice residence in §4002 of said Law; a manufactured home; a mobile home; or a factory manufactured dwelling unit.

(4) **Swimming pool.** Any structure intended for swimming, recreational bathing or wading which contains or which is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

(5) **Substantial damage.** 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.

(6) **Substantial modification.** Any repair reconstruction, rehabilitation, 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 repair, rehabilitation, addition, or improvement is started. If a swimming pool has sustained substantial damage, any repairs are considered to be a substantial modification regardless of the actual repair work performed.

(c) **Pool alarms.** Each residential swimming pool installed, constructed or substantially modified after December 14, 2006 and each commercial swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:

(1) is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;

(2) is audible poolside and at another location on the premises where the swimming pool is located;

(3) is installed, used and maintained in accordance with the manufacturer's instructions;

(4) is classified by Underwriter's Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F2208, entitled "Standard Specification for Pool Alarms," as adopted in 2002 and editorially corrected in June 2005, published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428; and

(5) is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

(d) **Multiple pool alarms.** A pool alarm installed pursuant to subdivision (c) of this section 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 installed.

I have read and agree to the above requirements.

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Property owner

Date