

## Swimming Pools (Above / In-ground and Spas)

### **Definition:**

A swimming pool, including portable pools capable of containing a depth of 30 inches of water.

### **Required Permits:**

**Building Permit:** In addition to a completed building permit, affidavit or authorization must be signed by respective homeowner / contractor. (See Note # 1 below)

**Electrical Permit:** Wiring for any pool (Above / In-ground and Spas) must be done by RI Licensed Master Electrician. The electrical permit must be issued before the pool permit is issued and released.

### **What to have for approval:**

Building Permit, with Site Drawing (See Example), and Owners Affidavit / Authorization (if applicable), and Electrical Permit.

### **Town Ordinance:**

#### **Pool Location**

- Must be a minimum of 10 feet from all property lines as well as 10 feet from the main dwelling. A deck that is attached to or surrounds the pool is considered a part of the pool and must meet the same setback requirements of 10 feet minimum from all property lines and main dwelling. (Section 6.8. Accessory Buildings and structures.)
- Section 6.7 (a) Be enclosed by a fence, five (5) to six (6) feet in height, capable of restricting access and have a walk area between the pool and fence no less than four (4) feet in width.
- Section 6.7. (c) Be limited to side and rear yards only.
  - A. **Above-ground pools**
  - Section 6.7 (b) Aboveground and Portable Pool be provided with a safety railing around the top perimeter or, be enclosed by a fence. Minimum height of pool and rail or fence shall be five (5) feet and shall be capable of restricting access.
    - \* See APPENDIX D (regarding barrier requirements attached)
  - B. **In-ground pools**
  - An apron no less than 4 feet around the pool is required.
  - Section 6.7 (a) Be enclosed by a fence, five (5) to six (6) feet in height, capable of restricting access
    - \* See APPENDIX D (regarding barrier requirements attached)

**Note # 1:** *Property owner* "Authorization" must be signed by the Owner of Record, not a tenant. (See Building Code Section 23-27.3-113.3)

Note: Read your deed to see if there are any covenances (restrictions) on what can be placed on your property.)

## **Sec. 6.6. Landscape features and structures.**

With the exception of swimming pools, such landscape features and structures as trees, shrubs, fences, terraces, driveways and walkways may be placed within any yard providing that such features conform to the visibility requirements of sections 6.4 and 6.5.

- (1) *Stump disposal areas:* Only stumps and boulders native to the site may be buried. All dumping and landfilling of tree stumps must be approved as a site plan review by the Planning Board if the stump disposal area is not part of a subdivision approved by the Board.

## **Sec. 6.7. Swimming pools.**

A swimming pool, including portable pools capable of containing a depth of thirty (30) inches of water, shall:

- (a) Be enclosed by a fence, five to six feet in height, capable of restricting access.
- (b) Have an apron no less than four (4) feet in width.
- (c) Be limited to side and rear yards only.

## **Sec. 6.8. Accessory buildings and structures.**

A permitted accessory building may cover up to 25 percent of a side or rear yard but may not be placed within ten (10) feet of a lot line. No accessory buildings or structures shall be located nearer than ten (10) feet to a principal building unless such accessory building or structures are attached to the principal building.

## **Sec. 6.9. Other yard modifications.**

Yard regulations in section 5 may be modified as follows:

**6.9.1.** Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in section 9.3, Variances.

**6.9.2.** The rear yard and side yard requirements may be modified as provided in section 9.2, Special-Use Permits, by the Board in cases where freight rail facilities are adjacent to said yard and lot lines.

**6.9.3.** A carport, where attached to the main building, may be erected over a driveway in a side yard provided such structure is not over twenty four (24) feet in length and shall be no closer than ten (10) feet from side lot line and is entirely open on three sides, except for necessary supporting columns and customary architectural features.

**6.9.4.** An unenclosed porch may extend up to ten (10) feet into a side or rear yard but shall not extend to within ten (10) feet of a lot line.



# Town of North Smithfield



Office of the Building and Zoning Official

## PRIVATE SWIMMING POOL SAFETY REQUIREMENTS AFFIDAVIT OF RESPONSIBILITY

*Submit this form along with your application for a pool, spa, or hot tub.*

Company Name: \_\_\_\_\_

License Number: \_\_\_\_\_

Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Appendix D Section D105 and RI SCB-2 Statutes require the provision of specific pool barriers around the entire perimeter of the pool. In addition to this executed affidavit, all provisions for the required pool barrier shall be shown on the plans and the manufacturer's product compliance information must be supplied.

I (We) acknowledge that a new swimming pool, spa or hot tub will be constructed or installed at the above address and hereby affirm that one or more of the following methods will be used to meet the requirements of the RI SBC-2-D105 and RIGL Title 23 Chapter 27.

Please initial all applicable methods proposed to create a 360° barrier around pool:

The pool will be equipped with an approved safety pool cover that complies with ASTM F 1346-91, Standard Performance Specifications for Safety Covers for Swimming Pools, Spas, and Hot Tubs.

A continuous barrier of 60" will be used to isolate the pool from the home. Plans submitted to show the location of the end which is not removable without the use of tools. Must comply with D105 of the RI Residential Building Code, which includes ASTM D 5034 and ASTM D 3787.

A continuous barrier such as a dwelling wall, screen enclosure or fence that meet D105.9 shall be used to prevent external access to the pool. Additionally, all doors and windows that lead to the pool from the interior of the home shall have an exit alarm meeting the requirements of UL 2017.

Other methods to be used. Please specify. \_\_\_\_\_

I understand that by **not** having one or more of the approved safety pool barriers installed, or not creating a complete barrier around the perimeter of the pool, spa, or hot tub at the time of final inspection, will constitute a **violation** of RI SCB-2-D105. I have been issued a copy of Appendix D105 and have been made aware of the barrier requirements of Section D105.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_  
20 \_\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced a  
(Type of ID) as identification.

Inspector Town of North Smithfield  
Property Owner's Signature is Required:

Property Owner's Address

Property Owner's Signature

Date

Property Owner's Name (Print)

## APPENDIX G

# SWIMMING POOLS, SPAS AND HOT TUBS

### SECTION AG101 GENERAL

**AG101.1 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.

**AG101.2 Pools in flood hazard areas.** Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools and in-ground pools that involve placement of fill, shall comply with Sections AG101.2.1 or AG101.2.2.

**Exception:** Pools located in riverine flood hazard areas which are outside of designated floodways.

**AG101.2.1 Pools located in designated floodways.** Where pools are located in designated floodways, documentation shall be submitted to the *building official*, which demonstrates that the construction of the pool will not increase the design flood elevation at any point within the *jurisdiction*.

**AG101.2.2 Pools located where floodways have not been designated.** Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the *jurisdiction*.

### SECTION AG102 DEFINITIONS

**AG102.1 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.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**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.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 24 inches

(610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**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 AG103 SWIMMING POOLS

**AG103.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

**AG103.2 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.

**AG103.3 Pools in flood hazard areas.** In flood hazard areas established by Table R301.2(1), pools in coastal high hazard areas shall be designed and constructed in conformance with ASCE 24.

### SECTION AG104 SPAS AND HOT TUBS

**AG104.1 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.

**AG104.2 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 AG105 BARRIER REQUIREMENTS

**AG105.1 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.

**AG105.2 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. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. 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 mm) below the top of the gate; and
- 8.2. The gate and barrier shall have no opening larger than  $\frac{1}{2}$  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 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 and labeled in accordance with UL 2017. 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 as 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.

**AG105.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

**AG105.4 Prohibited locations.** Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

**AG105.5 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 AG106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

**AG106.1 General.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.