

# Town of Atkinson, NH

Building Department

21 Academy Avenue, Atkinson, New Hampshire

(603) 362-5761

## Swimming Pool Regulations

A building and electrical permit shall be obtained before installation of an in-ground and/or above-ground pool of 24 or more inches deep.

Application for permit shall be accompanied by a sketch showing location of the proposed pool on the house lot in reference to the lot lines, buildings, septic tank, absorption field and well.

Side-yard and rear-yard setback requirement is 15 feet and must be figured from the lot line to the pool apron. Also, any wetlands or buffer area must be noted on the sketch.

**Distance requirements of the pool to absorption field – per NH Code of Administrative Rules, Section Env-Wq 1008.04, Table 1008-2b: In-ground swimming pools shall not be located within 35 feet downslope of an effluent disposal area (EDA) and in no case closer than 10 feet.**

**There are no distance requirements for above-ground pools to tank or absorption field.**

If distance to the lot lines is uncertified and is questionable by 5 feet +/-, the Building Inspector shall require a certification plan. Pools shall not be less than 15 feet from the lot line.

### **Electrical Wiring Requirements**

An electrical permit shall be obtained for the installation of all in-ground, above-ground or portable pools with pumps. Upon the installation of said pools, any wiring in the vicinity of the pools must be upgraded to comply with the National Electrical Code 2020 (NFPA Volume 70). Rough and Final electrical inspections are required.

**Use of pool is prohibited prior to final electrical inspection and issuance of a “use and occupancy permit” by the Building Inspector.**

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In the interest of public safety, all swimming pools are required to have a barrier (fence) that meets the required minimum standards set forth by the State of New Hampshire (Section AG105) and the 2015 International Building Code.

- **New installation In-Ground Pools** - Building Code 2015, Section 3109.4 – Residential swimming pools shall be completely enclosed by a barrier. The top of the barrier shall not be less than 48” above grade.
- **Existing In-Ground Pools** – Must at minimum maintain a fence that met the requirements at the time of the pool installation. Replacement fences are required to meet current building code requirements.
- **Above Ground Pools** – that are more the 4 feet from grade to top of the pool (all around) DO NOT need a fence, only a retractable ladder. A deck requires a gate with latch.
- **Gates** – All gates shall be self-closing and self-latching with latches placed at least 3 inches below the top of the gate, and the gate barrier shall have no opening greater than 0.5 inches within 18 inches of the release mechanism.
- **Doors** - All doors with direct access to the pool shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are open. (IBC section 3109.4.1.8)

The Building Inspector and/or Code Enforcement Officer for the Town of Atkinson shall enforce the provisions of this ordinance.

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I/We understand the attached Pool Regulations as outlined to me by the Building Officials of the Town of Atkinson and I/We will allow the Building and Electrical Inspectors forty-eight (48) hour notice for inspections. I/We further agree to notify the Inspectors upon completion of the job for a final inspection and "Use and Occupancy Permit". The pool may not be used until the "Use and Occupancy Permit" is issued by the building inspector.

Applicant/Owner \_\_\_\_\_ Date: \_\_\_\_\_

Address \_\_\_\_\_

Map/Lot \_\_\_\_\_

This signed statement along with a completed electrical permit must be returned prior to issuance of the pool permit.

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above-ground electric utility lines, or encroach upon any privately owned property without the written consent of the owner of the encroached-upon property, space or above-ground electric utility lines. Towers shall be equipped with climbing and working facilities in compliance with TIA-222. Access to the tower sites shall be limited as required by applicable OSHA, FCC and EPA regulations.

### SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES

**3109.1 General.** Swimming pools shall comply with the requirements of Sections 3109.2 through 3109.5 and other applicable sections of this code.

**3109.2 Definition.** The following term is defined in Chapter 2: **SWIMMING POOLS.**

**3109.3 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence not less than 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not *permit* the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen

enclosure shall be equipped with self-closing and self-latching gates.

**3109.4 Residential swimming pools.** Residential swimming pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

**Exception:** A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with this section.

**3109.4.1 Barrier height and clearances.** The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

**3109.4.1.1 Openings.** Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

**3109.4.1.2 Solid barrier surfaces.** Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

**3109.4.1.3 Closely spaced horizontal members.** 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 be not greater than  $1\frac{3}{4}$  inches (44 mm)

in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

**3109.4.1.4 Widely spaced horizontal members.** 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 be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

**3109.4.1.5 Chain link dimensions.** Mesh size for chain link fences shall be not greater than a  $2\frac{1}{4}$ -inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than  $1\frac{3}{4}$  inches (44 mm).

**3109.4.1.6 Diagonal members.** Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than  $1\frac{3}{4}$  inches (44 mm).

**3109.4.1.7 Gates.** Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

**3109.4.1.8 Dwelling wall as a barrier.** Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.

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3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved*, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Item 1 or 2 above.

**3109.4.1.9 Pool structure as barrier.** 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, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where 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.

**3109.4.2 Indoor swimming pools.** Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

**3109.4.3 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

**3109.5 Entrapment avoidance.** Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

### SECTION 3110 AUTOMATIC VEHICULAR GATES

**3110.1 General.** *Automatic vehicular gates* shall comply with the requirements of Sections 3110.2 through 3110.4 and other applicable sections of this code.

**3110.2 Definition.** The following term is defined in Chapter 2:  
**VEHICULAR GATE.**

**3110.3 Vehicular gates intended for automation.** *Vehicular gates* intended for automation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

**3110.4 Vehicular gate openers.** *Vehicular gate* openers, where provided, shall be *listed* in accordance with UL 325.

### SECTION 3111 PHOTOVOLTAIC PANELS AND MODULES

**3111.1 General.** Photovoltaic panels and modules shall comply with the requirements of this code and the *International Fire Code*.

**3111.1.1 Rooftop-mounted photovoltaic panels and modules.** Photovoltaic panels and modules installed on a roof or as an integral part of a roof assembly shall comply with the requirements of Chapter 15 and the *International Fire Code*.