

SWIMMING POOLS, SPAS and HOT TUBS

APPLICABLE ORDINANCES

Town of York Zoning Ordinance
Town of York Building Code
National Electrical Code
Maine State Plumbing Code

OTHER PERMITS OR APPROVALS

1. Barrier per Section D105 (attached).
2. Water supply must have backflow preventer or vacuum breaker.
3. All pool related electrical must be ground fault protected or in accordance with the National Electrical Code.
4. To lower pool level, lower chlorine to less than 0.1 ppm and distribute so as to not affect neighbors or public property.

I understand and accept the above conditions of this Use Permit.

Date

Applicant's Signature

APPENDIX D

SWIMMING POOLS, SPAS AND HOT TUBS

SECTION D101 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- and two-family dwelling.

SECTION D102 DEFINITIONS

For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

ABOVEGROUND/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, aboveground 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 walls of said structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION D103 SWIMMING POOLS

D103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with NSPI-5 as listed in Section D107.

D103.2 Aboveground and on-ground pools. Aboveground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section D107.

SECTION D104 SPAS AND HOT TUBS

D104.1 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 D107.

D104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in D107.

SECTION D105 BARRIER REQUIREMENTS

D105.1 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.

D105.2 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).
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 1³/₄ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1³/₄ 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 1³/₄ inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 1¹/₄-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1³/₄ 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 1³/₄ inches (44 mm).
8. Access gates shall comply with the requirements of Section D105.2, 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 greater than 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 ES 13-89; 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 Section D105.2, 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.

D105.3 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with Section D105.2, Item 9.

D105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

D105.5 Barrier exceptions. A portable spa with a safety cover which complies with ASTM ES 13, as listed in Section D107, shall be exempt from the provisions of this appendix. Swimming pools, hot tubs and nonportable spas with safety covers shall not be exempt from the provisions of this appendix.

**SECTION D106
ABBREVIATIONS**

ANSI—	American National Standards Institute 11 West 42nd Street, New York, NY 10036
ASTM—	American Society for Testing and Materials 1916 Race Street, Philadelphia, PA 19103
NSPI—	National Spa and Pool Institute 2111 Eisenhower Avenue, Alexandria, VA 22314

**SECTION D107
STANDARDS**

ANSI/NSPI	
ANSI/ NSPI-3-1992 Standard for Permanently Installed Residential Spas	D104.1
ANSI/ NSPI-4-1992 Standard for Aboveground/ Onground Residential Swimming Pools .	D103.2
ANSI/ NSPI-6-1992 Standard for Residential Portable Spas	D104.2
ASTM	
ASTM ES 13-89 Emergency Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tub	D105.2, D105.5
NSPI NSPI-5-1987 Standard for Residential Swimming Pools .	D103.1