

SWIMMING POOLS

Chapter 219

SWIMMING POOLS

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[HISTORY: Adopted by the Board of Trustees of the Village of Lynbrook 2-14-1972 by Ord. No. 72-38 as Ch. 7, Art. XXIX, of the 1967 Code of Ordinances and as Ch. 7, Article XXXII, of the 1967 Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 81.
Drainage — See Ch. 107.
Electrical standards — See Ch. 112.
Female exposure — See Ch. 121.
Hedges and fences — See Ch. 144.
Parks and recreation areas — See Ch. 173.
Plumbing — See Ch. 181.
Property maintenance — See Ch. 185.
Streets and sidewalks — See Ch. 212.

§ 219-1. Legislative intent.

It is hereby declared and found that the public interest requires the regulation of the use and maintenance of all swimming pools. By this enactment, the Incorporated Village of Lynbrook seeks to remove the danger of injury or drowning arising from the use of unprotected swimming pools.

§ 219-2. Permitted swimming pools.

Swimming pools may be installed in the Incorporated Village of Lynbrook only as accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests or as accessory to a nursery school or day camp for children and only on the conditions provided in this chapter.

§ 219-3. Definition of swimming pool. [Amended 3-2-1998 by L.L. No. 13-1998]

A "swimming pool" shall, for the purposes of this chapter, be construed to mean any body of water greater than 22 inches in depth, installed or maintained in or above the ground outside of any building, and used or intended to be used solely by the user, tenant or lessee of the premises upon which the pool is situated and by family or guests invited to use it without the payment of any fee.

§ 219-4. Approval required; criteria.

No swimming pool shall be installed or maintained unless:

- A. Plans have been filed with and approved by the Building Department of the Incorporated Village of Lynbrook and a building permit has been issued therefor.
- B. The drainage of such pool is adequate and will not interfere with the public water supply system, the existing sanitary facilities or the public highways.
- C. Such pool is installed in the rear yard of the premises.

- D. Such pool shall not be erected closer than four feet from the rear and side property lines of the premises, closer than eight feet from any dwelling, closer than six feet from any accessory building or, in the case of a corner lot, closer than 10 feet from any property line along an abutting street.
- E. Such pool does not occupy more than 40% of the rear yard area, excluding all garages or other accessory structures.

§ 219-5. Water supply and purification.

- A. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- B. If the water for such pool is supplied from the public water supply system, the inlet shall have a check valve and be higher than the overflow level of the pool. A plumbing permit shall be required for all connections to public water systems.
- C. Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

§ 219-6. Fencing requirements. [Amended 9-11-1989 by L.L. No. 3-1989; 3-2-1998 by L.L. No. 13-1998]

- A. Outdoor swimming pools shall be provided with an enclosure which shall comply with the following:
 - (1) It shall be at least four feet in height and have a maximum vertical clearance to grade of two inches.
 - (2) Where a picket-type fence is provided, horizontal openings between pickets shall not exceed four inches.

503.3.3.7 Balancing. The HVAC system design shall provide means for balancing air and water systems. Balancing mechanisms shall include, but not be limited to, dampers, temperature and pressure test connections, and balancing valves.

SECTION 504 SERVICE WATER HEATING

504.1 Scope. The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating. Water supplies to ice-making machines and refrigerators shall be taken from a cold-water line of the water distribution system.

504.2 Water heaters, storage tanks and boilers. Water heaters, storage tanks and boilers shall meet the performance criteria set forth in Sections 504.2.1 and 504.2.2.

504.2.1 Performance efficiency. Water heaters and hot water storage tanks shall meet the minimum performance of water-heating equipment specified in Table 504.2. Where multiple criteria are listed, all criteria shall be met.

Exception: Storage water heaters and hot water storage tanks having more than 140 gallons (530 L) of storage capacity need not meet the standby loss (*SL*) or heat loss (*HL*) requirements of Table 504.2 if the tank surface area is thermally insulated to R-12.5 and if a standing pilot light is not used.

504.2.2 Combination service water-heating/space-heating boilers. Service water-heating equipment shall not be dependent on year-round operation of space-heating boilers: that is, boilers that have as another function winter space heating.

Exceptions:

1. Systems with service/space-heating boilers having a standby loss (Btu/h) (*W*) less than:

$$\frac{13.3 \text{ } pmd}{n} \quad (\text{Equation 5-12})$$

determined by the fixture count method where:

pmd = Probable maximum demand in gallons/hour as determined in accordance with Chapter 37 of the ASHRAE *HVAC Systems and Applications Handbook*.

n = Fraction of year when outdoor daily mean temperature exceeds 64.9°F (18°C).

The standby loss is to be determined for a test period of 24-hour duration while maintaining a boiler water temperature of 90°F (32.2°C) above an ambient of 60 to 90°F (16 to 32°C) and a 5-foot (1524 mm) stack on appliance.

2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Swimming pools. Swimming pools shall be provided with energy-conserving measures in accordance with Sections 504.3.1 through 504.3.3.

504.3.1 On-off switch. All pool heaters shall be equipped with an ON-OFF switch mounted for easy access to allow shutting off the operation of the heater without adjusting the thermostat setting and to allow restarting without relighting the pilot light.

504.3.2 Pool covers. Heated swimming pools shall be equipped with a pool cover.

Exception: Outdoor pools deriving over 20 percent of the energy for heating from renewable sources (computed over an operating season) are exempt from this requirement.

504.3.3 Time clocks. Time clocks shall be installed so that the pump can be set to run in the off-peak electric demand period and can be set for the minimum time necessary to maintain the water in a clear and sanitary condition in keeping with applicable health standards.

504.4 Pump operation. Circulating hot water systems shall be arranged so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.5 Pipe insulation. For recirculating systems, piping heat loss shall be limited to a maximum of 17.5 Btu/h per linear foot (16.8 W/m) of pipe in accordance with Table 504.5, which is based on design external temperature no lower than 65°F (18°C). Other design temperatures must be calculated.

Exception: Piping insulation is not required when the heat loss of the piping, without insulation, does not increase the annual energy requirements of the building.

504.6 Conservation of hot water. Hot water shall be conserved in accordance with Section 504.6.1.

504.6.1 Showers. Shower heads shall have a maximum flow rate of 2.5 gallons per minute (gpm) (0.158 L/s) at a pressure of 80 pounds per square inch (psi) (551 kPa) when tested in accordance with ASME A112.18.1.

shall be given to conditions involving wind load on ice-covered sections in localities subject to sustained freezing temperatures.

3108.4.1 Dead load. Towers shall be designed for the dead load plus the ice load in regions where ice formation occurs.

3108.4.2 Wind load. Adequate foundations and anchorage shall be provided to resist two times the calculated wind load.

3108.5 Grounding. Towers shall be permanently and effectively grounded.

SECTION 3109 SWIMMING POOL ENCLOSURES

3109.1 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning shown herein.

SWIMMING POOLS. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

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

3109.4.1 Barrier height and clearances. 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, the barrier is authorized to be at ground level or 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).

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

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 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.

3109.4.1.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25-inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.1.7 Gates. Access 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 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 shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and 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.

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 and its screen 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 shall be equipped with a manual means to deactivate the alarm temporarily for a single opening. Such deactivation shall last no more than 15 seconds. The deactivation switch shall be located at least 54 inches above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, that are approved by the administrative authority shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

3109.4.1.9 Pool structure as barrier. 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 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 which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. 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.

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.

- (3) Where a chain-link fence is provided, the opening between links shall not exceed $2\frac{3}{8}$ inches.
 - (4) The enclosure shall be constructed so as not to provide foot holds.
 - (5) Pickets and chain-link twists shall extend above the upper horizontal bar.
 - (6) Such enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts, respectively. Enclosure, fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds applied anywhere between supports on an area 12 inches square, without failure or permanent deformation. Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade.
 - (7) A wall of a dwelling is permitted to serve as part of the enclosure.
- B. The exemptions set forth in the New York State Uniform Fire Prevention and Building Code § 720.2 are not applicable to outdoor pools in the village.

§§ 219-7 and 219-8. (Reserved)¹

§ 219-9. Abandonment of pool.

In the event an owner shall abandon a permanent outdoor swimming pool, he shall forthwith fill all voids and depressions and restore the premises to the same grade and conditions as before the swimming pool was constructed and shall accordingly

¹ Editor's Note: Former § 219-7, Exceptions to fencing requirements, and § 219-8, Use of loudspeakers and lights restricted, were repealed 3-2-1998 by L.L. No. 13-1998.

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notify the Superintendent of Buildings when said restoration work has been completed.

§ 219-10. Electrical standards.

All electrical systems and appliances installed at or near any pool shall be properly grounded and comply with the applicable provisions of the Electrical Code² of the Village of Lynbrook.