

REFERENCE: INTERNATIONAL BUILDING CODE 2006  
NEW JERSEY EDITION

908-526-5561

SECTION 3109 SWIMMING POOLS, SPAS AND HOT TUBS

PERMANENT BARRIER MUST BE IN ACCORDANCE WITH ABOVE

ADDRESS \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

I, \_\_\_\_\_, HOMEOWNER, WILL HAVE  
TEMPORARY FENCING INSTALLED DURING CONSTRUCTION AND  
PERMANENT FENCING INSTALLED UPON COMPLETION OF WORK IN  
ACCORDANCE WITH IBC 2000, NJ EDITION, SECTION 3109, AS PRINTED  
BELOW.

SECTION 3109  
SWIMMING POOL ENCLOSURES  
AND SAFETY DEVICES

**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, above-ground 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-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 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 that 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 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 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-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 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. Release mechanisms shall be in accordance with Sections 1008.1.8 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 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.** Deleted.

**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

(OVER)

means of access is a ladder or steps, then 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.

**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.** See the plumbing subcode [N.J.A.C. 5:23-3.15 (b)8v].

## SECTION 3110 SWIMMING POOLS AND SPAS

**3110.1 General.** Swimming pools and spas shall be constructed in accordance with Section 3110.1 through 3110.6.

**3110.2 Public swimming pools.** Public swimming pools shall be designed and constructed in conformance with ANSI/NSPI-1 as listed in Chapter 35.

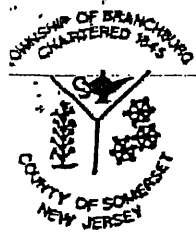
**3110.3 Public spas.** Public spas shall be designed and constructed in conformance with ANSI/NSPI-2 as listed in Chapter 35.

**3110.4 Permanently installed residential spas.** Permanently installed residential spas shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Chapter 35.

**3110.5 Above-ground and on-ground residential swimming pools.** Above-ground and on-ground residential swimming pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Chapter 35.

**3110.6 Residential in-ground swimming pools.** Residential in-ground swimming pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Chapter 35.

**3110.7 Portable spas.** Portable spas shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Chapter 35.



# Township of Branchburg

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Re: Block Lot

Dear

Due to a change in the state law regarding swimming pools, it is now necessary to install a barrier around all pools that are 24 inches or more in depth. A barrier is defined as "a fence, wall, building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool." This regulation is not specific regarding the area of the swimming pool as it was in the past. Additionally, the change in the law also includes inflatable pools that are removed at the end of the season. Inflatable pools that have been used in past years are not exempt as a pre-existing condition and must comply with the barrier requirements. This change in the law will be an inconvenience to many individuals but the law was created with the safety of the public in mind, especially the children.

It has been observed that a temporary pool has been installed at your residence. Your pool and the barrier will require a permit to legitimize the installation to make certain they comply with the building code and the state law. I have enclosed a copy of the requirements for your reference.

Upon receipt of this letter, you will have 30 calendar days to comply with this regulation. Feel free to contact me with any questions or concerns.



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