



(Apr 2023)

SELF-SERVE PERMITTING INSTRUCTIONS

POOLS AND HOT TUBS

HELPFUL INFORMATION:

- Pools and hot tubs are considered a detached accessory uses under the Zoning Code and as such, must be located in a rear yard.
- If a deck is proposed around a pool, also complete a deck packet so that you can submit both requests together.
- No overhead power lines shall be located above or within 10' of proposed location.
- An electrical permit is likely required to install the electrical components. See separate electrical permit packet.
- See the attached information sheet relating to pool installations.

MINIMUM SUBMISSION REQUIREMENTS:

- ✓ Completed permit application (attached)
- ✓ Instrument Survey maps showing proposed pool or hot tub location (example attached)
- ✓ If proposed, construction plans of deck (see deck packet)
- ✓ Manufacturer's specifications if applicable
- ✓ Insurance Certificates (see attached)

HOW TO SUBMIT: Your completed permit application package and fee (checks or money orders made payable to "City Treasurer") can be submitted by:

- Email: zoning@cityofrochester.gov
- In person Monday, Wednesday, Friday 9am to 4pm,
- **Closed to walk- ins Tuesdays and Thursdays**
- Drop box provided at City Hall A Building lobby
- Mail: The Bureau of Buildings & Compliance
30 Church Street, Room 121B
Rochester, NY 14614

If you have any questions, please call 428-7043 for additional instructions. **Incomplete applications will be returned.** Thank you.





City of Rochester

Neighborhood and Business Development
City Hall Room 121B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

The Bureau of
Buildings &
Compliance

BUILDING PERMIT APPLICATION and ZONING COMPLIANCE REQUEST

PROPERTY ADDRESS: _____

USE: RESIDENTIAL (1 or 2 Family) COMMERCIAL MIXED USE

APPLICANT INFORMATION:

YOUR NAME: _____ **YOUR PHONE NUMBER:** _____
(not a company name)

YOUR EMAIL ADDRESS: _____

YOUR MAILING ADDRESS: _____

PROPERTY OWNER:

Check if same as applicant above

Name: _____

Address: _____
(Cannot be a PO Box) (include City or Town)

Zip: _____ Phone: _____

Email: _____

CONTRACTOR: (check if same as:)

Owner Applicant (check both if applicable)

Name: _____

Address: _____
(Cannot be a PO Box) (include City or Town)

Zip: _____ Phone: _____

Email: _____

ARCHITECT: _____
OR ENGINEER

PERMIT REQUEST:

DESCRIPTION: _____

- ADDITION/NEW CONSTRUCTION INTERIOR RENOVATIONS EXTERIOR RENOVATIONS
- CHANGE/ESTABLISH USE DECK POOL/HOT TUB SHED/GARAGE/CARPORT
- HVAC/MECHANICAL/ELECTRICAL SYSTEMS OTHER: _____

PROJECT COST ESTIMATE: (excluding plumbing & electrical) \$ _____

YOUR SIGNATURE: _____

DATE: _____

**SECTION R326.3
SWIMMING POOLS**

R326.3.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5.

R326.3.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4.

SECTION R326.4

SPAS AND HOT TUBS

R326.4.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 (Standard for Permanently Installed Residential Spas, 1999).

R326.4.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.

**SECTION R326.5
BARRIER REQUIREMENTS**

R326.5.1 Application. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near-drowning by restricting access to swimming pools, spas and hot tubs.

R326.5.2 Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section R326.5.3 is provided.

Exceptions:

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section R326.5.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

R326.5.2.1 Height. The top of the temporary 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.

R326.5.2.2 Replacement by a permanent barrier. A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

R326.5.2.2.1 Replacement extension. Subject to the approval of the code enforcement official, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

R326.5.3 Permanent barriers. 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 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 2¹/₄-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 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. Gates shall comply with the requirements of Section R326.5.3, Items 1 through 7, and with the following requirements:

8.1. All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.

8.2. All gates shall be self-latching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from the bottom of the gate, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.

8.3. All gates shall be securely locked with a key, combination or other child proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.

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 in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are 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 touch pad or switch, to temporarily deactivate the alarm for a single opening. 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, 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 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 R326.5.3, 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.

R326.5.4 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section R326.5.3, Item 9.

R326.5.5 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

R326.5.6 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this appendix.

SECTION R326.6

ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

R326.6.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

R326.6.1.1 Compliance alternative. Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

R326.6.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M, or an 18 inch by 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers.

R326.6.3 Atmospheric vacuum relief system required. Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

R326.6.4 Dual drain separation. Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

R326.6.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

SECTION R326.7
SWIMMING POOL AND SPA ALARMS

R326.7.1 Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

Exceptions:

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346.

Pool alarms shall comply with ASTM F2208 (Standard Specification for Pool Alarms), and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

R326.7.2 Multiple alarms. A pool alarm must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be provided.

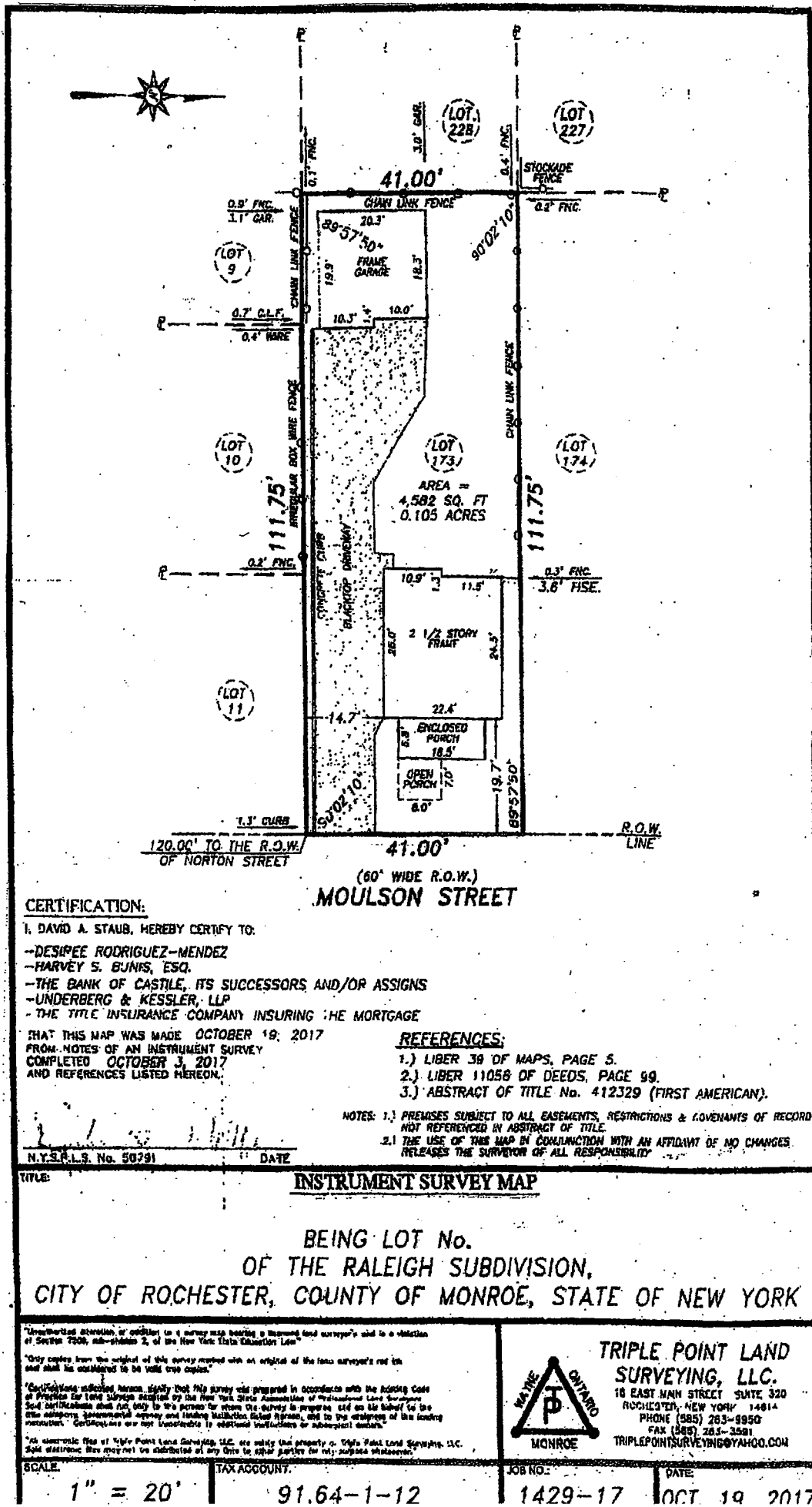
R326.7.3 Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

R326.7.4 Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.

SAMPLE INSTRUMENT SURVEY MAP

NOTE:

- This is a sample of an Instrument Survey Map.
- The property owner should have received a copy at their closing.
- If you do not have one, you can check with your mortgage company or the attorney who handled your closing.
- The City does not keep copies of Instrument Survey maps.
- If you need to have a new one made, you need to call a Land Surveyor.



WORKERS' COMPENSATION INSURANCE

The State of New York requires that, prior to issuing any permits, the City of Rochester be provided with proof of Workers' Compensation Insurance coverage or provide proof of exemption from such coverage.

One of the following certificates must be provided by the applicant with each permit request:

- C105.2 or U-26.2 – Workers' Compensation Insurance (private carrier)
(contractor with employees)
- CE-200 – Exemption Certificate
(contractor with no employees)
- BP-1 – Affidavit of Exemption
(owner occupied 1-4 family & owner is performing work)
- SI12 or GSI-105.2 – Self Insurance coverage

Helpful Hints:

- To obtain a CE 200 Exemption
 - <https://www.businessexpress.ny.gov/>
 - Worker's Compensation Board location at 130 W. Main Street (verify if open by calling 1-877-632-4996)
- Certificates for building permits are job-specific and a separate certificate will be required for each building permit.
- NYS does NOT accept "ACORD" Certificates nor will they accept faxed copies.