



## **Fence Replacement Guide**

All fence replacements require a zoning permit.  
Fences that act as a pool safety barrier require both zoning and construction permits.

It is recommended that all new fences be non-climbable.

### **For the replacement of existing fences without a pool on the property:**

When making an application to replace a fence the following shall be required:

- Completed zoning permit application with \$50.00 check made payable to the Township of Evesham.
- The most recent survey for the property denoting the location of the existing fence (or the proposed location if making changes to the current configuration).
- The height, style, design and specifications for the proposed new fence including a picture or copy of the fence design brochure.

### **For the replacement of existing fences used as a pool barrier fence:**

- Completed zoning permit application with \$50.00 check made payable to the Township of Evesham.
- The most recent survey for the property denoting the location of the existing fence (or the proposed location if making changes to the current configuration). The survey must clearly indicate whether existing fence(s) will be utilized as part of the pool barrier fence and clearly demonstrate if the proposed fence is on your property or belongs to/is located on a neighbor's property.
- The height, style, design and specifications for the proposed new fence including a picture or copy of the fence design brochure.
- If you are proposing to utilize your neighbor's fence(s) as part of your pool barrier, provide photos of both sides of the existing fence/existing conditions.
- Completed UCC (construction) permit application with building subcode technical form. UCC fees will be determined after application is reviewed and approved.

All pool barrier fences and pool access safety devices are inspected under the most recent IRC or IBC Codes as adopted by the State of New Jersey.

***We highly encourage that all applicants review Swimming Pool Etiquette – 2020 Edition (NJ DCA's Construction Code Communicator Summer 2020) enclosed in this packet regarding pool barriers.***

### **NOTE TO HOMEOWNERS:**

Final payment to contractors should **NOT** be made until all final inspections are completed and a Certificate of Approval is issued from this office.

## Swimming Pool Etiquette – 2020 Edition

Ok, here it is . . . the official scoop on all you've ever wanted to know about the Uniform Construction Code (UCC) requirements applicable to private swimming pools. Specifically, this article explains provisions for swimming pool depths, materials, barriers, and electrical requirements. Identifying the point at which a swimming pool is regulated by the 2018 edition of the International Building & Residential Code (IBC & IRC) and the Building Subcode & One- and Two-Family Dwelling Subcode has been confusing for several enforcing agencies. This article should clarify these uncertainties.

### Definition/Application:

Sections 3109 of the 2018 IBC and Section R326 of the 2018 IRC require that all swimming and bathing facilities be regulated by the 2018 International Swimming Pool & Spa Code (ISPSC), except for those that are 24 inches or less in depth. This is based on the definition of "Swimming Pools" at Section 202 of the 2018 IBC; see explanation/application of this definition on page 1 within the article, "Above Ground Swimming Pools - Ladders with Attached Gates."

### **Barrier:**

"Barrier" is defined at Section 202 of the 2018 ISPSC as "a permanent fence, wall, building wall, or combination thereof that completely surrounds the pool or spa and obstructs the access to the pool or spa. The term 'permanent' shall mean not being able to be removed, lifted, or relocated without the use of a tool." The requirements for a swimming pool barrier can be found at Section 305 of the 2018 ISPSC and modifications to the barrier requirements are noted at Section 3109/R326 of the 2018 IBC/IRC:

\* Section 305.1, General, deletes the allowance for swimming pools to use a powered safety cover that complies with ASTM F1346 as a barrier.

\* Section 305.4, Structure wall as a barrier, is deleted because it is redundant. If a wall of the home/building meets the other criteria of Section 305, it should be allowed as a barrier,

\* Section 305.5, On ground residential pool structure as a barrier, in Item 3, deletes the allowance of removable ladder or "flip-up" stairs to be used as a barrier. At a minimum, for example, a 48" on-ground pool would require a barrier around the access ladder/stair.

A swimming pool barrier may be placed anywhere up to the property line, provided a local ordinance does not say otherwise, and as long as the pool is completely surrounded. As written, the barrier must be independent of any neighboring barrier and neighboring barriers are not to be shared for purposes of meeting pool barrier requirements.

Two conforming pool barriers may be placed back to back, provided the barriers are not climbable from either side. However, if a neighboring property contains a climbable fence or barrier, the barrier for the new pool should be placed a sufficient distance away in order to limit access to the pool. This distance should be based upon the topography of the properties. Separation distances between the fence and the barrier may range from two feet to four feet. Smaller or greater ranges may be appropriate, based upon specific circumstances.

However, it was determined back in the Winter 2008 edition of the Construction Code Communicator (and republished Winter 2017) that it is permissible to share a swimming-pool barrier, provided the local authority having jurisdiction grants a variation to do so. The variation should include a statement from the fence owner acknowledging use of his fence as a swimming-pool barrier and a statement from the pool owner acknowledging his responsibility to install a compliant barrier should the neighbor remove his fence for any reason.

The barrier should not be climbable, as per code, from the side away from the swimming pool; and if there is a swimming pool on both sides of the barrier, the barrier should not be climbable from either side.

### Electrical:

The Code Assistance Unit has also encountered some confusion about whether an electrical permit is required for the installation of a swimming pool. Typically, there are two scenarios that would trigger the need for an electrical permit: [1a] if a swimming pool is capable of holding water to a depth of greater than 42 inches, OR [1b] a pool has nonmetallic, molded polymeric walls or inflatable fabric walls, regardless of dimension (definition of Storable Pool at Article 680 of the National Electrical Code/2017); or [2] if a swimming pool is equipped with permanent recirculation equipment, regardless of dimension.

### Permits:

In short, it should be assumed a permit application is required to install any pool. Also, note that requirements for building, electrical and plumbing components are independent may require separate tech sections, as applicable. For example:

*(continued on next page)*

*(Swimming Pool Etiquette – 2020 Edition)*

- Building tech section required for pool that can contain water over 24 inches deep; this is not material specific (see definition for “on-ground pool” in the 2018 ISPSC).
- Electrical tech section required. However, if on-ground with nonmetallic, molded polymeric or inflatable walls, not required if all of the following conditions are met:
  - Motor/filtration pump unit is portable (no foundation/not bolted down) and can be readily disassembled from the water circulation system;
  - Motor/filtration pump unit is listed (UL, etc.) as double insulated and has a cord with a minimum of 25 feet in length;
  - Pool is capable of holding water to a maximum depth of 42 inches; and
  - Pool has no underwater lighting.

And as a friendly reminder, swimming pools receive a Certificate of Approval (not a Certificate of Occupancy). In addition, please see these related swimming pool articles:

- Swimming Pools and Spas – Plan Review & Inspections (page 7, Winter 2019 edition)
  - RE: Entrapment hazards; Pool barriers; and Bonding/grounding
- Pool Construction and Equipotential Bonding (page 15, Fall 2019 edition)
  - RE: Structural reinforcing steel in a conductive pool shell

Source: Rob Austin  
Code Assistance/Development Unit  
(609) 984-7609



# Pool Fence Requirements

## Above ground pools

Barrier are required for above ground pools, a removable ladder is not an acceptable barrier for an above ground pool. The barrier may be a compliant fence that surrounds the entire pool or yard. Pools that have a wall that is at least 48" do not require a fence around the entire pool and may have a fence just around the ladder area or a ladder with a built in self closing latching gate.

### Above ground pools with walls at least 48" above grade



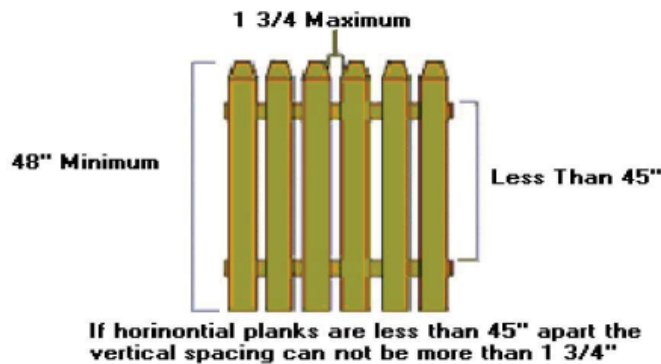
Ladder with built-in gate



Fence around ladder area

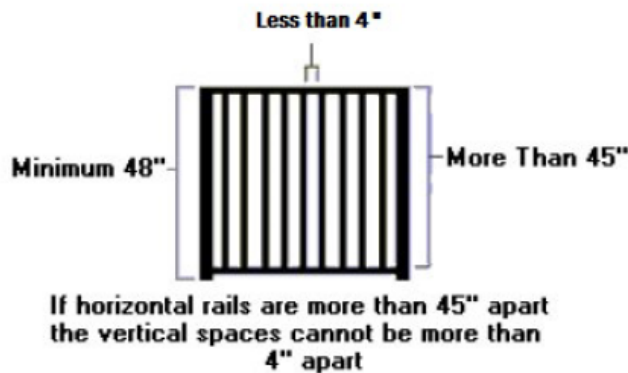
### Fences with horizontal rails less than 45" apart

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, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches in width. Decorative cutouts shall not exceed 1-3/4 inches in width.



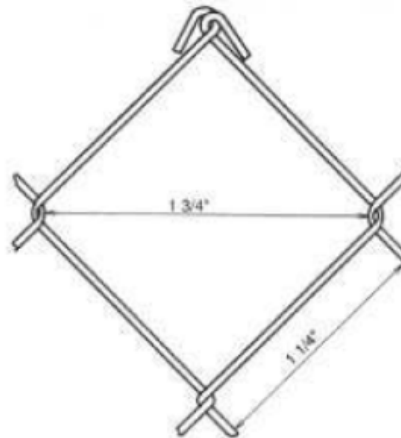
### Fences with horizontal rails more than 45"aparts

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Decorative cutouts shall not exceed 1-3/4 inches in width.



## Chain link Fence Mesh Size Limit

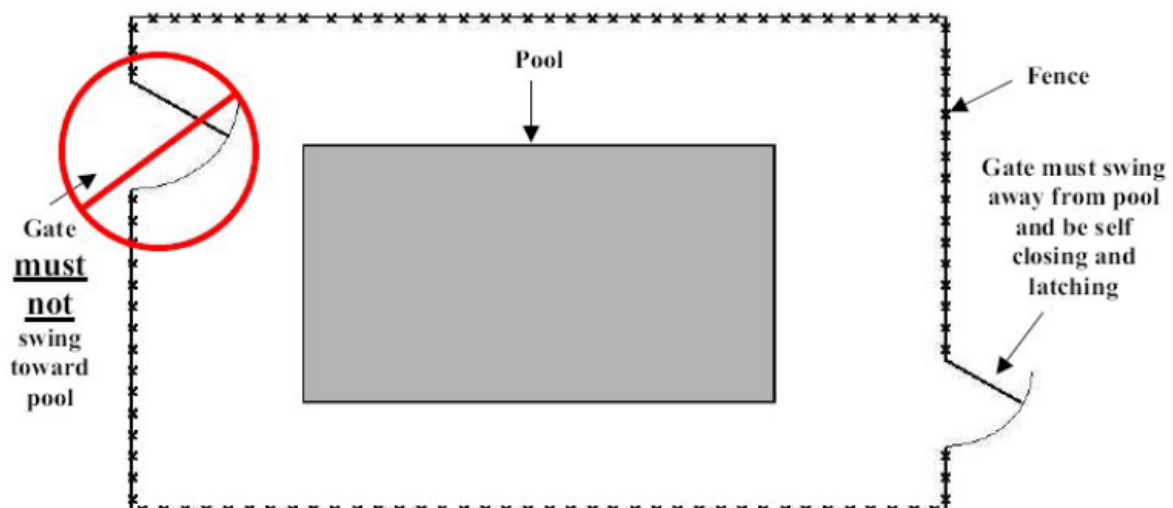
Maximum mesh size for chain link fences shall be a 1 ¼-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1 ¾-inches. (Figure 3)



**Important:** The maximum mesh size for a pool fence is smaller than the standard chain link mesh

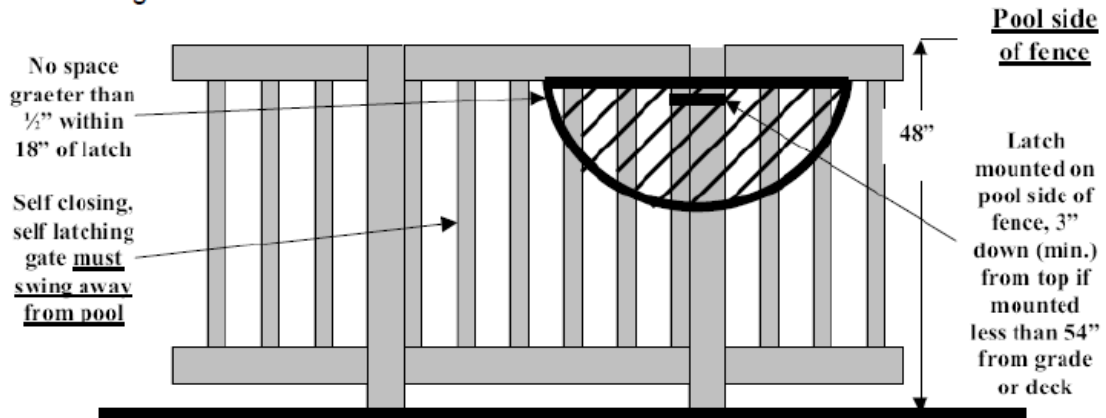
## Gate Swing

Gates shall comply with the requirements of a fence for height, picket spacing or chain link mesh size and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates must swing out only so that even if the gate is not completely latched, a young child pushing on the gate in order to enter the pool area will at least close the gate and may actually engage the latch.



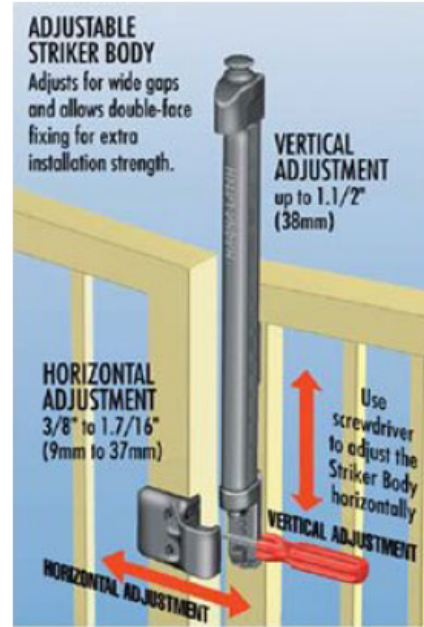
**48" high gates with latches mounted less than 54" from the ground**

If the latch is mounted less than 54" from grade, it must be mounted on the pool side of the gate, a minimum of 3" down from the top of the gate so you must reach over the fence to unlatch and have no space greater than 1/2" within 18" of the latch so a child can not reach through the fence to unlatch it.



## 48" high gates with the latch mounted above the top of the gate.

Several manufactures make latches that can be mounted on a 48" high gate and have the operating mechanism above the top of the gate. The operating mechanism must be mounted at least 54" above the bottom of the gate.



## Gates more than 48" high

Gates that are more than 48" high must have the latch mounted at least 54" above the bottom of the gate.

