



# Hardin County

Planning and Development Commission

## POOL FENCE AFFIDAVIT

As the owner of the property locate at \_\_\_\_\_  
\_\_\_\_\_

By marking below, I am indicating that I am aware of the requirements for the enclosure of an in-ground swimming pool in accordance with current KENTUCKY RESIDENTIAL CODE STANDARDS.

\_\_\_\_\_ **Handout Required:**

I have received a copy of the "Swimming Pools" handout as prepared by the Hardin County Building Inspector illustrating the requirements of the code for a swimming pool, including the enclosure.

\_\_\_\_\_ **Existing Fence:**

I certify that I have compared the "Swimming Pools" handout to my existing fence and it complies with the requirements of the code for a swimming pool enclosure.

\_\_\_\_\_ **New Fence:**

I take full responsibility, as the property owner, for ensuring the swimming pool shall be protected by a properly constructed fence or barrier during and after construction.

In addition, I assure the swimming pool will not be filled with water or otherwise used or occupied until all final inspection approvals have been granted by the Hardin County Building Inspector.

**I hereby acknowledge reading the above requirements and understand that I must comply. Failure of the property owner to provide the barrier as prescribed constitutes a violation of the Kentucky Residential Code and subjects the owner to penalties as prescribed by law.**

\_\_\_\_\_  
Owner's Name (Print)

\_\_\_\_\_  
Owner's Signature

*Swimming Pools, 2018 Kentucky Residential Code, Second Edition April 2019,*

Section R202 Definitions:

R326.2 Definitions. **BARRIER.** A fence, a wall, a building wall, or combination thereof, which completely surrounds the *swimming pool* and obstructs access to the *swimming pool*. **HOT TUB.** See definition of *private swimming pool*. **IN-GROUND POOL.** See definition of *private swimming pool*. **SPA.** See definition of *private swimming pool*. **PRIVATE SWIMMING POOL, OUTDOOR.** Any *private swimming pool* that is not an indoor pool.

**PRIVATE SWIMMING POOL.** Any *structure* that contains water over 24 inches (610 mm) deep and which: a. is used, or intended to be used, for swimming or recreational bathing in connection with a Group R-3 occupancy; and b. is available only to the family and guests of the householder. This includes *swimming pools* constructed below grade on site, but not those assembled above grade on site.

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

SECTION R326 SWIMMING POOLS, SPAS, AND HOT TUBS

R326.1 General. The provisions of this section shall control the design and construction of *swimming pools*, spas, and hot tubs installed in or on the lot of a one- or two-family dwelling.

R326.2 Definitions. The following terms are defined in Chapter 2: BARRIER, HOT TUB, IN-GROUND POOL PRIVATE SWIMMING POOL, PRIVATE SWIMMING POOL, INDOOR, PRIVATE SWIMMING POOL, OUTDOOR SPA, SWIMMING POOL

R326.3 Pools in flood hazard areas. *Swimming pools* that are located in flood hazard areas established by the local jurisdiction or the flood plain manager including in-ground *swimming pools* that involve placement of fill, shall comply with Section R326.3.1 or R326.3.2. Exception: *Swimming pools* located in riverine flood hazard areas which are outside of designated floodways.

R326.3.1 Pools located in designated floodways. Where *swimming pools* are located in designated floodways, documentation shall be submitted to the building official that demonstrates that the construction of the *swimming pool* will not increase the design flood elevation at any point within the jurisdiction.

R326.3.2 Pools located where floodways have not been designated. Where *swimming pools* are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed *swimming pool* will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

R326.4 In-ground pools. In-ground *swimming pools* shall be designed and constructed in compliance with ANSI/NSP15.

R326.5 Aboveground and on-ground pools. Aboveground and on-ground *swimming pools* shall be designed and constructed in compliance with ANSI/NSPI-4.

R326.6 Pools in flood hazard areas. *Swimming pools* in flood hazard areas established by Table R301.2 (1) shall be designed and constructed in compliance with ASCE 24.

R326.7 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

R326.8 Barrier Requirements. The provisions of this section shall control the design of barriers for *residential swimming pools*. These design controls are intended to provide protection against potential drownings and near - drownings by restricting access to *swimming pools*.

R326.8.1 Outdoor swimming pool. An outdoor in ground *swimming pool* 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 4 inches (102 mm) measured on the side of the barrier, which faces away from the *swimming pool*.
2. Openings in the barrier shall not allow the 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 24 inches (610 mm), 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 (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 3/4 inches (44 mm) in width. Exception: When

intermediate horizontal members are located 34 inches (864 mm) or more above grade, the spacing between vertical members shall not exceed 4 inches (102 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 24 inches (610 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 3/4 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 2 1/4-inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1 3/4 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 1 3/4 inches (44 mm).

8. Access gates shall comply with the requirements of items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the *swimming 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 48 inches (1219 mm) above grade 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 *swimming 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 larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. See plastic shield shown on drawing.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met: 9.1. The *swimming pool* shall be equipped with a powered safety cover in compliance with ASTM F 1346; 9.2. Doors with direct access to the *swimming pool* through that wall shall be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. 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 authority having jurisdiction, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.

R326.8.2 Indoor *swimming pool*. Walls surrounding an indoor *swimming pool* shall comply with Item 9 of Section R926.6.2.

R326.8.3 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment, or similar objects from being used to climb them.

R326.8.4 Barrier exceptions. Spas or hot tubs with a safety cover that comply with ASTM F 1346 shall be exempt from the provisions of this section.

R326.9 Locations. Private *swimming pools* shall not encroach on any front or side yard required by this code or by the governing zoning laws, unless in accordance with specific rules of the jurisdiction in which the swimming pool is located. A wall of a *swimming pool* shall not be located less than 6 feet (1829mm) from any rear or side property lines or 10 feet (3048mm) from any street property line, unless in accordance with the specific rules of the jurisdiction in which the *swimming pool* is located.

R326.10 Entrapment Protection for *Swimming Pool and Spa Suction Outlets*. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

*Bibliography: Picture of child reaching for latch (Pg. 2) gathered from ad for Main Line Fence Co. Inc.*

