



Department of Land Use

FAQ

About Swimming Pools

Every year accidental drowning claims the lives of toddlers and young children across the country. In an effort to eliminate such tragedies and ensure that your pool is the focus for only happy occasions, New Castle County has developed specific rules and regulations governing newly installed swimming pools. ***Following the guidelines and obtaining all required permits and inspections will help keep you and your community safe. Making sure required permits are obtained by your contractor is your responsibility.***

All in-ground swimming pools require building permits. Any above-ground swimming pools that are more than 24 inches deep or 250 square feet also require building permits. ***When entering into a contract with a pool company, be sure to address the issue of building permits before you sign the contract.***

The permit and inspections process is designed to make sure:

1. Your contractor is licensed and bonded
2. Approved construction techniques are used
3. Safety measures are installed
4. Your pool is properly located on your property (setbacks)

Safety

All newly constructed, in-ground swimming pools must be *surrounded by a fence of at least 4 feet* in height and must have a self-closing and latching device on the gate. Above-ground swimming pools that are capable of holding more than 24 inches of water are also required to be fenced.

Above-ground pools that have an exterior wall height of at least 4 feet do not need a fence. However, a 4-foot high enclosure with a *self-closing and self-latching gate* must be constructed around the ladder/egress area of the pool. All pools that require a building permit must be inspected and a certificate of occupancy issued prior to use.

Not just any four-foot fence will serve as a legal safety screen around your pool. The top rail of the fence must be capable of supporting 250 pounds to reduce the possibility of it collapsing. The fence mesh must be sufficiently tight to prevent a 4-inch sphere from passing through, making it *difficult for youngsters to climb the fence*. It is

permissible to use a post and rail style fence, providing meshing is added to meet the specifications detailed above. The wire meshing must be on the outside of the post-and-rail fence.

One important note: increased safety regulations were adopted in December of 1998. As part of the 2000 International Building Code, Section 3109.4.1.8, (and included in the recently adopted 2003 IBC) ***New Castle County no longer allows a portion of your home to serve as part of the fencing requirement.*** This means pools installed after December 4, 1998 that require a fence must be completely enclosed with fencing as detailed above. This new requirement is intended to reduce the number of accidental drownings involving children by restricting their unattended access to home pools.

Electrical service to and around your pool must conform to the latest *International Electric Code*. ***New Castle County does not issue permits for electric or inspect electrical installation.*** The State of Delaware (302-739-4522 – Dover) issues electrical permits. Inspections are done through private agencies. They are: Middle Department – 302-999-0243 and First State Inspection – 302-683-0400. When locating your pool, be sure to take into account overhead and underground electric wires. Overhead electric wires must be located 10 feet away from the edge of the pool.

Pool Locations and setbacks

The New Castle County Unified Development Code (40.03.410) requires the pool be located in the rear yard. The pool, decks, filters and pumps, or sheds associated with the pool area must be located at least six (6) feet from any side or rear property line. The total combined area of the pool and any other structures cannot cover more than 30% of the required rear yard.

Pool Maintenance

New Castle County also regulates the maintenance of swimming pools. Simply put, pools must be maintained in a clean, sanitary condition (suitable for swimming). If not, the pool must be drained and covered. Pool owners should also take measures to assure that run-off/drainage of the pool is not directed onto a neighbor's property.

Any questions you may have regarding permits and inspections should be directed to the Land Use Department at 302-395-5400.

The FAQ series only summarizes or highlights portions of the New Castle County Code. In all applications, the New Castle County Code must be consulted. The language in the Code prevails over the FAQ.

4/5/02
Revised 01/05/05



NEW CASTLE COUNTY

DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DE 19720
PHONE: 302-395-5400 • WWW.NCCDEL.U.ORG

Building Permit Requirements Swimming Pool & Hot Tub/Spa

REV. 06/2005

All New Castle County forms are available via the County website or Land Use customer service.

☐ **Building Permit Application**

- ☐ **Building Contractor Registration** (The registered person performing the building work, or an authorized representative thereof, must secure the appropriate permits. A registration packet may be obtained at the Land Use Department. A homeowner cannot secure the building permit by listing the contractor hired to perform the work. However, a homeowner, but NOT an agent, may secure a building permit without a registration if the homeowner is performing all building work.)

OR

- ☐ **Homeowner Responsibility Affidavit** (This standard form is available at the Land Use Department and is required when the homeowner is securing the permit. The homeowner may obtain the permit only if the contractor's only contractual responsibility to the homeowner is the delivery/assembly of the pool, hot tub, spa.)

☐ **Property Requirements:**

- ☐ A private swimming pool may be located in the rear yard provided the pool, including all appurtenances such as, but not limited to, the decking, pool filter and pump, shall be at least six (6) feet from any side or rear property line. In the case of a corner lot or multiple frontage lot, the pool shall not be located in the street yard setback, and must be outside of all recorded utility easements.
- ☐ All pools must be a minimum of ten (10) feet horizontally from overhead wires.
- ☐ Filter discharge or other drainage water from private swimming pools cannot be connected to the New Castle County sanitary sewer system.
- ☐ **Pool Fence and Gate Requirements** – please see separate requirement sheet for detailed information

Variance(s) from the NCC Board of Adjustment may be required if construction will encroach into the building setbacks for your property. Any required variances must be granted prior to permit issuance. An application and additional information are available via the County website and Land Use customer service.

Verification of Paid Taxes Property taxes and sewer billing fees must be paid on the property for which you are requesting a building permit and on any tax parcel that such landowner owns in New Castle County prior to building permit submission (*New Castle County Code 06.03.012.H*). This will be verified as part of the application process.

In-Ground Pools also require:

- ☐ **Two (2) Copies of Lines and Grades Plan prepared pursuant to the most recent Residential Lines and Grades Checklist.** (Call 302-395-5470)

Lines and Grades plans to include:

- Pool Heater, if applicable
- Show overhead wires and indicate relocation, if necessary
- Note how excess material will be disposed of
- Pool fence (see separate requirement sheet)
- Indicate construction equipment access to work area
- Show all drainage and sewer easements

Please note: No change in grade is permitted in drainage easements, nor is any encroachment of the pool into any easement or building setback lines.

- ☐ **Three (3) Sets of Pool Construction Plans** (Drawings must meet IBC standards, particularly in regard to minimum depths to support diving boards and for ladders and stairs.)

Continued on Next Page →

Above-Ground Pools also require:

- ☐ **Three (3) Copies Current Plot Plan, sealed by surveyor/engineer, identifying all Existing and Proposed Improvements to Lot**
- ☐ **Three (3) Copies of pool sales brochure, plans, etc. for description of pool**

Public Pools also require:

- ☐ **Board of Health Approval** (Applicable to public pools only – call 302-995-8650)
- ☐ **Plumbing Permit** (Required for all connections to potable water system and connection to the sanitary sewer and to be obtained by a licensed and NCC Registered Plumber)

Pool Heaters to require:

- ☐ Must be shown on the Lines and Grades plan
- ☐ **Mechanical Permit required for Heater and Gas Piping** (to be obtained by a Licensed and NCC Registered Plumbing/Mechanical Contractor)
- ☐ Equipment must meet accessibility, venting, and chimney clearance distances as set forth in New Castle County adopted and amended codes

Inspections/Certificate of Occupancy Information

- ☐ Construction covered by the permit must commence within three (3) months and be completed within six (6) months.
- ☐ Pool/Hot Tub/Spa **shall not be occupied** until the final inspection is performed **and** the Certificate of Occupancy issued by New Castle County.
- ☐ All electrical work required for the installation of the pool, pump, heater, etc. must be permitted and inspected by an approved agency. Electrical inspection sticker must be in place at time of the Certificate of Occupancy inspection. Please note that homeowners are **not permitted** to perform electrical work required for a swimming pool or hot tub.
- ☐ Fencing, grading, electrical connections/inspection, and gas test/inspection of heater, if applicable, must be complete before the pool can be approved for use. In addition, pools, hot tubs, and spas must be filled with water and all mechanical system/electric operational at the time of the Certificate of Occupancy inspection.
- ☐ Both the homeowner and the contractor will be held responsible for failure to obtain the Certificate of Occupancy.

☐ **Fees**

Building Permit Fee:	\$10/\$1,000 of valuation	(Minimum Total Fee: \$100.00)
Cert. Of Occupancy:	\$40.00	
Zoning Permit Fee:	10% of Permit Fee (\$10 minimum / \$100 maximum)	



(From the 2000/2003 International Building Code as amended by New Castle County)

3109.4 Residential swimming pool:

A residential swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with 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, 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).
2. Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.
3. Solid barriers which do not have openings 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 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.
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 1.75 inches (44 mm) in width.
6. 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).
7. 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).
8. Access gates shall comply with the requirements of items 1 through 7 of Section 3109.4, 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 (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. [Deleted, and amended as follows] The barrier shall enclose only the pool and pool decking and shall not connect to the dwelling unit.
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, then the ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 9 of Section 3109.4.

Exemptions:

The following shall be exempt from the provisions of this section:

1. A spa or hot tub with an approved safety cover.
2. Fixtures which are drained after each use.



NEW CASTLE COUNTY

**HomeOwner Responsibility Affidavit
for above-ground swimming pool / hot tub / spa**

DEPARTMENT OF LAND USE
87 READS WAY, NEW CASTLE, DE 19720
PHONE: 302-395-5400 • WWW.NCCDELU.ORG

REV. 10/2004

PP# _____ LOT # _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

POOL / HOT TUB / SPA INSTALLER _____

INSTALLER'S NCC CONTRACTOR ID# _____

ZONING/SETBACK REQUIREMENTS _____

(For Department Use Only)

As the legal owner(s) of the above referenced property, I hereby certify that I have contracted (**contract attached**) with the contractor listed above for the **ASSEMBLY ONLY** of an above-ground pool, hot tub, or spa on my property.

I understand that I am responsible for the completion of all other requirements necessary for the issuance of the Certificate of Occupancy. These items include but are not limited to: electrical permit and inspection, final grading, fencing requirements, etc. (Section 3109.4-Swimming Pools, 2000 International Building Code as Amended by New Castle County).

I also understand that I am responsible for observing all zoning requirements for the placement of the above-ground pool/hot tub/spa on my property. That is, the above-ground pool/hot tub/spa may be located in a rear yard, provided the above-ground pool/hot tub/spa, including all appurtenances such as, but not limited to, the decking, pool filter and pump, shall be at least six feet (6') from any side or rear property line. In the case of a corner lot or multiple frontage lot, the pool shall not be located in the street yard setback.

I further acknowledge that construction must be initiated within 3 months of permit issuance and completed (Certificate of Occupancy issued) within 6 months of permit issuance.

DATE _____

Property Owner (Please Print)

Property Owner's Signature

Property Owner (Please Print)

Property Owner's Signature



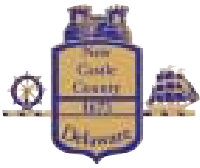
New Castle County Land Use Department

All About Installing An Above-Ground Pool



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New Castle County Land Use Department

Building Permit Checklist

Above-Ground Pool

How much will my permit cost?

The total cost for your pool permit will be a minimum of \$100. This amount includes:

- * **A basic Building Permit Fee based upon the value of your pool. This charge will be \$10 per \$1000 of valuation.**
- * **A Zoning Review Fee equaling 10% of the building permit fee**
- * **A Certificate of Occupancy fee of \$40.**

☐ **Above Ground Pool/Hot Tub Permit Application. This application is available in the Land Use Department or on our website at <http://www.nccdelu.org> - just click on permits.**

☐ **Verification of Taxes and Fees. We will verify that all taxes and charges due to New Castle County are up-to-date prior to processing your permit application.**

☐ **Building Contractor Registration. Anyone involved with the construction, installation or placement of above-ground pools, hot tubs & spas MUST be a registered General Contractor with New Castle County. Call Customer Service at (302)395-5400 to find out if your contractor is licensed with New Castle County.**

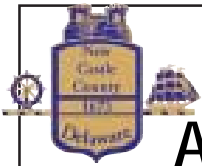
This is not necessary if:

- * **The homeowner is performing all building work**
- * **The contractor's only responsibility is the delivery of the pool or hot tub.**

3 Copies of plot plan or mortgage survey. This is the survey/sketch of your home that you received when you bought your house. The copies must be the same size as the original.

☐ **3 Copies of pool sales brochure, plans, etc. for description of pool or hot tub.**

☐



New Castle County Land Use Department

ABOVE-GROUND POOL SITE AND BUILDING STANDARDS

Before you put an above-ground pool in your yard, you should be aware of the requirements that must be met. From where you place your pool, to the gate, perimeter barrier (walls or fence), to the maintenance and drainage; above-ground pools must meet certain standards. It is quicker and easier to build a pool according to standards than to try to fix any mistakes or apply for variances if it does not meet code requirements.

If any of the requirements listed are unclear or you do not understand what is expected, please call the Land Use Department at (302) 395-5400.

In brief, here is some of the most critical information.

1/ WHERE YOUR POOL CAN BE LOCATED. A swimming pool may be placed anywhere in your rear or side yard, provided it is within the setback and at least ten feet horizontally from any overhead lines, such as electric or telephone. (If you are unfamiliar with the term setback or how to position your pool legally, please request the information sheet on setbacks and plot plans.) If you are placing the pool in your rear yard, you may place the pool in the setback, as long as the pool and all accessories (including, but not limited to, the filter and pump, sidewall bracing, and attached decks) are at least six feet from any side or rear property line. The pool – by itself or in combination with other structures – cannot cover more than 30 percent of the area enclosed in the rear yard setback. If the lot is a corner or multiple-frontage

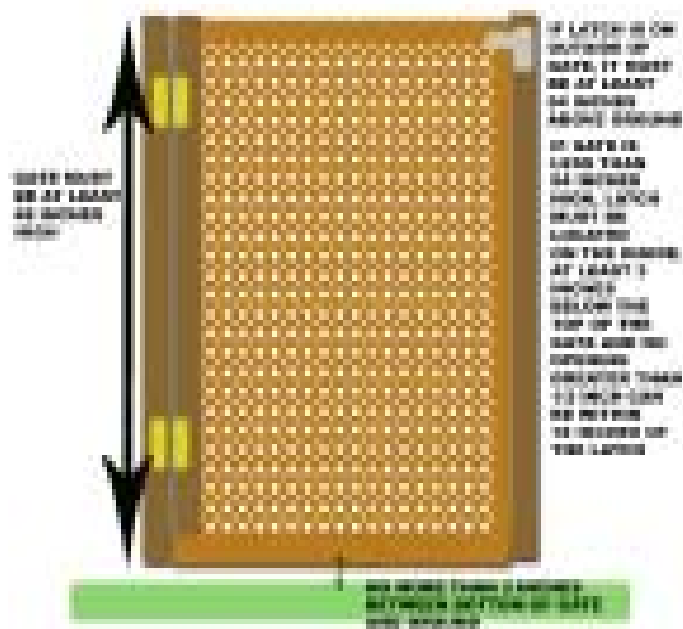
lot, the pool cannot be located in the street yard setback. The pool must be located outside of all easements and buffer zones. Be sure to check your private deed restrictions and covenants to ensure that the placement, size or style of the pool do not violate these restrictions.

2/ ELECTRICAL WIRING REQUIREMENTS. Electrical requirements are governed by the State of Delaware. Installation and extension of lines may be done only by a Delaware Licensed Electrician. All electrical work for the pool must be permitted and inspected by an approved agency. The Electrical inspection sticker must be in place at the time of the inspection for Certificate of Occupancy. For information on licensed electricians, call (302) 744-4504.



3/ PERIMETER BARRIER AND GATE. All swimming pools must have a barrier around the perimeter of the pool that prevents access. The barrier must completely surround the pool and the top must be at least 48 inches above grade at all points. This requirement also applies to the gate that limits access to the ladder or steps

used to enter the pool. In addition, the maximum clearance between the ground (grade level) and the bottom of the gate must be no more than 2 inches. The gate must open outward, away from the pool, and be self-closing with a self-latching device. The release mechanism for the self-latching device may be located on the outside (entry side) of the gate if it is more than 54 inches above grade. If the latch is less than 54 inches above grade, it must be positioned on the inside (pool side), at least three inches below the top of the gate. This is a summary of the primary requirements, for complete information see Code Section 3109.4(8)



4/ POOL DECKS. If your pool will have a deck, or be connected to another structure, the following requirements must be met. Pre-fabricated decks, supplied by the manufacturer, do not require a separate permit. They must, however, be installed in strict adherence with the manufacturer's approved installation guidelines and must be properly anchored to

prevent uplift by the wind or other forces. Custom or site-built decks require a separate permit and must meet all applicable building and construction codes. Specifically, the deck must be supported on pier foundations that extend at least 32 inches below grade level. If the deck floor is more than 30 inches above grade, it must be encircled by guard rails with tops that are at least 36 inches above the deck's floor surface. If the pool deck is connected **in any way** to an existing deck or structure, the structure must meet all current building codes and zoning rules. The stairs or ladders leading to the deck must be protected by a 48-inch high, properly designed safety gate (see information on gates under No. 3.)

If you do not have a permit and valid Certificate of Occupancy for an existing pool, you will have to obtain one. To get a permit and valid Certificate of Occupancy, you will have to prove that the structure meets all code requirements. You will have to make detailed "as built" drawings, with photographs if possible, showing how the pool/deck structure is built and supported. The deck footings will be verified. You will be required to verify by digging down next to at least two of the existing footers to prove that they are at least 32 inches below grade and properly sized to carry the load (12-foot diameter minimum.)

New Castle County wants to make sure that you have a safe and secure pool to enjoy! If you have any questions, please call us at:

(302) 395-5400

or visit our web site at

www.co.new-castle.de.us



New Castle County Land Use Department

Above-Ground Pool

Fencing Requirements

Any residential swimming pool must be surrounded by a barrier that meets the following specifications:



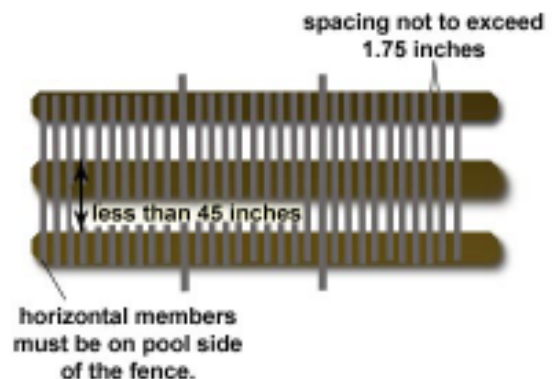
1. The top of the barrier shall be at least 48 inches above grade, measured on the side of the barrier facing away from the pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier facing away from the swimming pool. Where the top of the pool structure is above grade, the barrier can be at ground level or mounted on top of the pool structure. In this case, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

2. Any openings in the barrier shall not allow passage of a 4-inch diameter sphere.

3. Solid barriers which do not have openings shall not contain indentations or protusions except for normal construction tolerances and tooled masonry joints.

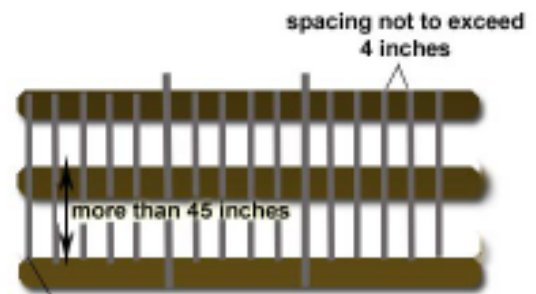
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence and spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

Fencing with horizontal members less than 45 inches apart



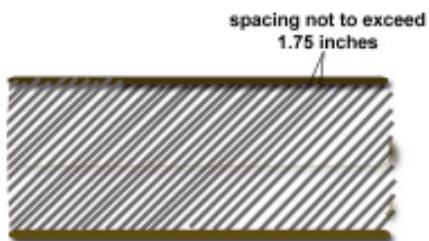
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches.

Fencing with horizontal members more than 45 inches apart



6. Maximum mesh size for chain link fences shall be a 2.25 inch 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.

Fencing with diagonal members



7. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches.

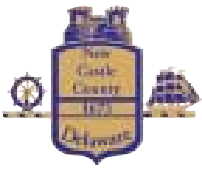
8. Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism shall

be located on the pool side of the gate at least 3 inches below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

9. The barrier shall enclose only the pool and pool decking and shall not connect to the dwelling unit. The house shall not be used as a barrier for any portion of the area surrounding the pool.



10. For construction of above-ground pools in which the pool structure shall be used as a barrier or where the barrier is mounted on top of the pool structure, the barrier must meet these standards. Above Ground Pool Site and Building Standards also explains these standards and requirements..



New Castle County Land Use Department Above-Ground Pool Inspections & Certificate of Occupancy

CONGRATULATIONS! Once you have your building permit, you can begin construction of your above-ground pool. Remember to display your building permit during construction.

Once you have received your permit, you must begin construction and be completed within 6 months. During this time, you will need to have inspections to make sure that your pool is constructed in conformance with County and State laws.

***All electrical work required for the installation of the pool, pump, heater, etc. must be permitted and inspected by an approved State agency. Before you can receive your Certificate of Occupancy, an electrical inspection sticker **MUST** be in place. State law requires that electrical work must be performed by a Delaware State Licensed Electrician. Call (302) 744-4504 to confirm that your electrician is licensed.**

Fencing, grading, electrical connections/inspection, and gas test/inspection of heater (if applicable) **MUST** be complete before the pool can be approved for use. In addition, pools, hot tubs and spas must be filled with water and all mechanical systems/electric operational at the time of the Certificate of Occupancy inspection.

Both the homeowner and the contractor will be held responsible for failure to obtain the Certificate of Occupancy.

**YOU MUST HAVE A CERTIFICATE OF OCCUPANCY
BEFORE YOU CAN USE YOUR NEW POOL!
CALL (302) 395-5515
TO SCHEDULE YOUR INSPECTION.**

This document is for use as a guide only. To be sure that you meet all code requirements, please consult the New Castle County Land Use Department.



UNDERSTANDING YOUR PLOT PLAN

If you look in the packet of information that you received when you purchased your home, you should find a mortgage inspection plan or plot plan drawing like that shown on the right. This is the document you will need to use to mark the location of your new accessory structure or addition. This is NOT the record plan for your community!

Understanding how to read the drawing and how to place your pool, deck, shed or addition properly will help you during the building permit process.

Setback lines are dashed and property lines are solid, interspersed with large dashes. Unless stated otherwise on your project info sheet, your improvements should be located within the setback lines. You will need to know the dimensions of your addition before drawing it on the copy of your plot plan. Make sure your drawing is drawn to scale. The scale is noted at the bottom of your plan. On most plot plans, 1 inch equals some multiple of ten feet. **IMPORTANT** - for the drawing to be accurate, you need to work on a full-size copy of the plot plan. Be sure to make several copies for your own convenience.

This is a very important component of your application process! If for any reason your addition is not in the location denoted on your plot plan, your certificate of occupancy will be delayed. By measuring and double-checking your work, you should be able to enjoy a well-constructed

and legal enhancement to your home.



**UNSURE HOW TO READ YOUR PLOT
PLAN OR HOW TO DRAW YOUR
PROJECT ON THE PLAN?
BRING THE COPIES TO US AT
87 READS WAY,
NEW CASTLE CORPORATE COMMONS.**