



NEW CASTLE COUNTY

DEPARTMENT OF LAND USE

87 READS WAY, NEW CASTLE, DE 19720

PHONE: 302-395-5400 • WWW.NCCDELU.ORG

Building Permit Requirements Swimming Pool & Hot Tub/Spa

REV. 07/01/2010

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

☐ **Building Permit Application**

- ☐ **Building Contractor License** (The license person performing the building work, or an authorized representative thereof, must secure the appropriate permits. A license 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 license if the homeowner is performing all building work and the home is not for sale or any part for rent.)

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.** (Contact the Engineering Section of the Land Use Department for plan requirements)

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.)

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 NCC License 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 NCC Licensed 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:	\$11.50/\$1,000 of valuation	(Minimum Total Fee: \$133.00)
Cert. Of Occupancy:	\$55.00	
Zoning Permit Fee:	10% of Permit Fee (\$20 minimum / \$137 maximum)	
NCC Volunteer Fire Assistance Fund Fee:	0.25% of permit valuation	
Engineering Fee:	A floodplain/wetland review fee of \$25.00 may apply to applicable project not receiving prior site plan approval	

Please Note – Deed restrictions may exist for your community. It is the responsibility of the property owner to review deed restrictions prior to submitting the building permit application and modify plans if necessary to comply with both New Castle County zoning requirements and the community deed restrictions.