

## **STATE BUILDING CODE INTERPRETATION NO. I-10-09**

April 24, 2009

The following is offered in response to your email dated March 17, 2009 in which you seek a formal interpretation. The question would apply to Section 3109, of the 2003 International Building Code, and Section AG105, of the 2003 International Residential Code portion of the 2005 State Building Code.

Question:

“When a legally existing swimming pool is replaced in its entirety requiring a building permit and new certificate of use and occupancy, would the barrier associated with the swimming pool have to also be in compliance with the current building code?”

Answer:

Yes, the swimming pool barrier shall comply with the enforceable building code at the time of permit application for the new swimming pool. The swimming pool barrier is one of many minimum code items required for the new pool installation. The permitted item is the new swimming pool and its installation shall comply with all of the minimum code requirements of Section 3109, of the 2003 International Building Code, or Appendix G and Chapter 41, of the 2003 International Residential Code portion of the 2005 State Building Code.

NCARB