

Residential Hot Tubs & Spas

Permit and Inspection Requirements for Hot Tubs & Spas



This packet contains general requirements that should be considered as part of your project and should not be considered as a complete list of all code requirements. Refer to the codes listed below for all requirements pertaining to swimming pool installation. All hot tubs and spas shall be constructed and installed in accordance with the applicable sections of the *2015 International Residential Code*, *2014 National Electrical Code* and the *2017 Uniform Code Supplement of New York State*. (These documents are available in the Code Enforcement Office by request.)

PERMIT REQUIRED - A building permit is required for the installation of any hot tub or spa. A permit must be obtained before the installation may begin.

APPLICATION PROCESS - The following information must be submitted when applying for a building permit:

- Completed Application for Building Permit.**
- A scaled plot plan of the lot showing the following:**
 - Proposed hot tub or spa location – show distances to property lines and adjacent structures.
 - House and adjacent structures including existing decks and patios.
 - Location of overhead or underground utility lines and easements. Show horizontal and vertical distance from edge of hot tub or spa to all electric lines.
 - Location, size and heights of all barrier enclosures including fences, and gates. Show location of all doors leading directly to hot tub or spa area.
 - Location of electrical: wiring, boxes, lighting and receptacles associated with the hot tub or spa. Show distance from hot tub or spa to these features.
 - Location of any deck constructed in conjunction with the hot tub or spa. (A separate permit is required to be obtained for the construction of a deck.)
- Workers' Compensation Document(s).** All permit applications require the following New York State Workers' Compensation Board documents be submitted prior to approval of a building permit.

BP-1 Form - This form may be submitted if YOU ARE THE OWNER of a 1, 2, 3, or 4 family, owner-occupied residence and meet one of the following criteria:

- You are performing all the work for which the building permit will be issued.
- You will not be hiring, paying or compensating in any way, the individual(s) that will be performing all of the work for which the building permit will be issued or helping you perform such work.
- You have a homeowners insurance policy that is currently in effect and covers the property listed on the building permit AND you will be hiring or paying individual(s) a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit will be issued.

Forms may be obtained in the Permit Office or www.charlotteny.org.

- OR -

CE-200 Form - If a contractor has been hired and he/she is doing the work is a sole proprietor or a partnership and has no employees, form CE-200 must be filed, for each project. This form can be completed and printed at www.wcb.ny.gov or by calling (866) 546-9322.

- OR -

If the contractor doing the work hires any part-time or full-time help or leases employees, the following proofs of insurance must be on file with this office naming the Town of Charlotte as the Certificate Holder:

- Certificate of New York State Workers' Compensation Insurance (CE-200, C-105.2, U-26.3 or SI-12)
ACORD forms are not acceptable proof of workers' compensation insurance.
- Certificate of Insurance Coverage under the New York State Disability Benefits Law (CE-200, DB-120.1 or DB-155)

Return the completed permit application, plans and associated documents and forms to the Town Clerk's office or mail to:

Town of Charlotte
Code Enforcement Department
8 Lester Street, P.O. Box 482
Sinclairville, New York 14782

Once the permit application, plans, associated documents and forms have been received by the Code Enforcement Officer, they will be reviewed within 5 business days. If approved, a building permit will be issued and you will be notified to pick up your permit at the Town Clerk's office. At that time you will be required to pay the appropriate permit fee. Checks may be made payable to the Town of Charlotte.

Upon receipt of payment, the applicant will be issued a permit placard which must be displayed throughout the construction process. Construction or installation may not begin until the applicant obtains and displays the permit placard.

If the application is not approved, you will be notified in writing as to why it was not approved. You have the right to seek relief from a denied building permit by seeking a variance from the Zoning Board of Appeals. You will be given instructions regarding this process with your denial.

INSTALLATION REQUIREMENTS

Once you have received your approved building permit and approved plans, the installation of your hot tub or spa may begin.

The building permit placard **MUST** be displayed in a conspicuous location on the building site until construction is complete and a Certificate of Compliance is issued.

Any deviation from the approved plans must be authorized by the approval of revised plans subject to the same procedure established for the examination of the original plans. An additional permit fee may be charged predicated on the extent of the variation from the original plans.

LOCATION

Hot tubs or spas must not be placed below or above utility lines or within any easements. Any changes to the hot tub or spa location, electrical service or barriers will require a new building permit. Town of Charlotte zoning regulations may also dictate where the hot tub or spa may be located on the property.

CALL BEFORE YOU DIG

Care should be taken when excavating to minimize potential problems with buried gas, water, sewer and underground electrical lines. Applicants must obtain assistance regarding the location of underground utilities by calling Dig Safely New York at 811 at least two full working days prior to starting your work, not counting the day of your call, weekends or holidays.



HOT TUB/SPA ALARMS

Every hot tub or spa that is installed must be equipped with an approved pool alarm which:

- is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
- is audible poolside and at another location on the premises where the swimming pool is located;
- is installed, used and maintained in accordance with the manufacturer's instructions;
- is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

A pool alarm must be capable of detecting entry into the water at any point on the surface of the hot tub or spa.

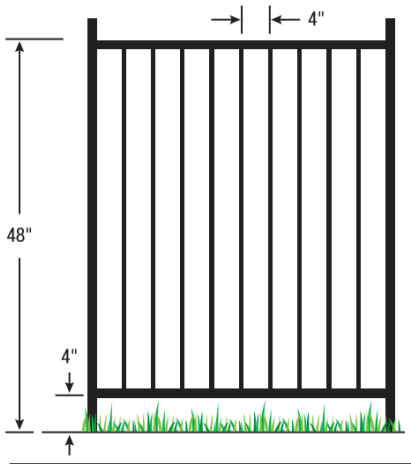
Exception: A hot tub or spa equipped with a safety cover which complies with ASTM F1346

BARRIER REQUIREMENTS

All hot tubs and spas must be provided with safeguards to prevent children from gaining uncontrolled access to the pool or spa. To successfully restrict access to the pool or spa, an approved barrier must be constructed. A successful pool barrier prevents a child from getting **OVER**, **UNDER** or **THROUGH** and keeps the child from gaining access to the pool except when supervising adults are present.

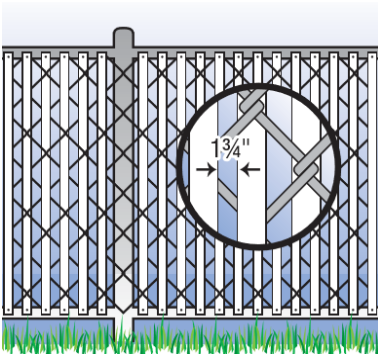
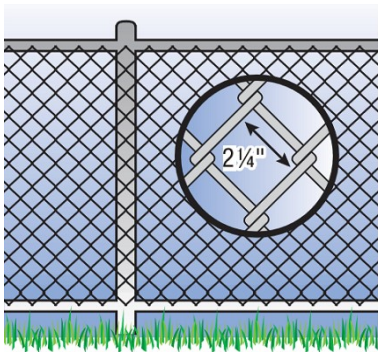
Spas or hot tubs installed with an approved safety cover are exempt from the following barrier requirements.

The height of the barrier or fence must be at least **48"** above grade measured on the side of the barrier which faces away from the pool.



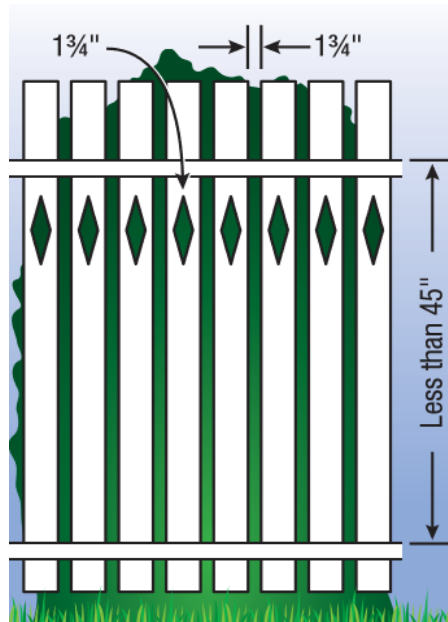
For a Chain Link Fence:

The mesh size should not exceed 2-1/4" square unless the fence has slats fastened at the top or bottom which reduces the openings to not more than 1-3/4" in width.



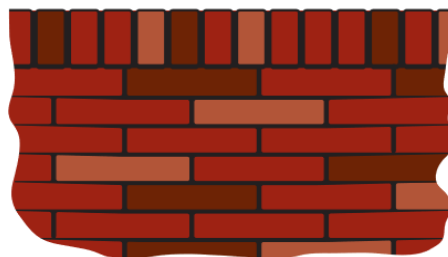
For a Barrier (Fence) Made Up of Horizontal and Vertical Members:

If the distance between the tops of the horizontal members is **less than 45"**, the horizontal members shall be located on the swimming pool side of the fence. The spacing between the vertical members shall not exceed 1-3/4" in width. Where there are decorative cutouts within the fence, the spacing within the cutouts must not exceed 1-3/4" in width.

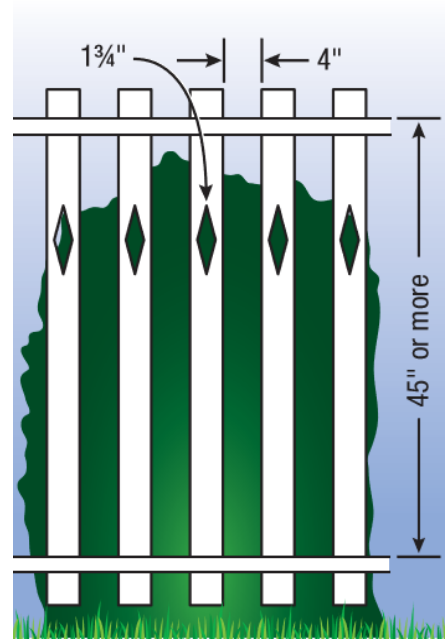


For a solid barrier:

No indentations or protrusions should be present, other than normal construction tolerances and masonry joints.

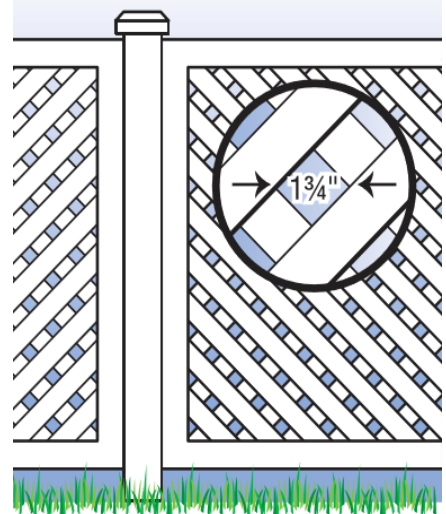


If the distance between the tops of the horizontal members is **more than 45"**, the spacing between vertical members must not exceed 4" in width.



For a Fence Made Up of Diagonal Members (Latticework):

The maximum opening in the lattice should not exceed 1-3/4"

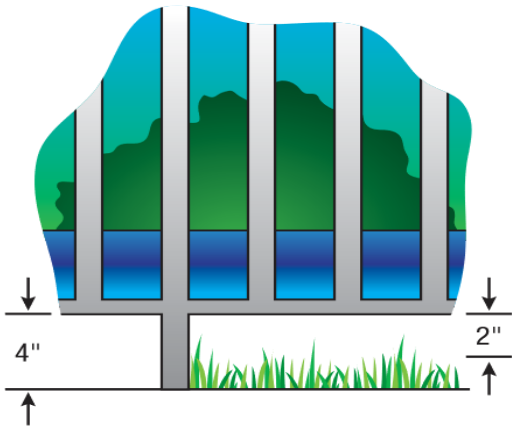


Barrier Clearances:

Where the adjacent grade slopes toward the pool, a minimum barrier height of 48" above grade must be maintained for minimum horizontal distance of 48" measured from the top edge of the pool.

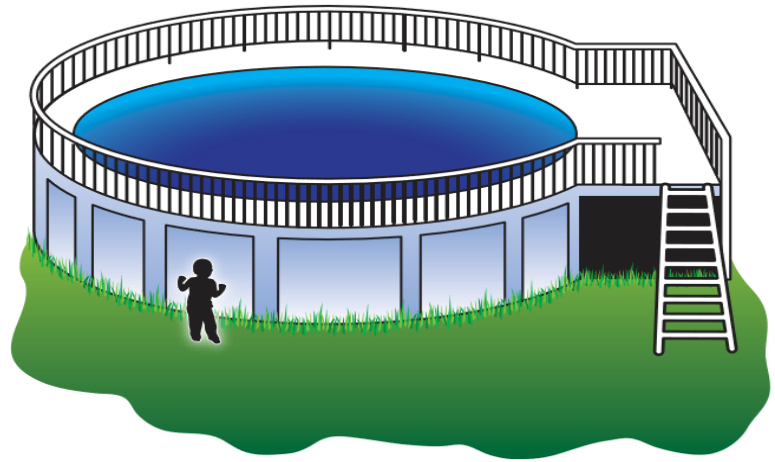
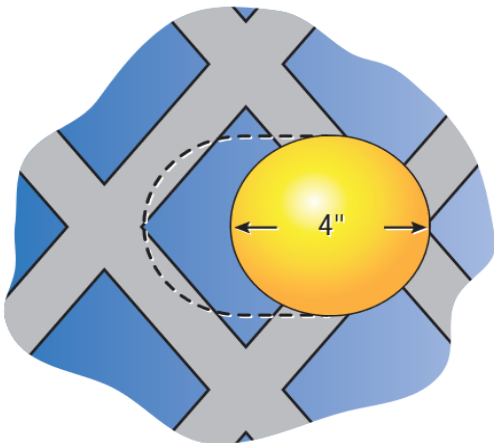
Pool equipment must be placed at least 48" from the pool wall to prevent the equipment from being used for climbing.

For any pool barrier, the maximum vertical clearance between grade and the bottom of the barrier shall be 2" measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure.

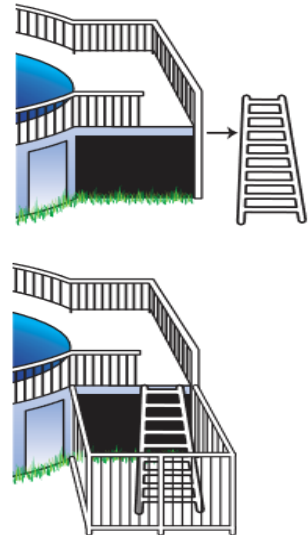


Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4".

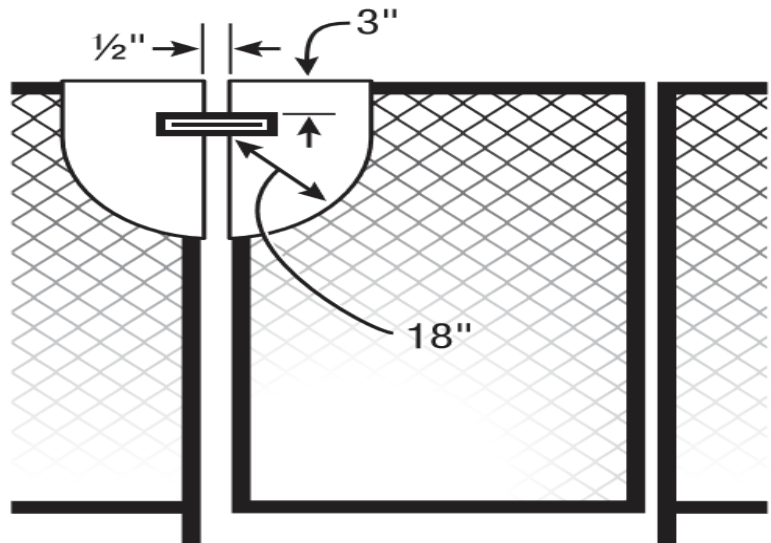
To prevent a child from getting through a fence or other barrier, all openings should be small enough so that a 4" diameter sphere cannot pass through.



Above-ground pools must have barriers unless the structure itself meets the barrier height requirements. **The walls of portable, storable pools that are formed by the height of the water, require a solid barrier regardless of its size.** 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, the ladder or steps shall be capable of being secured, locked or removed to prevent access. Permanently installed ladders or steps must be protected by an approved fence and gate.



Gates located in the enclosure must swing away from the pool and have a self-closing and self-latching device. Where the release mechanism self-latching device is located less than 54" from the bottom of the gate, the release mechanism shall be located on the poolside of the gate at least 3" below the top of the gate. The gate and barrier must have no opening greater than 1/2" within 18" of the release mechanism. This prevents a child from reaching over the top of the gate and releasing the latch.



BARRIER REQUIREMENTS When the House Wall Forms Part of the Pool Barrier:

If the hot tub or spa barrier is part of a house wall, garage wall, shed wall, and/or similar structure, and there are access door(s) in the barrier walls, a door alarm must be installed and mounted on the side of the door or screen door opposite the pool.

Approved power safety covers can also be installed on pools to serve as security barriers.

Spas or hot tubs installed with an approved safety cover are exempt from the above barrier requirements.



ELECTRICAL WIRING REQUIREMENTS All electrical components must comply with the *2015 International Residential Code*, *2014 National Electrical Code* and the *2017 Uniform Code Supplement of New York State*.

Hot Tub / Spa Wiring Method and Receptacles (Outlets)

- Maintenance Disconnect - A disconnect is required for all ungrounded electrical wires (except for lighting). It must be at least 5' but not more than 50' from the water's edge, readily accessible, and within sight of the hot tub / spa.
- The outlet(s) that supply a hot tub / spa must be Ground-Fault Circuit Interrupter (GFCI) protected.
- Indoor hot tubs & spas must have at least one (1) convenience receptacle located between 6' and 10' from the inside wall of the hot tub / spa and be GFCI protected.
- Outdoor hot tubs & spas must have at least one (1) convenience receptacle located between 6' and 20' from the inside wall of the hot tub / spa and be GFCI protected.
- The use of liquidtight flexible metal or nonmetallic conduit is permitted in lengths of not more than 6'.
- A listed packaged hot tub / spa installed outdoors that is GFCI protected shall be permitted to be cord and plug connected provided that such cord does not exceed 15 feet in length.
- Outdoor receptacles must have a weatherproof cover where exposed to the weather (In-use type cover required on used, unattended, receptacles in wet locations).
- Indoor Hot Tub / Spas wall switches must be a minimum 5' from the inside wall of the hot tub / spa.

Bonding The Hot Tub / Spa

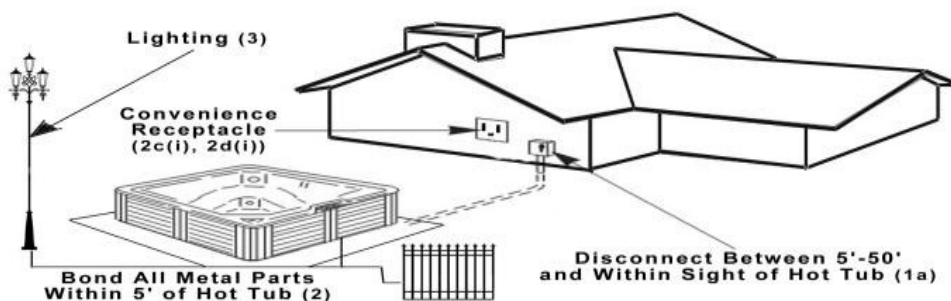
- All metal parts & surfaces within 5' of the hot tub / spa must be bonded together using a #8 (or larger) solid copper wire and connections must be non-corrosive.
- Outdoor hot tubs / spas with nonconductive shells must have a #8 (or larger) solid, bare copper wire 18"-24" from the inside hot tub wall under the perimeter surface 4"-6" below the final grade and connected to a metal part of the pump motor.

Lighting (other than underwater applications) (if any)

- All non-GFCI protected lights and ceiling fans within 5' of the inside wall of the hot tub / spa must be at least 12' above the maximum water level of the hot tub / Spa.
- All GFCI protected lights and ceiling fans within 5' of the inside wall of the hot tub / spa must be at least 7 ½' above the maximum water level of the Hot Tub / Spa.

Exception: Lights that are within 5' of the inside wall of the hot tub / spa and less than 7 ½' above the water level are only acceptable if they meet the following:

- Recessed Lights - GFCI protected with a glass or plastic lens, nonmetallic or electrically isolated metal trim, and suitable for damp locations.
- Surface-Mounted Lights - GFCI protected with a glass or plastic globe, a nonmetallic body, or a metallic body isolated from contact, and suitable for damp locations.



INSPECTIONS REQUIRED

All work needs to be inspected prior to coverage or concealment. Call the Code Enforcement Officer at (716) 450-3032 AT LEAST 2 DAYS IN ADVANCE to schedule an inspection unless prior inspection arrangements have been made. Any work that is covered and not inspected, will be subject to uncovering. A Certificate of Compliance will not be issued unless all required inspections have been performed by the Code Enforcement Officer.

The following inspections are required to be performed before work can proceed to the next step:

- **ELECTRICAL INSPECTION** - All required electrical equipment and bonded components must be inspected by a certified third-party inspection agency before concealed from view. It is the responsibility of the applicant to obtain the required electrical inspections.

The following inspection agencies are approved to perform electrical inspections within the Town of Charlotte:

*Electrical Inspections of WNY, John Christopher Dean - (716) 224-0700
Gleason Enterprises, Mike Gleason - (716) 338-7108*

Other agencies may only be used with prior approval by the Code Enforcement Officer.

- **FINAL INSPECTION** - A final inspection of the hot tub installation and required barriers must be performed upon completion and before use. The electrical inspection must be performed prior to final inspection. **The hot tub or spa cannot be filled with water unless proper barriers are in place.**

Depending on the type of hot tub or spa, some of the inspections listed below may not be applicable. The permit applicant will be advised when the permit is issued as to what inspections will be required.

For further assistance and information, contact:
Town of Charlotte Code Enforcement Department
8 Lester Street, P.O. Box 482
Sinclairville, New York 14782
Phone: (716) 962-6047
Fax: (716) 962-3843
Cell: (716) 450-3032
Email: townofcharlotteceo@outlook.com