

STATE BUILDING CODE INTERPRETATION NO. I-22-12

November 20, 2012

The following is in response to your request for formal interpretation dated November 14, 2012.

Question:

Would the installation of a replacement fence for an existing swimming pool that is a required barrier under Section AG105.2 require a building permit? I realize that Section R105.2 would normally exempt most fences from the permit requirement.

Answer:

Yes. Section AG105, of the 2003 International Residential Code portion of the 2005 State Building Code, controls the design of barriers for residential swimming pools, spas and hot tubs in order to provide protection against potential drowning by restricting access to swimming pools, spas and hot tubs. If someone were to use a fence as a "barrier", then Section R105.2, of the above code, would not apply and a building permit would be required for the barrier.