

# VILLAGE OF WOODBURY BUILDING DEPARTMENT

**Office Location:** 455 ROUTE 32, HIGHLAND MILLS, NY 10930

**Mailing Address:** P.O. Box 546, Central Valley, NY 10917

Phone: (845) 928-6911 ext. 51 Fax: (845) 928-7263

Email: buildingdepartment@villageofwoodbury.com

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## RESIDENTIAL SWIMMING POOL PERMIT REQUIREMENTS

**ALL POOLS TO BE LOCATED IN REAR YARD – MINIMUM DISTANCE TO PROPERTY LINES IS 20 FT. (IF IN R0.25A ZONING DISTRICT THE MINIMUM IS 20 FT. FROM REAR PROPERTY LINE/10 FT. FROM SIDE PROPERTY LINES) – MINIMUM DISTANCE FROM FOUNDATION IS 10 FT.**  
**IN-GROUND POOL EQUIPMENT – MINIMUM DISTANCE TO PROPERTY LINES 6 FT.**

### 1. **Building Permit Application:**

- a) Submit completed building permit application.
- b) Submit **TWO HARD COPIES** of the Plot Plan or Current Survey showing POOL and distance to property lines.
- c) Submit **TWO HARD COPIES** of POOL SPECIFICATIONS & FILTER/HEATER SPECIFICATIONS.
- d) Submit insurances from company performing the work (Liability, NYS Workman's Comp and NYS Disability).
- e) Zoning Laws & Regulations attached for your information.
- f) **Submit ONE COPY of ALL of the above on a THUMBDRIVE.**

### 2. **Fee:**

Check or Money Order payable to: **Village of Woodbury**

**Cost of Construction:**

**Fee is based on \$12.00 per \$1,000 cost of construction (rounded to the nearest thousand) including labor & material.**

**Plus \$50.00 for Certificate of Occupancy Inspection.**

### 3. **Inspections Required:**

#### **ABOVE-GROUND POOL:**

- 1) Final – Installation complete, electrical inspection completed, fence installed (if required)

**IN-GROUND POOL:** Fence is required and can be included with this permit.

- 1) Excavation Complete
- 2) Steel Framed, re-bars installed **prior to concrete**
- 3) Concrete Poured, **prior to backfill**
- 4) Final – install complete, required fencing installed, electrical inspection received

**ELECTRICAL INSPECTION** by an Approved Inspection Agency is **REQUIRED** (SEE ATTACHED LIST).

It is **YOUR** responsibility to call for a **FINAL INSPECTION** by the Building Inspector in order to receive the C of O.

**PLEASE NOTE:** BUILDING PERMITS **EXPIRE** TWO YEARS FROM DATE OF ISSUE.

# VILLAGE OF WOODBURY, BUILDING DEPARTMENT

Office Location: 455 ROUTE 32, HIGHLAND MILLS, NY 10930

Mailing Address: P.O. Box 546, Central Valley, NY 10917

## RESIDENTIAL SWIMMING POOL PERMIT APPLICATION

PERMIT # \_\_\_\_\_

COST OF WORK: \$ \_\_\_\_\_  
Total cost of labor and materials

APPLICATION FEE: \$ \_\_\_\_\_  
Based on \$12 per \$1,000 of total cost of work,  
PLUS \$50.00 fee for Certificate of Occupancy  
(Rounded to nearest thousand)  
Minimum Fee \$ 62.00

CHECK# \_\_\_\_\_

APPLICATION IS FOR: \_\_\_\_\_ ABOVE-GROUND SWIMMING POOL  
\_\_\_\_\_ IN-GROUND SWIMMING POOL

All Construction Shall Conform to Current New York State Building Codes & Village of Woodbury Zoning Codes

Description of Work: (Including Sizes) \_\_\_\_\_  
\_\_\_\_\_

### PROPERTY DESCRIPTION

Street address: \_\_\_\_\_

TAX MAP: SECTION - BLOCK - LOT \_\_\_\_\_ ZONED AS: R - \_\_\_\_\_

Type of Construction: Wood  Metal  Concrete  Other \_\_\_\_\_

Present use of property \_\_\_\_\_

Intended use of property \_\_\_\_\_  No Change

Sewage Service  Village/Town  Private (Septic)

Source of Water  Village/Town  Private (Well or Other)

NAME

ADDRESS

PHONE#

Owner of Premises: \_\_\_\_\_

Applicant: \_\_\_\_\_

Contractor: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: IT IS YOUR RESPONSIBILITY TO CALL FOR INSPECTIONS DURING  
CONSTRUCTION AND FOR FINAL CERTIFICATE OF OCCUPANCY UPON COMPLETION.**

Phone: (845) 928 - 6911 Ext. 51 Fax: (845) 928 7263

This application is hereby:  APPROVED OR  DENIED

CONDITIONS \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

# RESIDENTIAL

## REQUIRED INSURANCE

### Liability:

\_\_\_ Homeowner (DIY'er), Check Home Insurance

\_\_\_ Contractors, Acord certificate holder must be the Village of Woodbury  
\$1 M Gen. Aggregate Limit,  
\$1 M Products – Completed &  
\$ 500,000 – Each Occurrence

### Workers' Compensation:

\_\_\_ Homeowner (DIY'er) Form BP – 1 (Available from Bldg. Dept.)  
<http://www.wcb.ny.gov/content/main/forms/bp-1.pdf>

\_\_\_ Contractors (No employees) get form (CE – 200) from [www.wcb.ny.gov](http://www.wcb.ny.gov)

\_\_\_ Contractors With Employees: Obtain forms from your ins. carrier:

Form # C – 105.2 or U – 26.3 **OR** Self-Insurance GSI – 105.2 or SI – 12

### Disability Benefits:

\_\_\_ Homeowner (DIY'er) Form BP – 1 (Available from Bldg. Dept.)  
<http://www.wcb.ny.gov/content/main/forms/bp-1.pdf>

\_\_\_ Contractors (No Employees) get form (CE – 200) from [www.wcb.ny.gov](http://www.wcb.ny.gov)

\_\_\_ Contractors With Employees: Obtain forms from your ins. carrier:

Form # DB – 120.1 **OR** Self-Insurance form DB - 155

**BUILDING PERMITS SHALL NOT BE ISSUED  
WITHOUT PROPER INSURANCE FORMS**

Required under General Municipal Law §125, & WCL §57 & §220 for  
Workers' Compensation and Disability Benefits

(845) 928-6911 ext. 51  
(Phone)

VILLAGE OF WOODBURY  
BUILDING DEPARTMENT

(845) 928-7263  
(Fax)

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**Mailing Address:** PO BOX 546, Central Valley, NY 10917

Email: [buildingdepartment@villageofwoodbury.com](mailto:buildingdepartment@villageofwoodbury.com)

## **APPROVED ELECTRICAL INSPECTION AGENCIES –** **Effective 06/09/2021**

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### **\*COMMONWEALTH ELECTRICAL INSPECTION SERVICE, INC.**

James Cocks  
1209 Route 17A, P.O. Box 1291  
Greenwood Lake, NY 10925

Phone - 845-325-0158  
Email - [jfcloul@yahoo.com](mailto:jfcloul@yahoo.com)

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### **\*ELECTRICAL UNDERWRITERS OF NEW YORK**

Ernie Bello  
50 HyVue Drive  
Newburgh, NY 12550

Phone - 845-569-1759  
Email - [ernie@eu-ny.com](mailto:ernie@eu-ny.com)

John Taylor

Phone - 845-597-5072  
Email - [chelseat84@gmail.com](mailto:chelseat84@gmail.com)

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### **\*INSPECTIONS ON TIME**

Emmanouil Zervakis  
809 Highland Lake Rd.  
Middletown, NY 10940

Phone - 845-233-6711  
Fax - 845-262-0732  
Email - [manny@inspectionsontime.com](mailto:manny@inspectionsontime.com)

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### **\*N.Y. BOARD OF ELECTRICAL INSPECTORS**

Gerald Caliendo  
203 Purgatory Road  
Campbell Hall, NY 10916

Phone - 845-294-7695  
Fax - 845-294-0026  
Email - [nybeil@live.com](mailto:nybeil@live.com)

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### **\*NY ELECTRICAL INSPECTIONS & CONSULTING**

John W. Wierl  
1 Wedgewood Lane  
Middletown, NY 10940

Phone - 845-343-6934  
Fax - 845-343-4834  
Email - [jwierlnyeic@gmail.com](mailto:jwierlnyeic@gmail.com)

Andrew Traverse

Phone - 845-343-6934  
Email - [andytraverse92@yahoo.com](mailto:andytraverse92@yahoo.com)

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**\*SWANSON CONSULTING INC.**

Joe Swanson  
P.O. Box 1361  
Northville, NY 12134

Phone - 845-496-4443  
Email - [service@swansonconsulting.biz](mailto:service@swansonconsulting.biz)

John Hamilton  
Adam Frank

Phone - 845-549-0708  
Phone - 845-494-6255

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**\*SWITCH-ON-ELECTRIC**

Frank X. Schmaus  
P.O. Box 191  
Bloomingburg, NY 12721

Phone - 845-733-4926  
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**\*TRI-STATE INSPECTION SERVICES, INC.**

Victor Ambrosio  
P.O. Box 1034  
Warwick, NY 10990

Phone - 845-544-2180  
Fax - 845-544-7257  
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**2020 NYS RESIDENTIAL CODE SECTION  
R326**

**SWIMMING POOLS, SPAS AND HOT TUBS**

**[NY] R326.1 General.** The provisions of this section shall control the design and construction as well as substantial modification of swimming pools, spas and hot tubs installed in or on the lot of dwellings regulated under this code, and detached one- and two-family dwellings classified as Group R-3 and constructed under the *Building Code of New York State*.

**Exception:** Communal pools for the shared use of multiple townhouse units shall be regulated by the *Building Code of New York State*.

**[NY] R326.1.1 Compliance with other sections.**

Swimming pools, spas and hot tubs shall comply with this section and other applicable sections of this code. The requirements of this section and of the other applicable sections of this code shall be in addition to, and not in replacement of or substitution for, the requirements of other applicable federal, state and local laws and regulations, including, but not necessarily limited to the requirements of Section 8003 (Federal swimming pool and spa drain cover standard) of Title 15 of the United States Code (CPSC 15 USC 8003), where applicable.

**[NY] R326.2 Definitions.** For the purpose of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**BARRIER, PERMANENT.** A fence, the walls of a permanent structure, any other structure or combination thereof which completely surrounds the swimming pool and sufficiently obstructs access to the swimming pool.

**BARRIER, TEMPORARY.** An approved temporary fence, permanent fence, the walls of a permanent structure, any other structure, or any combination thereof that sufficiently prevents access to the swimming pool by person not engaged in the installation or construction of the swimming pool during its installation or construction.

**SPA.** A portable or nonportable structure intended for recreational or therapeutic bathing, in which all controls, waterheating and water-circulating equipment are an integral part of the product. Spas are shallow in depth and are not designed for swimming or diving.

**SUBSTANTIAL DAMAGE.** For the purpose of determining compliance with the pool alarm provisions of this section, damage of any origin sustained by a swimming pool, whereby the cost of restoring the swimming pool to its before-damaged condition would equal or exceed 50 percent of the market value of the swimming pool before the damage occurred.

**SUBSTANTIAL MODIFICATION.** For the purpose of determining compliance with the pool alarm provisions of this section, any repair, alteration, addition or improvement of a swimming pool, the cost of which equals or exceeds 50 percent of the market value of the swimming pool before the improvement or repair is started. If a swimming pool has sustained substantial damage, any repairs are considered substantial modification regardless of the actual repair work performed.

**SUCTION OUTLET.** A fitting, fitting assembly, cover/grate, sump, and related components that provide a localized low-pressure area for the transfer of water from a swimming pool.

**SWIMMING POOL.** Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools, indoor pools, hot tubs, spas, and wading pools.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

**[NY] R326.3 Compliance with other standards.**

**[NY] R326.3.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC 5 (American National Standard for Residential Inground Swimming Pools, 2011).

**[NY] R326.3.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC 4 (American National Standard for Aboveground/Onground Residential Swimming Pools, 2012).

**[NY] R326.3.3 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC 3 (American National Standard for Permanently Installed Residential Spas and Swim Spas, 2014).

**[NY] R326.3.4 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC 6 (American National Standard for Residential Portable Spas and Swim Spas, 2013).

**[NY] R326.4 Barriers, application.** The provisions of this section shall control the design of barriers for swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and neardrowning by sufficiently

preventing access to swimming pools, spas and hot tubs by persons outside the property, persons within the dwelling, and persons in other parts of the property not contained within the pool enclosure.

**[NY] R326.4.1 Temporary barriers.** An outdoor swimming pool shall be surrounded by a temporary barrier during installation or construction that shall remain in place until a permanent barrier in compliance with Section R326.4.2 is provided.

**Exceptions:**

1. Above-ground or on-ground pools where the pool structure constitutes a barrier in compliance with Section R326.4.2.9.

2. Spas or hot tubs with a safety cover which complies with ASTM F1346, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

**[NY] R326.4.1.1 Height.** The top of the temporary 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.

**[NY] R326.4.1.2 Replacement by a permanent barrier.**

A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

**[NY] R326.4.1.2.1 Replacement extension.** Subject to the approval of the *building official*, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

**[NY] R326.4.2 Permanent barriers.** Swimming pools shall be completely enclosed by a permanent barrier complying with Sections R326.4.2.1 through R326.4.2.6.

**[NY] R326.4.2.1 Barrier height and clearances.** The top of the barrier shall be no less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier may be at ground

level, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the barrier shall comply with Sections R326.4.2.2 and R326.4.2.3.

**[NY] R326.4.2.2 Solid barrier surfaces.** Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

**[NY] R326.4.2.3 Closely spaced horizontal members.**

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<sup>3</sup>/<sub>4</sub> inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1<sup>3</sup>/<sub>4</sub> inches (44 mm) in width.

**[NY] R326.4.2.4 Widely spaced horizontal members.**

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 be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1<sup>3</sup>/<sub>4</sub> inches (44 mm) in width.

**[NY] R326.4.2.5 Chain link dimensions.** Maximum mesh size for chain link fences shall be a 2<sup>1</sup>/<sub>4</sub> inch (57 mm) square, unless the fence has vertical slats fastened at the top or the bottom which reduce the openings to not more than 1<sup>3</sup>/<sub>4</sub> inches (44 mm).

**[NY] R326.4.2.6 Diagonal members.** Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1<sup>3</sup>/<sub>4</sub> inches (44 mm).

**[NY] R326.4.2.7 Gates.** Gates shall comply with the requirements of Sections R326.4.2.1 through R326.4.2.6, and with the following requirements:

**[NY] R326.4.2.7.1 Self-closing and opening configuration.**

All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.

**[NY] R326.4.2.7.2 Latching.** All gates shall be selflatching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from grade, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.

**[NY] R326.4.2.7.3 Locking.** All gates shall be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.

**[NY] R326.4.2.8 Dwelling wall as barrier.** A wall or walls of a dwelling may serve as part of the barrier, provided that the wall or walls meet the applicable barrier requirements of Sections R326.4.2.1 through R326.4.2.6, and one of the following conditions shall be met:

1. a) Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds; and

b) Operable windows in the wall or walls used as a barrier shall have a latching device located no less than 48 inches above the floor. Openings in operable windows shall not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the window is in its largest opened position; and

c) Where the dwelling is wholly contained within the pool barrier or enclosure, alarms shall be provided at every door with direct access to the pool; or

2. Other approved means of protection, such as selfclosing with self-latching devices, so long as the degree of protection afforded is not less than the protection afforded by Item 1 described above.

**[NY] R326.4.2.8.1 Alarm deactivation switch location.** Where an alarm is provided, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible units, Type A units, or

Type B units, the deactivation switch shall be located 48 inches (1219 mm) above the threshold of the door.

**[NY] R326.4.2.9 Pool structure as barrier.** Where an above-ground pool structure is used as a barrier, or

where the barrier is mounted on top of the pool structure, the structure shall be designed and constructed in compliance with ANSI/APSP/ICC 4 and meet the applicable barrier requirements of Sections R326.4.2.1 through R326.4.2.8. Where the means of access is a ladder or steps, one of the following conditions shall be met:

1. The ladder or steps shall be capable of being secured, locked or removed to prevent access. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere; or  
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections R326.4.2.1 through R326.4.2.8.

**[NY] R326.4.3 Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section R326.4.2.8.

**[NY] R326.4.4 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barrier.

**[NY] R326.5 Entrapment protection for swimming pool and spa suction outlets.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

**[NY] R326.5.1 Compliance.** Suction outlets shall be designed and installed in accordance with the requirements of CPSC 15 USC 8003 and ANSI/APSP/ICC 7, where applicable.

**[NY] R326.6 Suction outlets.** Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

**[NY] R326.6.1 Compliance alternative.** Suction outlets may be designed and installed in accordance with ANSI/ APSP/ICC 7.

**[NY] R326.6.2 Suction fittings.** Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch by 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

**Exception:** Surface skimmers.

**[NY] R326.6.3 Atmospheric vacuum relief system required.** Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This



vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

**[NY] R326.6.4 Dual drain separation.** Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief- protected line to the pump or pumps.

**[NY] R326.6.5 Pool cleaner fittings.** Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

**[NY] R326.7 Swimming pool and spa alarms, applicability.**

A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm. Pool alarms shall comply with ASTM F2208 (Standard Specification for Pool Alarms), and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

**Exceptions:**

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346.

**[NY] R326.7.1 Multiple alarms.** A pool alarm must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be provided.

**[NY] R326.7.2 Alarm activation.** Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

**[NY] R326.7.3 Prohibited alarms.** The use of personal immersion alarms shall not be construed as compliance with this section.

**Questions about eCode360? Municipal users Join us daily between 12pm and 1pm EDT to get**

[HISTORY: Adopted by the Board of Trustees of the Village of Woodbury 8-12-2008 by L.L. No. 6-2008. Amendments noted where applicable.]

**GENERAL REFERENCES**

Building construction — See Ch. 96.

Zoning — See Ch. 310.

**§ 146-1 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**FENCE**

Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

**FRONT YARD**

Applies to that portion of the yard in front of the rear building line of any building. All corner properties adjacent to a public street, alley or highway shall also be considered as a front yard for purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.

**HEIGHT**

The distance measured from the existing grade to the top of the fence.

**§ 146-2 Approval required.**

No fence, wall or other type of construction shall be erected without the approval of the Code Enforcement Officer.

**§ 146-3 Application for permit; issuance.**

Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Code Enforcement Officer. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence, the materials proposed to be used therein which must be in accordance with this chapter and any other pertinent local law regulating construction within the Village and be accompanied by an appropriate fee. Upon approval by the Code Enforcement Officer, a permit shall be issued which will be in effect for a period of one year after the date thereon. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Village officials.

**§ 146-4 Applicability to residential districts.**

The permit provisions of this chapter shall apply to fences in the residential districts. The provisions shall, however, not be applicable to commercial property. No fence shall be erected in the applicable districts in excess of the height limitations as set forth herein.

**§ 146-5 Height limitations.**

- A. Rear yards. No fence shall be more than six feet in height at the rear of homes and buildings and shall not extend forward of the rear building line of any existing or proposed dwelling.
- B. Front yards and side yards. No fence shall be more than four feet in height in any front yard and side yard.

**§ 146-6 Location restrictions.**

Any fence erected under this chapter shall be placed at least six inches back from any property line and the finished face must face outwardly from the property erecting the fence. Any fence erected in a front yard shall be placed at least one foot back from the sidewalk.

**§ 146-7 Materials and composition.**

- A. Any fence, wall or similar structure as well as shrubbery which unduly cuts off light or air which may cause a nuisance, a fire hazard or a dangerous condition is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.
- B. The following fences and fencing materials are specifically prohibited:
- (1) Barbed wire.
  - (2) Short, pointed fences.
  - (3) Canvas fences.
  - (4) Cloth fences.
  - (5) Electrically charged fences.
  - (6) Poultry fences.
  - (7) Turkey wire.
  - (8) Temporary fences such as snow fences.
  - (9) Expandable fences and collapsible fences, except during construction of a building.
- C. All chain link fences erected shall be erected with the closed loop at the top of the fence.
- D. No fence shall be multicolored.
- E. All entrances or gates shall open onto the property.
- F. All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots.

### **§ 146-8 Powers and duties of Code Enforcement Officer; appeals.**

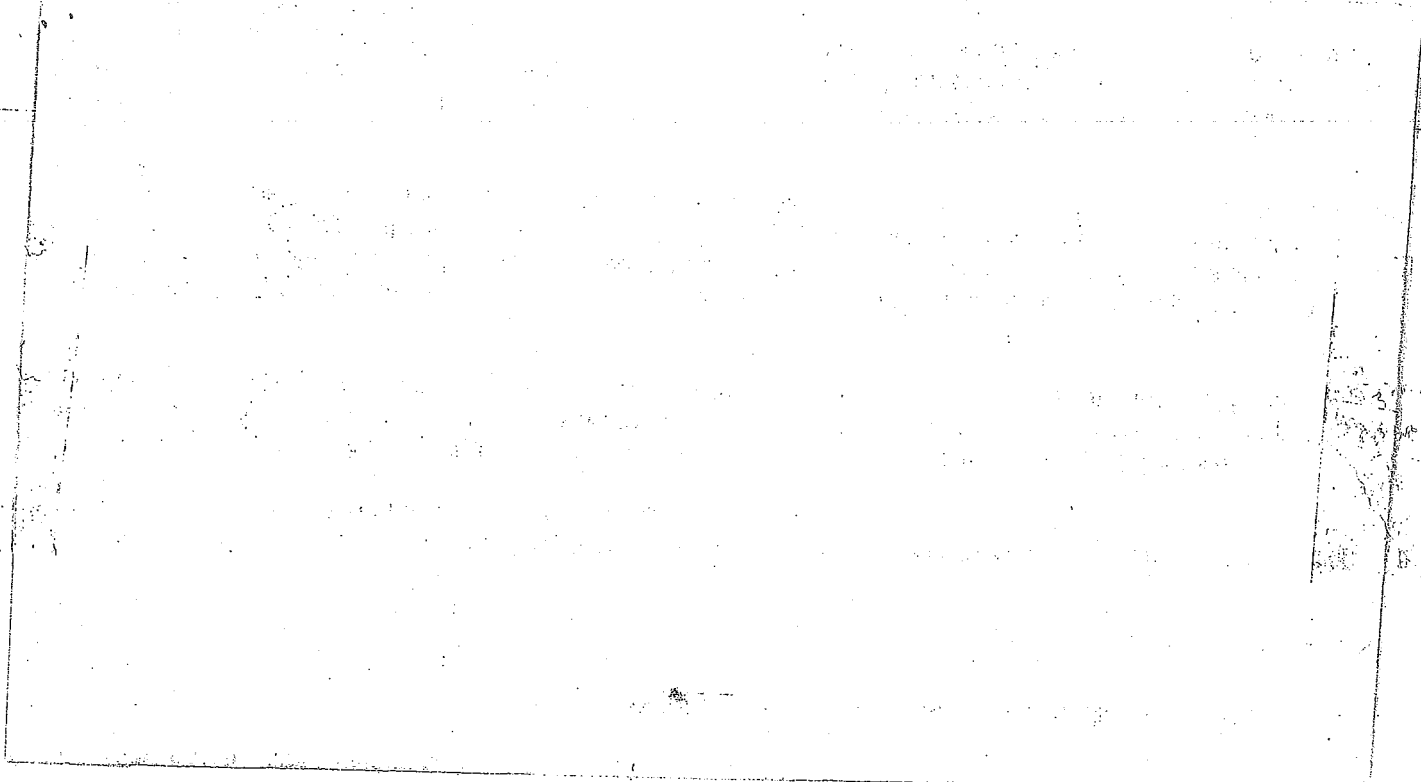
The Code Enforcement Officer or Superintendent of Highways shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall, hedge or structure on private or public property wherever the same shall interfere with adequate visibility for operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Code Enforcement Officer or Superintendent of Highways shall be guilty of a violation of this chapter and shall be subject to its penalties. If the property owner feels aggrieved by any decision of the Code Enforcement Officer or Superintendent of Highways, he shall have a right to appeal the decision to the Village Board.

### **§ 146-9 Board of Appeals.**

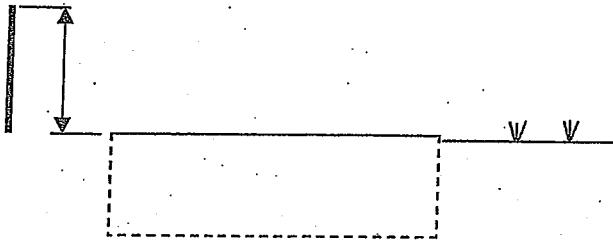
Where the Code Enforcement Officer denies a permit for the erection of a fence pursuant to the provisions of this chapter, the applicant may appeal such decision to the Board of Appeals, which Board shall determine if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter. The Board of Appeals may grant a variance from the requirements of this chapter so that the public safety and welfare will be secured and substantial justice done.

### **§ 146-10 Penalties for offenses.**

Any person, firm or corporation or his or her or its agent, servant, workman or employee violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment for not more than six months. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.



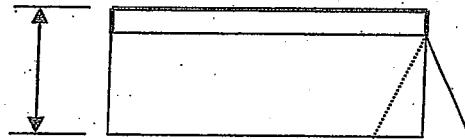
**INGROUND POOL  
4 FOOT FENCE REQUIRED**



**FENCE**  
4' fence around pool with a locked gate  
Gate must swing away from POOL

**POOL**  
Any pool  
Height

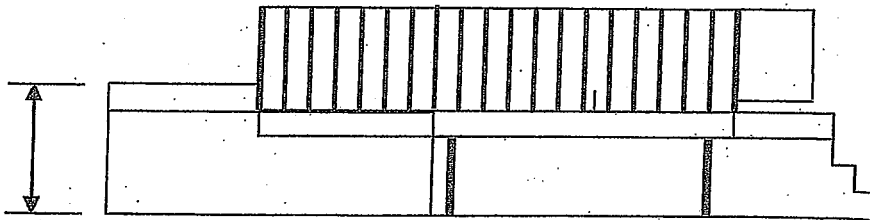
**ABOVE GROUND POOL**



**FENCE or BARRIER**  
Must be 4' high  
Barrier is pool side with possible fence added onto pool

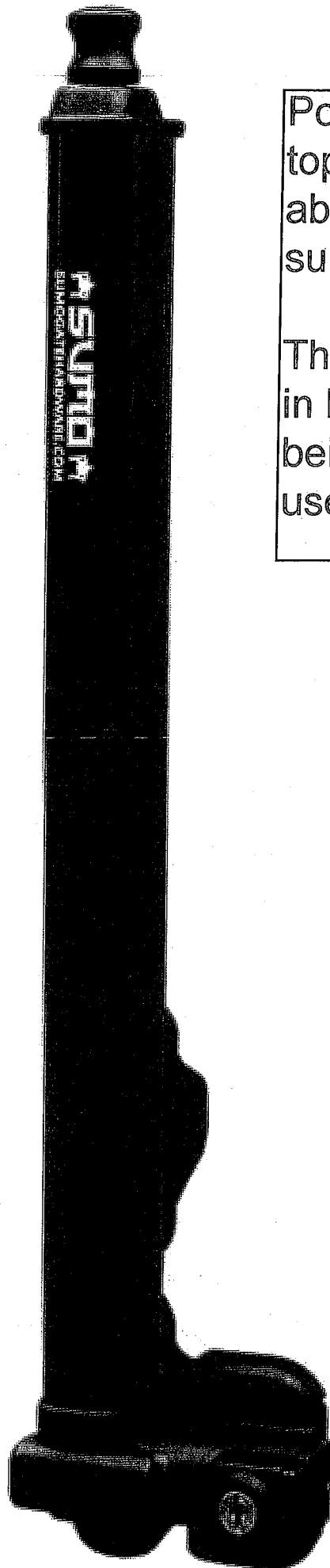
**LADDER**  
Must be removable or locked in a secure position

**POOL WITH A SECTION OF DECK AROUND**



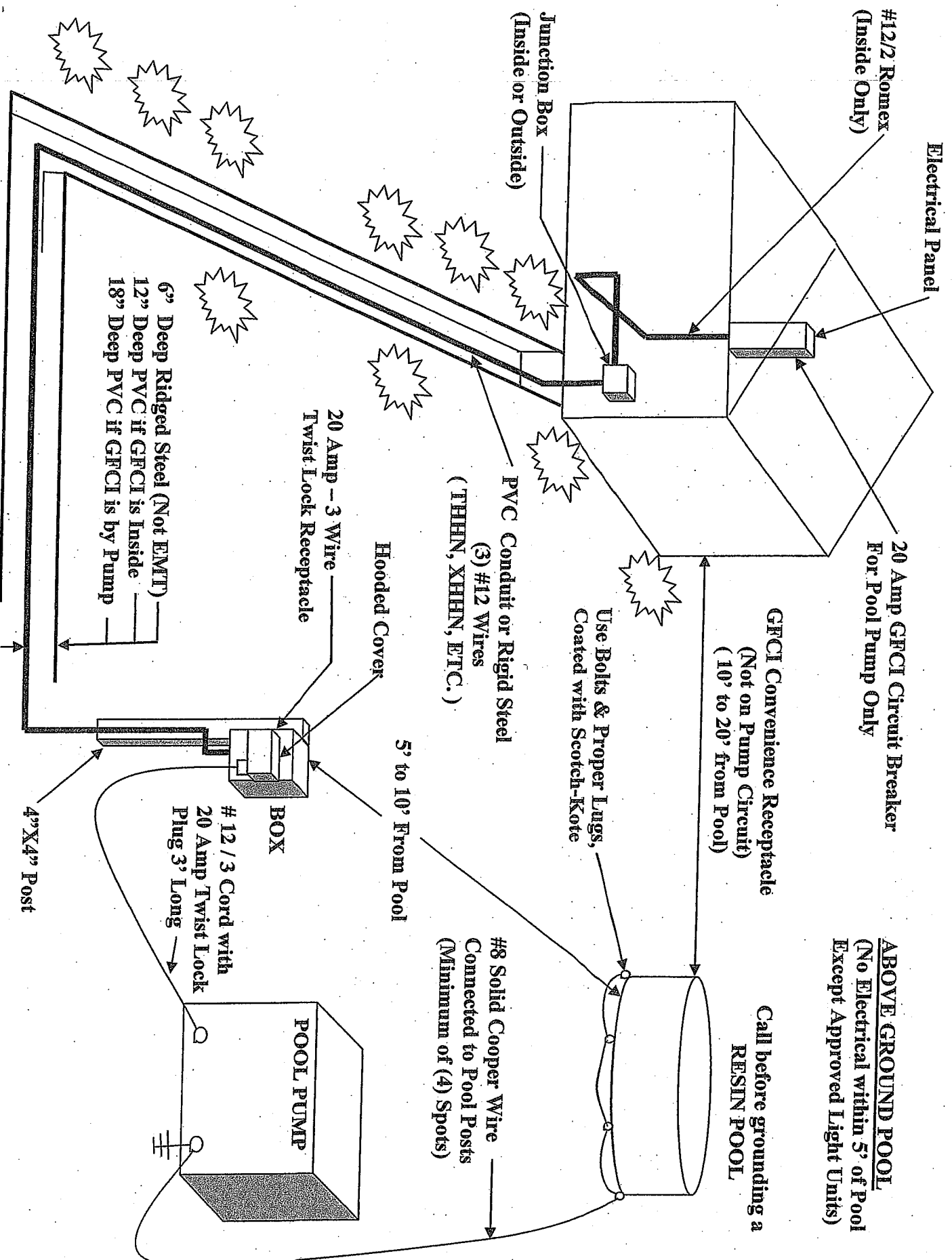
**FENCE or BARRIER**  
Must be 4' high  
Barrier is pool side with possible fence added onto pool

**DECK**  
Must be gated  
Gate must swing away from pool  
Gate must be self closing & latching  
Gate must NOT swing over stairs



Pool fence latch must be a top plunger installed 54" above the adjacent walking surface.

The latch must have a built-in lock, or be capable of being locked when not in use.



**Situations will vary: any Questions, call an Electrical Inspector**