

STATE BUILDING CODE INTERPRETATION NO. I-15-02

June 26, 2002

The following is offered in response to your June 25, 2002 letter to me in which you request a formal interpretation of the provisions of section 102.2 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Question: An inground swimming pool was constructed prior to adoption of the first State Building Code on September 1, 1971. Does the 1999 State Building Code require the installation of a fence around said pool?

Answer: No. Section 102.2 of the BOCA National Building Code/1996 portion of the 1999 State Building Code states in part that “the legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved, shall be permitted to continue without change.” Assuming that the pool installation was compliant with whatever local code was in effect at the time of construction and that the pool has been maintained in that condition, the 1999 State Building Code allows the pool to remain as-is without the need to comply with the current barrier requirements.