

## STATE BUILDING CODE INTERPRETATION NO. I-14-11

July 25, 2011

The following is in response to your request for formal interpretation dated July 22, 2011.

### Question:

An in-ground swimming pool at an existing single family home has a pool barrier that was code-compliant at the time that the pool was originally installed. Based on degradation of the existing pool, the owner wishes to remove the existing pool and install a new one in its place. Must the owner replace the legal existing pool barrier with a new one that meets the requirements of the 2005 State Building Code?

### Answer:

No. Section R102.7, of the 2003 International Residential Code portion of the 2005 State Building Code (IRC), clearly states that the legal occupancy of any building or structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code. The trigger for the pool barrier was the original installation of the swimming pool, and since the barrier conformed to the code requirements in effect at the time of its construction, it is allowed to remain as a legally existing structure even though the owner has chosen to upgrade the pool. Naturally, since the pool itself is new construction, it must be compliant with the current code. If it was the intention of the code to require upgrading legal existing pool barriers to meet current requirements, that provision would be in the code; much like the requirement to add smoke detectors and carbon monoxide detectors in existing homes undergoing alterations or additions or adding sleeping rooms.

This formal interpretation supersedes the previously issued Formal Interpretation I-10-09 regarding this issue.