



NEW CASTLE COUNTY DEPARTMENT OF LAND USE

FAQ

ABOUT ABOVE-GROUND POOLS



Swimming pools are a popular family recreational activity and should be the focus for happy, fun occasions. Sadly, accidental drowning claims the lives of toddlers and children every year. For this reason, the International Code Council and New Castle County have strict requirements about the installation and safety features for above-ground swimming pools.

DO I NEED A PERMIT? Before placing an above-ground pool in your yard, you need to be aware of the requirements that must be met. **ANY ABOVE-GROUND POOL MORE THAN 24 INCHES DEEP OR 250 SQUARE FEET REQUIRES A BUILDING PERMIT.** If you hire a contractor, it is your responsibility to make sure that your contractor obtains the necessary permits and schedules the required inspections. **YOU CANNOT USE THE POOL UNTIL YOU OBTAIN A CERTIFICATE OF OCCUPANCY.**

WHAT SHOULD I LOOK FOR IN HIRING A CONTRACTOR? If you have decided to hire a contractor to install your above-ground pool, make sure you cover the following points.

1. Use only licensed contractors. Your contractor is required to have both a State of Delaware business license and a New Castle County Permit-Endorsement Contractor's license. Use the License Search feature on our website to ensure that your contractor has their license.
2. The contractor is required to take out the building permit. A property owner should only take out building permits for projects they are doing without using a contractor. If a contractor tells you that you need to obtain the building permit or that there is some cost savings if you obtain the permit, this is not true!
3. Before signing a contract, make sure you have discussed the building permit and inspection requirements.

WHAT ARE THE RULES FOR WHERE MY POOL CAN BE LOCATED?

1. Be sure you can meet the necessary setback requirements. Pools must be located in the rear yard and must be at least 6 feet from any side or rear property line. If the pool is placed outside the legal area, you will have to add the expense of a variance application to the cost of your project and there is no guarantee that the variance will be granted.
2. The total combined area of the pool and any other structures (sheds, etc.) cannot cover more than 30% of the rear yard.

WHAT SAFETY REQUIREMENTS SHOULD I BE AWARE OF?

1. Any pool that is capable of holding more than 24 inches of water must meet fencing requirements.
2. All pools are required to have either fencing or walls that meet height and other requirements. The side of your home cannot serve in place of a fence.
3. The only pools that are not required to meet the fence requirements must have exterior walls of at least 4 feet in height. In addition a 4-foot high enclosure with a self-closing and self-latching gate must be constructed around the ladder/egress area of the pool.
4. To meet the fencing requirements, the top rail must be capable of supporting 250 pounds to reduce the possibility of collapse. The fence mesh must be sufficiently tight to prevent a 4-inch sphere from passing through, thereby making it more difficult to climb the fence. A post and rail style fence can be used only if meshing that meets the standards is added on the outside of the post-and-rail.
5. Any electrical service to the pool must conform to the latest International Electrical Code. Electrical permits are issued by the State of Delaware, not New Castle County and are inspected through private agencies.
6. Your pool cannot be located under overhead electric wires. Overhead electric wires must be located 10 feet away from the edge of the pool. If you have underground electric wires, you should check with a licensed electrician regarding electrical code requirements.

WHEN CAN I USE MY BACKYARD POOL?

You may not begin the use of your pool until you receive a "Certificate of Occupancy" after passing the final inspection. There are no rules for hours of use for private pools, but please be mindful of noise regulations. If using your pool at night, please show respect for your neighbors.

ARE THERE POOL MAINTENANCE REQUIREMENTS?

Yes. New Castle County requires that pools be maintained in a clean, sanitary condition (suitable for swimming). If not, the pool must be drained and covered. Pool owners should also ensure that run-off/drainage from the pool is not directed onto a neighbor's property.