

Bill as Introduced

HB 1369-LOCAL - AS INTRODUCED

2010 SESSION

10-2419
06/05

HOUSE BILL ***1369-LOCAL***

AN ACT relative to pool safety.

SPONSORS: Rep. G. Hutchinson, Rock 5; Rep. Kappler, Rock 2

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires municipalities to require a 4-foot fence as a prerequisite for a private swimming pool permit.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1369-LOCAL

BILL TITLE: relative to pool safety.

DATE: January 14, 2010 *recessed to JAN. 26, 2010*

LOB ROOM: 301 Time Public Hearing Called to Order: 11:26 am

Time Adjourned: 11:26 am

(please circle if present)

Committee Members: Reps. ~~Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins~~ and Sterling.

Bill Sponsors: Rep. G. Hurchinson, Rock 5; Rep. Kappler, Rock 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Hearing was recessed until January 26, 2010 at 11:00 am.

Respectfully submitted,

Rep. Dianne Schuett
Rep. Dianne Schuett
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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Hearing, minutes on
HB 1369 Jan. 14, 2010

Hearing opened at 11:26 a.m.
recessed to Jan. 26 at 11:00 a.m.

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1369-LOCAL

BILL TITLE: relative to pool safety.

DATE: January 26, 2010

LOB ROOM: 301 Time Public Hearing Called to Order: 11:51 am

Time Adjourned: 12:10 pm

(please circle if present)

Committee Members: Reps. ~~Cooney, Gagnon, Osborne, D. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, & Soucy, J. Sullivan, Crisler, Ferrante, Perkins, Sterling and Cunningham~~

Bill Sponsors: Rep. G. Hurchinson, Rock 5; Rep. Kappler, Rock 2

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Patten introduced the bill for the sponsor who was unable to attend due to an accident.

***Bob Clegg**, NH Building Officials Assoc. Opposes the bill. It took the state four years to get the building codes pulled together and would ask that you please ITL this bill, rather than adding to it piecemeal.

Rep. Sullivan: Do you believe the current regulations cover what's in this bill. Ans.-Yes, I think the statewide building code covers this.

Rep. Carlson: Is there anything that's different that would provide more safety. Ans.-No.

Rep. Brown: What is the definition of swimming. Ans.-I don't know, but they say that any pool that has more than 18 inches of water would be considered.

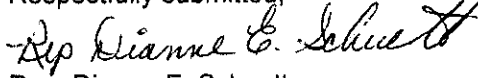
***Walter Perry**, Assoc. of Pool Safety. Supports the bill.

***Richard Canuel**, NH Building Officials Assoc., President. Opposes the bill.

Rep. Lauterborn: Did you say we already comply with ISC? Ans.-Yes ISC= International Safety Code

***Tim Robinson**, NDPA. Supports the bill.

Respectfully submitted,


Rep. Dianne E. Schuett
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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Respectfully submitted,

Rep. Dianne E. Schuett, clerk

Testimony

NEW HAMPSHIRE BUILDING OFFICIALS ASSOCIATION



c/o New Hampshire Local Government Center
Concord, NH 03302-0617
603.2241447 . 800.852.3358

Representative Mary Cooney, Chair
Municipal and County Government Committee
Legislative Office Building Room 301B 107 N.
Main Street
Concord, NH 03301

Richard Canuel
President
Town of Londonderry

Re: House Bill 1369

Wayne Richardson
Vice-President
Town of Bedford

Dear Madam Chair & Committee Members:

Peter W. Hopkins
Treasurer
Town of Greenfield

I have recently read the language of House Bill 1369 that proposes to mandate that municipalities require a 4-foot fence as a prerequisite to issuing a permit for a private swimming pool.

Michelle Bonsteel
Assistant Treasurer
Town of Bristol

On behalf of the members of the New Hampshire Building Officials Association, a state-wide organization of municipal building code officials, there is concern that HB 1369 will conflict with the state building code requirements and the penalty provisions established by RSA 676:17 as referenced therein.

Carrie Rouleau-Cote
Secretary
Town of Auburn

As the Committee may or may not be aware, the NH State Building Code already includes specific provisions for the installation of safety barriers to protect against drownings by restricting access to pools, spas and hot tubs. The Building Code Review Board moved to adopt Appendix G of the International Residential Code as part of the State Building Code (RSA 155-A), and these provisions are enforced by municipalities throughout the state. For those communities without an appointed building official this responsibility defaults to the State Fire Marshal's office.

Thomas Johnson
Director
Town of Durham

As HB 1369 proposes to amend both RSA 31 and RSA 47, which promulgates the powers and duties of towns and cities, this bill may result in confusion for municipal enforcement authorities by establishing safety requirements outside of the already familiar building code standard.

Bill Edney
Director
Town of Meredith

Kenneth W. Sherwood
Director
Town of Salem

Tedd Evans
Director
City of Concord

Below is an excerpt from the aforementioned code appendix for the committee's reference. As the committee will read, the protective barrier requirements are more inclusive when compared to the language proposed by this bill, and provides for a greater level of safety.

Michael Santa, CBO
Immediate Past President
City of Concord

POOL BARRIER REQUIREMENTS

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. 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 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.
5. 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 not exceed 4 inches (102mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2 1/4-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 13/4 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 13/4 inches (44 mm).

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and

8.2. The gate and barrier shall have no opening larger than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which 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. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3. Other means of protection, such as self closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps: **10.1.** The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. 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.

Municipal and County Government Committee

HB 1369

Page 4

Whereas child safety is the primary concern, and specific code provisions currently exist to guard against unsupervised access to swimming pools, we request that the committee find this bill Inexpedient to Legislate.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard G. Canuel". The signature is written in a cursive style with a large initial "R" and "C".

Richard G. Canuel
President



APSP Region 9 Service Center
53 Regional Drive, Suite 1
Concord, NH 03301
603.228.1231
603.228.2118 fax
www.APSPRegion9.org

The Global Source and Voice for the Recreational Water Industry

The Association of Pool & Spa Professionals (APSP) is the national trade organization for the pool and spa industry, with approximately 3,200 members. The APSP was a vigorous supporter of the Virginia Graeme Baker Pool and Spa Safety Act (VGB) and supports the adoption of barrier legislation in all 50 states and applauds the goals and efforts of the NH House of Representative and Rep. Hutchinson in attempting to address drowning prevention.

Our primary concern with HB 1369 is that it does not go far enough to eliminate child drowning. While the bill does address the presence of a wall/and/or fence, it lacks critical detail necessary to ensure that such barriers will be effective in preventing unpermitted access by children. It is also inconsistent with the 2009 International Residential Code (IRC) Appendix G, the barrier language in US Consumer Product Safety Commission (CPSP) Draft Technical Guidance on Section 1406 of the VGB of September, 2008 and the ANSI/APSP-8 2005 Model Barrier Code.

- While HB1369 specifies a minimum height for walls and fences it does not specify maximum ground clearance for both hard and soft ground. Both are critical to ensure that small children cannot crawl beneath the barrier.
- HB1369 does not provide maximum spacing between horizontal, vertical or diagonal members in fences.
- HB1369 does not specify maximum openings in mesh or chain link fences.
- HB1369 does not include an requirements with regards to gates
 - it does not require gates to open outward
 - it does not require gates to have a locking mechanism
 - it does not require that gates be self closing and self latching
 - All of the above are necessary to ensure that a barrier will have safety benefit.
- HB1369 does not address unique considerations with regard to above ground pools.
- HB1369 places excessive reliance on motion sensor alarms. While these and other alarm devices may serve at times as an additional layer of protection, they are not sufficiently reliable to warrant mandating them on all new pools.
- HB1369 ignores other important measures that can assist in drowning prevention such as ASTM approved safety covers and self closing, self latching doors.

Fortunately there is a simple and effective way to address all of the above issues. The barrier language found in the 2009 IRC Appendix G has been adopted in a number of states, including CT, NY, NJ, PA and VA. This language addresses all of the above by requiring a wall or fence, and requiring one of a series of proven additional options when the wall of a dwelling serves as a portion of the barrier.

Allowing such options while requiring the presence of a wall or fence also causes the homeowner to become an active participant in developing a safe pool environment and significantly increases the likelihood that the measures chosen will remain in place and in use. Additionally, utilizing established code language that contractors and building departments are familiar with will eliminate potential confusion of how to adhere to this new state requirement.

THE VGB STATE GRANT PROGRAM

Sections 1405 and 1406 of the VGB establish a State Grant Program designed to provide cash incentives (grants) to states that adopt legislation to address drowning and entrapment prevention in new and existing residential pools and spas. The Minimum State Law Requirements for eligibility are to be established by the CPSC and the distribution of grants will be administered by the Center for Disease Control (CDC).

The CPSC expects to publish their final Technical Guidance, which will specify the Minimum State Law Requirements. The Draft Technical Guidance was published in September, 2008, and provides barrier requirements that are consistent with Appendix G of the IRC.

HB 1369, as currently drafted, will NOT enable NH to qualify for a grant under the VGB for several reasons.

- HB 1369 fails to provide the necessary specifications for barrier construction as outlined above.
- HB 1369 does not appear to address existing pools (At this point it remains unclear as to whether the CPSC Minimum State Law Requirements will require states to address all existing pools/spas or only those that are renovated or sold. Currently, no state requires pools built before a barrier law was put in place to meet barrier requirements. The logistics of how to enforce such a provision make this difficult and final direction from the CPSC will hopefully provide states guidance on how this can be accomplished.)
- HB 1369 does not address entrapment avoidance.

Adoption by New Hampshire of the 2009 IRC, including Appendix G, will bring the state in line with the Minimum State Law Requirements on entrapment avoidance on new pools. In 2008, the voting body of the International Code Council (ICC), which is composed of public servants such as code officials and first responders, voted overwhelmingly to adopt the ANSI/APSP-7 Standard for entrapment avoidance. This third party approved national consensus standard is the only document that addresses and eliminates all known forms of entrapment, by

- requiring covers that comply with the VGB and the most current drain cover standards
- requiring that a pool be closed whenever a drain cover is broken or missing
- limiting water velocity (the most effective protection against hair entrapment)
- requiring that all new pools/spas have no drain, an unblockable drain or properly spaced multiple drains
- requiring that existing pools/spas with a single blockable drain employ one of a series of additional measures.

The 2009 IRC and the ANSI/APSP-7 standard meets and exceeds all of the requirements in the VGB and CPSC Draft Technical Guidance **It should be noted that adoption of appendix G of the 2003 or 2006 IRC will not enable NH to qualify for a grant and is not consistent with the VGB because the earlier versions of the IRC do not reference the current drain cover standard.*

For Additional information Contact:

Walter Perry
APSP New England Chapter
wperry@apsp.org
603-228-1231

Jennifer Hatfield
APSP Government Affairs Associate
jhatfield@apsp.org
941-345-3263

January 26th 2010

The Honorable Mary Cooney

78 Highland St
Plymouth, NH 03264-1237

Re: Support for HB 1369 An Act Relative to Pool Safety

Madam Chairwoman and Members of the Committee:

To introduce myself, Timothy Robinson, I am resident of Concord NH. I submit this testimony as resident of State of New Hampshire and Advisory Council member of the National Drowning Prevention Alliance. I have been involved in drowning prevention for well over a decade. In addition prevention activities I have experience as paramedic and law enforcement officer and have responded to drowning and near drowning events for almost 20 years.

On a national level drowning is the third cause of accidental death in children below age one. Over the age of one, drowning remains the second leading cause of death up through age 15. This accounts for nearly one-third of deaths for children age one through four. Nationally drownings occur more frequently in pools than they do in natural bodies of water and other places such as bath tubs.

In New Hampshire, drowning occur more frequently natural bodies of water and the most at risk age ranges tends to be adolescents and young adults. New Hampshire's unique drowning profile is due in a large part to less swimming pools per capita and easier access to and greater availability of open bodies of water. While the profiles and age ranges change, this does not mean people do not drown in pools in New Hampshire. The same swimming pool dangers remain regardless if you are in New Hampshire or in Arizona, but due to fewer pools the frequency of drowning events is decreased.

In a retrospective study of drowning in New Hampshire, I have found six cases of pool drownings over the last decade. Several of these drownings were in public pools, included pools monitored by lifeguards. In my research, I have found two drowning cases that the proposed legislation could have possibly prevented. The most recent occurred in Representative Hutchinson's district late last winter and the other fell outside my data set, it occurred 1996 or 1997 here Concord. In both cases a child fell into an unmonitored pool that was not currently maintained for swimming.

I support the spirit and intent of this legislation. The legislation as presented, has some ambiguous language and it is brief. I would like to make some suggestions to clear up the language. First off the equipment and fencing required should specify the applicable ASTM standards that already exist. There is no reason why we should have to develop new definitions and standards here in New Hampshire. The work has been done for us already. Barrier fencing with self closing self latching gates are the gold standard for preventing entry into a pool area and minimally this should be added to the language. I would support the notion of isolation fencing, which means that none of the doors from the home open directly into the pool area. Again, the "motion sensor alarm system", is ambiguous, I am not sure if this means motion in the water - pool alarm or motion inside the pool fence - infra red. Again there are ASTM standards that reference motion sensors and I would suggest that they should be referenced.

Thank you for this opportunity to testify in **Support for HB 1369**

Respectfully Submitted,

Timothy Robinson

68 Downing St, Concord NH 03301

603-848-3994 info@progressivesafetysolutions.com

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1369-LOCAL

BILL TITLE: relative to pool safety.

DATE: February 4, 2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Patten

Seconded by Rep. Carlson

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes- vv

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

Rep. Dianne E. Schuett

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1369-LOCAL

BILL TITLE: relative to pool safety.

DATE: 2/4/2010

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Patten*

Seconded by Rep. *Carlson*

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) *Osborne / Wheeler* YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1369 Title: re pool safety

PH Date: 1/14/2010

Exec Session Date: 2/4/2010

Motion: ITL

Amendment #: _____

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	18	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	11	
Boyce, Laurie J	12	
Soucy, Connie M	13	
Sullivan, James M <i>absent</i>		
Crisler, Margaret M	14	
Ferrante, Beverly A	15	
Perkins, Amy Stasia	16	
Sterling, Franklin W <i>absent</i>		
Cunningham, Steven L	17	
TOTAL VOTE:	18	0

Committee Report

CONSENT CALENDAR

February 9, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred HB1369-L,

AN ACT relative to pool safety. Having considered the same, report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Betsey L Patten

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB1369-L
Title:	relative to pool safety.
Date:	February 9, 2010
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The statewide building code for residential property was adopted by this legislature in 2002 in RSA 155-A, New Hampshire building code. All the codes were gathered together in this one chapter to make it user friendly for our construction industry and homeowners. This bill would have established new swimming pool standards and placed those in RSA 31- powers and duties of the town and in RSA 47 – power of city councils. The provisions offered in this bill could conflict with the state building code requirements and the penalty provisions established in RSA 676:17 – administrative and enforcement procedures. Pool barrier requirements found in the state building code, AG105.1 and AG105.2 cover the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs. The committee felt that AG105.1 and 2 covers much more than the proposed bill and voted the bill inexpedient to legislate.

Vote 18-0.

Rep. Betsey L Patten
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB1369-L, relative to pool safety. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L Patten for MUNICIPAL AND COUNTY GOVERNMENT. The statewide building code for residential property was adopted by this legislature in 2002 in RSA 155-A, New Hampshire building code. All the codes were gathered together in this one chapter to make it user friendly for our construction industry and homeowners. This bill would have established new swimming pool standards and placed those in RSA 31- powers and duties of the town and in RSA 47 – power of city councils. The provisions offered in this bill could conflict with the state building code requirements and the penalty provisions established in RSA 676:17 – administrative and enforcement procedures. Pool barrier requirements found in the state building code, AG105.1 and AG105.2 cover the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs. The committee felt that AG105.1 and 2 covers much more than the proposed bill and voted the bill inexpedient to legislate. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

HB 1369 Relative to Pool Safety

18-0 ITL

Betsey Patten for the committee

The statewide building code for residential property was adopted by this Legislature in 2002 in RSA 155-A, New Hampshire Building Code. All the codes were gathered together in this one chapter to make it user friendly for our construction industry and homeowners. This bill would have established new swimming pool standards and placed those in RSA 31 - Powers and Duties of the Town and in RSA 47 - Power of City Councils. The provisions offered in this bill could conflict with the state building code requirements and the penalty provisions established in RSA 676:17 - Administrative and Enforcement Procedures. Pool Barrier Requirements found in the state building code, AG105.1 and AG105.2 cover the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs. The committee felt that AG105.1 and 2 covers much more than the proposed bill and voted the bill Inexpedient to Legislate.