

## STATE BUILDING CODE INTERPRETATION NO. I-12-04

August 13, 2004

The following is offered in response to your July 26, 2004 letter to me in which you seek a formal interpretation regarding the provisions of Section 421.10.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

**Question 1a:** Section 421.10.1, parts 4 & 5 refer to the distance between horizontal members of a pool barrier being either larger or smaller than 45 inches. Can this be applied to the distance between hinges and springs mounted on the outside of a gate in the pool barrier? In other words, if the distance between the tops of the hinges is less than 45 inches are the hinges considered climbable?

**Answer 1a:** No. The language regarding the horizontal elements refers to the barrier or gate elements themselves, not to the hinges or springs required to make the gate swing. As a practical matter, since the code requires the gate to swing away from the pool and to be self-closing, the majority of hinges and spring devices will have to be mounted on the outside of the gate to accomplish this, making code compliance for the hinges and springs impossible.

**Question 1b:** Regarding the same issue, if the distance between the tops of the hinges is more than 45 inches, are they considered climbable?

**Answer 1b:** No.

**Note:** Since questions 2 and 3 were predicated on the answer to Question 1a being in the affirmative, I have not included them in this interpretation.