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## **BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS**

### **A. General Notes**

**Section 419.** The provisions of these sections (419 through 421) apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3, Occupancies and Group R, Division 1, Occupancies.

### **B. Definitions**

**Section 420.** For the purpose of said sections, certain terms, words and phrases are defined as follows:

Above-ground / on-ground pool: See definition of swimming pool.

Barrier: A fence, wall, building wall, or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Grade: The underlying surface, such as earth or a walking surface.

Hot tub: See definition of swimming pool.

In-ground pool: See definition of swimming pool.

Spa, non-portable: See definition of swimming pool.

Spa, portable: A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord connected (not permanently electrically-wired).

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Swimming pool, indoor: A swimming pool, which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming pool, outdoor: Any swimming pool which is not an indoor pool.

### **C. Swimming Pool Fence or Enclosure Required**

**Section 421.1. Outdoor swimming pool.** Every person in possession of land within the corporate limits of the City, either as owner, purchaser under contract, lessee, tenant, or licensee, upon which is situated an outdoor swimming pool, including an in-ground, above-ground, or on-ground pool, hot tub or spa shall at all times maintain upon the lot or premises on which the swimming pool is located, and completely surrounding the swimming pool, lot or premises, a fence, wall or other solid structure designed to prevent small children from inadvertently wandering into the pool, as follows:

1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier facing away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier facing 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 bottom of the barrier shall be 4 inches.
2. No permanent structures, boxes, or other items shall be located adjacent to the barrier where the top of the box structure or other items is within a 48-inch radius of the top of the barrier.
3. Openings in the barrier shall not allow passage of a 4-inch diameter sphere.
4. Solid barriers, which do not have openings, such as masonry, or stone walls, shall not contain indentations, or protrusions except for tooled masonry joints.
5. Maximum gauge for chain link fence shall be not less than 9 gauge.
6. Where the barrier is composed of diagonal members, such as lattice fence, the maximum opening formed by the diagonal members shall be no more than 1-3/4 inches.

### **D. Door and Gates**

**Section 421.2.** Access gates shall comply with the requirements of Items 1 through 6 above, and shall be equipped with one or more of the following types of doors or gates and none other:

1. A gate or door used for general ingress or egress to and from the enclosed area which is not a door of an occupied dwelling, when dwelling structure forms a part of the enclosure required by this article. Such gate or door shall be equipped with and shall be maintained with self-closing and self-latching devices, designed to keep and capable of keeping such door or gate securely closed and latched at all times when not in actual use, and such latching device to be attached no lower than forty-six inches (46") from the grade level measured at the outside of the gate or door.
2. A gate or door, over three (3) feet in width, or not used for general ingress or egress to and from the enclosed area. Such gate or door need not be equipped with self-latching devices, provided it is equipped with and maintained with some type of permanent locking device. However, it shall be unlawful and a violation for any said person to allow such a gate or door to remain open or unlocked while unattended.
3. Drive gates shall not be considered as meeting the requirements of this section and shall not be allowed as part of the required barrier.

## **E. Temporary Fence**

**Section 421.3.** A temporary fence of at least three (3) feet in height must completely surround a swimming pool while it is under construction and not attended.

## **F. Failure to Maintain Enclosure Unlawful**

**Section 421.4.** It shall be unlawful to maintain any swimming pool within the City, which is not fenced in accordance with the requirements of this code.

## **G. Failure to Secure Final Inspection Unlawful**

**Section 421.5.** All pools constructed within the corporate limits of the City must pass final inspection by the Building Inspections Department within 30 calendar days of approval of deck steel inspection. Failure to pass final inspection within this timeframe shall be unlawful and will be grounds for suspension of additional permit issuance for further pool construction.