

Chapter 16.19**SWIMMING POOL BARRIERS****Sections:**

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Section 16.19.010 Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by requiring swimming pools, spas and similar facilities eighteen inches or more in depth designed for wading, swimming or other recreational purposes located on any premise within the City to be enclosed in the manner prescribed herein. (Ord. 6415 § 1, 1997; Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)

Section 16.19.020 Barrier requirement.

Every person in possession of land within the City, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, spa or similar facility, which whether above or below grade exceeds in depth the limitations hereinafter set forth, shall meet the following requirements:

A. On or after January 1, 1998. Any such swimming pool, spa or similar facility, any part of which is eighteen inches or more in depth, constructed, installed or placed on said premises on or after January 1, 1998 (excepting one constructed, installed or placed on said premises in accordance with the provisions of Subsection B of this section pursuant to a still valid permit issued by the City prior to January 1, 1998), shall be surrounded by a substantial barrier not less than five feet in height, which barrier shall meet the following minimum requirements and which barrier shall thereafter be maintained following construction, installation or placement so as to meet the following minimum requirements:

1. The top of the barrier shall be at least sixty inches 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 two inches measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches when the grade is a solid impenetrable surface, such as a concrete deck. Where the top of the pool structure is above grade, such as an aboveground 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 four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal

members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than eleven gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection and shall be equipped to accommodate a locking device. Pedestrian-access gates shall be self-closing, have a self-latching device, and open away from the swimming pool. Gates other than pedestrian access gates and gates more than five feet in width shall have a self-latching device and be equipped with lockable hardware, such as a padlock, and shall remain locked at all times when not in use. Where the release mechanism of the self-latching device is located less than sixty inches above grade, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half-inch within eighteen inches of the release mechanism.

9. Habitable portions of buildings shall be equipped with approved exit alarms on those doors providing direct access to the pool or those doors shall be equipped with self-closing and self-latching devices with a release mechanism placed no closer than fifty-four inches above the floor. Other doors providing direct access to the swimming pool, such as doors from the garage, shall be equipped with a self-closing, self-latching device with a release mechanism placed no closer than fifty-four inches above the floor.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps is secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

11. Existing fences surrounding property at the pool area which are at least seventy-two inches above grade, measured on the side of the barrier which faces away from the swimming pool, has a maximum vertical clearance between grade and the bottom of the barrier of two inches, or four inches when the grade is a solid impenetrable surface such as a concrete deck, and has no openings that will allow the passage of a four-inch-diameter sphere, are permitted. Gates and doors opening into such enclosures shall comply with Section 16.19.020(A)(8) and (9).

12. A spa or hot tub with a locking safety cover which complies with the American Society for Testing and Materials-Emergency Performance Specification (ASTM-ES 13-89) shall not be required to provide other barriers. Where a locking safety cover is not provided, the spa or hot tub shall comply with the requirements of this chapter.

13. A swimming pool equipped with an approved pool cover meeting all the performance standards of the American Society for Testing and Materials specification ASTM-

F1346-89 shall not be required to comply with Subdivisions 1 through 11 of this subsection.

B. From January 1, 1995 through December 31, 1997. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on any premises within the City between January 1, 1995 and December 31, 1997, or on or after January 1, 1998 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial barrier not less than four feet in height which meets the following minimum requirements:

1. The top of the barrier shall be at least forty-eight inches 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 two inches measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches when the grade is a solid impenetrable surface, such as a concrete deck. Where the top of the pool structure is above grade, such as an aboveground 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 four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than eleven gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection and shall be equipped to accommodate a locking device. Pedestrian-access gates shall be self-closing and have a self-latching device. Gates other than pedestrian access gates and gates more than five feet in width shall have a self-latching device and be equipped with lockable hardware, such as a padlock, and shall remain locked at all times when not in use. Where the release mechanism of the self-latching device is located less than fifty-four inches above grade, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half inch within eighteen inches of the release mechanism.

9. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than fifty-four inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door in a closed position at all times when not in actual use, except that the door of any

dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

11. Existing fences surrounding property at the pool area which are at least sixty inches above grade, measured on the side of the barrier which faces away from the swimming pool, has a maximum vertical clearance between grade and the bottom of the barrier of two inches, or four inches when the grade is a solid impenetrable surface such as a concrete deck, and has no openings that will allow the passage of a four-inch-diameter sphere, are permitted. Gates and doors opening into such enclosures shall comply with Section 16.19.020(B)(8) and (9).

12. A spa or hot tub with a locking safety cover which complies with the ASTM Standard F 1346-91 shall not be required to provide other barriers. Where a locking safety cover is not provided, the spa or hot tub shall comply with the requirements of this chapter.

C. From February 1, 1994 to December 31, 1994. Any such swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on said premises, excepting a Group R, Division 3 Occupancy, during the period February 1, 1994 through December 31, 1994, or on or after January 1, 1995 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial barrier not less than four feet in height, which barrier shall meet the following minimum requirements:

1. The top of the barrier shall be at least forty-eight inches 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 two inches 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 aboveground 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 four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for 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 forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than nine gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the

maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection 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 fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half inch within eighteen inches of the release mechanism.

9. Where a wall of a building serves as part of the barrier, doors with direct access to the pool through that wall shall be equipped with self-closing doors with self-latching devices mounted fifty-four inches above the floor. Doors requiring panic hardware shall not be permitted to open directly into the pool area unless provided with special alarms or features acceptable to the Building Official.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

D. From February 1, 1994 to December 31, 1994. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on premises with a Group R, Division 3 Occupancy, during the period February 1, 1994 to December 31, 1994, or on or after January 1, 1995 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it complies with the requirements of Division III of Appendix Chapter 12 of the 1991 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, and as adopted by the California Building Standards Commission, relating to barriers for swimming pools, spas and hot tubs, which Division III is hereby incorporated by reference as though set out herein in full. One copy of said Uniform Building Code including therein Division III of Appendix Chapter 12, which has been certified as a true copy, is on file and open to public inspection in the office of the City Clerk.

E. From January 1, 1991 to January 31, 1994. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on the premises on or after January 1, 1991 to January 31, 1994, or on or after February 1, 1994 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial fence, wall or other structure not less than five feet in height, which structure shall be constructed so as not to have openings, gaps, ledges or other means by which toe or handholds would be made available for climbing or scaling, except as hereinafter described in this subsection:

1. The top of the barrier shall be at least five feet above grade measured on the side of the fence which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches 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 or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum clearance between the top of the pool structure and the bottom of the barrier shall be two inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter 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 forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be one-inch square unless the fence is provided with slats fastened at the top or the bottom.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and one-half inches.

8. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than fifty-four inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door in a closed position at all times when not in actual use, except that the door of any dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor. Gates more than five feet in width and not intended for pedestrian access to the pool area shall be securely locked, bolted or otherwise secured to discourage pedestrian use.

F. Prior to January 1, 1991. Any such swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed before January 1, 1991, or on or after January 1, 1991 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a fence, wall, or other similar structure not less than four feet in height and having no opening therein (other than door or gates as hereinafter provided) larger than fifty square inches; except when chain link fencing is used, the opening shall not be more than four and one-half square inches, except a rectangular opening having no horizontal dimension exceeding four inches may have a greater area. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than forty-two inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door in a closed position at all times when not in actual use, except that the door of any dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor. Gates more than five feet in width and not intended for pedestrian access to the pool area shall be securely locked, bolted or otherwise secured to discourage pedestrian use. (Ord. 6421 §§ 1, 2, 1997; Ord. 6415 § 2, 1997; Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)

Section 16.19.030 Barrier requirement modifications.

The Building Official may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gate or latches, or the necessity therefor, provided the protection as sought under this chapter is not reduced

thereby. The Building Official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described in this chapter. (Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)

Section 16.19.040 Inspection approval.

All plans hereafter submitted to the Building and Safety Division for pools to be constructed shall clearly indicate compliance with codes, ordinances and regulations then in effect where health, safety and welfare are involved. Preplaster inspection shall be required, at which time all requirements of Sections 16.36.010 and 16.36.020 of this code shall be installed to the satisfaction of the inspector before permission is granted for the plastering and filling of said pool. (Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)

Section 16.19.050 Liability.

The provisions of this chapter shall not be construed to relieve or lessen the responsibility of any party owning, operating, controlling or installing any swimming pool or similar facility for damages to persons or property caused by any defect therein, nor shall liability be relieved by reason of the inspection authorized in this chapter, nor shall it be construed to lessen or waive other restrictions as may be imposed by federal, State, County or other authority having jurisdiction (Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)

Section 16.19.060 Appeals.

The determination and ruling of the Building Official pursuant to this chapter are declared a proper subject of appeal to the Planning Commission. (Ord. 6462 § 14, 1999; Ord. 6393 § 44, 1997; Ord. 6180 § 2 (part), 1994; Ord. 6130 § 1 (part), 1994; Ord. 5882 § 1 (part), 1990; Ord. 3719 § 1 (part), 1970)