

2016 CALIFORNIA BUILDING STANDARDS CODE OF REGULATIONS TITLE 24

**PRIVATE SWIMMING POOL/FENCING BARRIER REQUIREMENTS CBC SECTION 3109**

**INTENT:** The intent of the swimming pool barrier requirement is to prevent the uncontrolled access to a pool or spa by children from adjacent properties and from the home.

**DEFINITIONS:**

**Swimming pool** or pool means any structure intended for swimming or recreational bathing that contains water over 18" deep. Swimming pool includes in-ground and aboveground structures and includes, but is not limited to, hot tubs, spas, portable spas, and non-portable wading pools.

**Spa, self-contained**, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 18 inches (457 mm) deep. (Locking safety covers that comply with ASTM ES-13-89 ASTM F 1346-91 (2010) would be acceptable CBC 3109.4.4.5) (No enclosure required)

**Spa, non-self-contained**, is a hydro-massage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A non-self-contained spa is intended for recreational bathing and contains water over 18 inches (457 mm) deep. (Considered a swimming pool, enclosure required to comply with CBC 3109.4.4.2 and 3109.4.4.3)

**Enclosure** means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

**Approved safety pool cover** means a manual or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM) standard F1346.

**Exit alarms** means devices that make audible, continuous alarm sounds when any door or window that permits access from the residence to the pool area that is without any intervening enclosure is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building. Home security alarm is not acceptable.

**Contractor's Responsibility**

Any person entering into an agreement to build a swimming pool shall give the consumer notice of the requirements of the swimming pool barrier. Health and Safety Code Section 115924

**REQUIRED SAFETY FEATURES:**

**Part A)**

**The pool shall be isolated from access to a home by an enclosure that meets the following requirements prior to filling with water:**

- Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60" above the ground.
- A minimum height of 60".
- Maximum vertical clearance from the ground to the bottom of the enclosure of 2".
- Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4" in diameter.
- An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

- In all cases, owners/occupants are responsible for maintaining all required enclosures/barriers and safety elements.
- The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. Any gates other than pedestrian access gates shall be equipped with lockable hardware or padlocks and shall remain locked at all times when not in use. A permanent sign shall be posted which reads: "This access to be kept locked at all times."

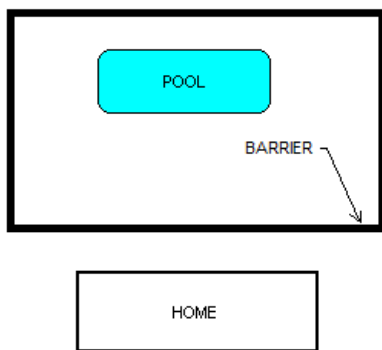
**Exception:** Hot tubs or spas, that meet the definition of self-contained, and have a locking safety cover that complies with ASTM ES-13-89 (ASTM F-1346) are exempt from the fence enclosure requirement. Self-contained hot tubs or spas may be recessed below the adjoining floor, deck or grade level as long as it is allowed in the manufacturer's specifications and the safety cover operates normally.

**Where a wall of a group R, Division 3 occupancy (including attached garage) serves as part of the barrier, the pool shall also be equipped with one of the following safety features in Part B.** Please see diagrams below for appropriate applications of items 1 thru 5. Provide additional information for item 6.

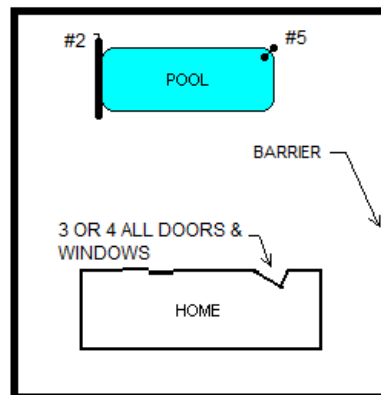
**Part B)**

- #1. The pool shall incorporate removable mesh pool fencing enclosure that meets ASTM F 2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- #2. The pool shall be equipped with an approved safety pool cover meeting ASTM F1346
- #3. The residence shall be equipped with exit alarms on those doors providing direct access to the pool. All doors with direct access to the pool from the dwelling shall be equipped with an alarm that produces an audible warning when the door and its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The deactivation switch shall be located at least 54 inches above the threshold of the door.
- #4. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54" above the floor.
- #5. Swimming pool alarm, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water and certified to ASTM F 2208. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in (1) to (6) above, as determined by the Building Official.
- #6. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASME).
- #7. Driveway gates that are part of the enclosure are to be electronically operated and automatically close within one minute of being opened. (15.04.131) P.C.C.

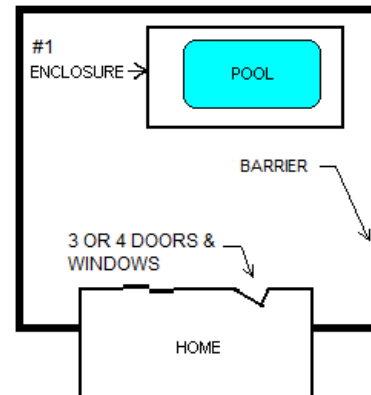
**Barrier features 2, 3, 4, 5 and 6 of Part B above** are permitted as a substitution for the fence between the home and pool but **cannot be used as a substitution for the fence required in Part A.**



PART "A" REQUIRED ONLY



PARTS "A" & "B"



PARTS "A" & "B"