

2019 CALIFORNIA BUILDING STANDARDS CODE OF REGULATIONS TITLE 24

**PRIVATE SWIMMING POOL & SPA SAFETY REQUIREMENTS  
CBC SECTION 3109 & P.C.C 15.04.320**

**INTENT:** The intent of the swimming pool enclosure 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" deep. (Locking safety covers that comply with ASTM F 1346-91 do not require an additional enclosure or safety features)

**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" deep. (Considered a swimming pool, enclosure required to comply with CBC 3109 and P.C.C. 15.04.320)

**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 the performance standards of the American Society for Testing and Materials (ASTM) standard F1346-91.

**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 Safety Act. Health and Safety Code Section 115924

**REQUIRED SAFETY FEATURES Section 115922:**

- 1) **The pool or spa shall be equipped with a permanent, non-removable enclosure that meets the following requirements prior to filling with water (Section 115923):**
  - a. 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 inches above the ground.
  - b. The top of the enclosure shall be at least 60 inches above grade measured on the side of the enclosure that faces away from the swimming pool.
  - c. Maximum vertical clearance from the ground to the bottom of the enclosure of 2".
  - d. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4" in diameter.
  - e. 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.
  - f. In all cases, owners/occupants are responsible for maintaining all required enclosures and safety elements.

**Exception:** Hot tubs or spas, that meet the definition of self-contained, and have a locking safety cover that complies with ASTM F-1346-91 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.

**AND**

2) **In addition to the above required enclosure, the pool or spa shall be equipped with one additional safety prevention feature:**

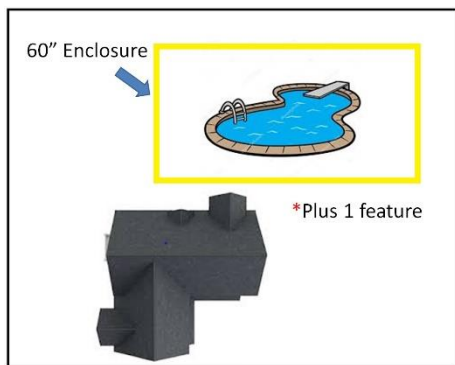
- a. Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
- b. An approved safety pool cover, as defined in Subdivision (d) of Section 115921.
- c. A self-closing, self-latching device with a release mechanism placed no lower than fifty-four (54) inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
- d. Removable mesh fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
- e. An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms," which includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.
- f. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by the ASTM or the American Society of Mechanical Engineers (ASME).

**AND**

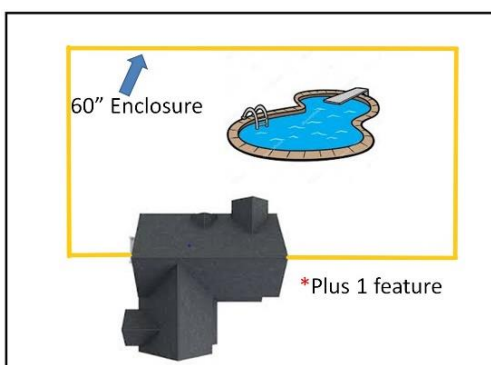
3) **Section 3109.2 - California swimming pool safety act (statewide).** Add the following subdivisions to Health and Safety Code Section 115923, as set forth in Section 3109.2 of the CBC:

- (f) 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."
- (g) Driveway gates that are part of the enclosure are to be electronically operated and automatically close within one minute of being opened.

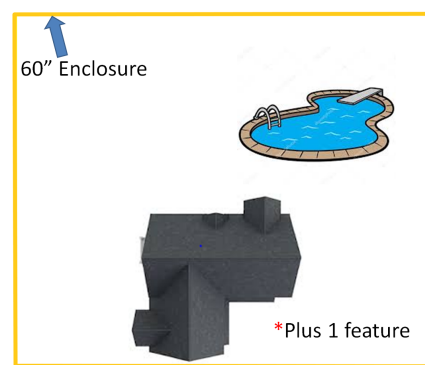
**Enclosure options below are permitted with one additional feature listed in item #2 and #3**



Pool isolated by Enclosure



Home as part of Enclosure



Boundary Line Enclosure