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REQUIREMENTS FOR POOL SAFETY

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Title 24, Part 2, 2022 CBC Section 3109 outlines swimming pool barrier requirements to help prevent accidental drowning. The requirements apply to all new pools and spas built in the State. The CBC requires a physical barrier to completely separate a pool from a house as well as from neighboring properties. This handout is intended to inform owners and contractors of the various options available when considering the appropriate barrier. All elements of the barrier must be installed, inspected, and approved prior to plastering of filling the pool with water. Pool barriers must meet city Planning setback requirements.

Private swimming pools (statewide). These standards become applicable commencing January 1, 1998, to a private, single-family home for which a construction permit for a new swimming pool has been issued on or after January 1, 1998.

Definitions, as used in this division, the following items have the following meanings:

APPROVED SAFETY POOL COVER means a manually or power-operated safety pool cover that meets all the performance standards of the American Society for Testing Material (ASTM), in compliance with Standard F 1346-91.

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

EXIT ALARMS means devices that make audible, continuous alarm sounds when 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.

PUBLIC SWIMMING POOL means a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a swimming pool located on the grounds of a private single-family home.

SWIMMING POOL or **POOL** mean any structure intended for swimming or recreational bathing that contains water over 18 inches deep. Swimming pool includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas and nonportable wading pools.

Planning Division Requirements for private residential pools and spas (Encinitas Municipal Code Section 30.16.010.F.6):

1. Swimming pools and spas may be located within the required interior or rear yard provided they are no closer than three feet to interior side and rear lot lines. Swimming pools may occupy more than 50% of the required rear yard.
2. Pool equipment may be located no closer than three feet to interior side, street side or rear lot lines, and shall be fully screened (i.e., landscaping or fencing) from any adjacent property.
3. Pool Fencing Requirements. A minimum five-foot fence with self-latching gate shall be provided to enclose all pools and spas as set forth in the City Building Code.

Construction permit; safety features required. Commencing January 1, 2007, except as provided in Section 3109, whenever a building permit is issued for construction of a new swimming pool or spa or any building permit issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 3109.
2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.

3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F 1346.
4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
5. 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 inches above the floor.
6. Swimming pool alarms that when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F 2208 “Standards Specification for Pool Alarms” which includes surface motion, pressure, sonar, laser, and infrared type alarms. For purposes of this article, “swimming pool alarms” shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.
7. 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).

Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act and if no violations are found, shall give final approval.

Enclosure; required characteristics. An enclosure shall have all the following characteristics:

1. 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.
2. A minimum height of 60 inches.
3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches.
4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches in diameter.
5. 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.

Agreements to build; notice of provisions. Any person entering into an agreement to build a swimming pool or spa, or to engage in permitted work on a pool or spa covered by this article, shall give the consumer notice of the requirements of this article.

Pursuant to existing law; the Department of Health Services shall have available on the department’s website, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumer regarding the potential dangers a pool or spa poses toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children’s Safety & Health, Safe Kids Worldwide, Association of Pool and Spa Professional, or the American Academy of Pediatrics.

Exempt facilities. The requirements of this article shall not apply to any of the following:

1. Public swimming pools.
2. Hot tubs or spas with locking safety covers that comply with the American Society for Testing Materials Emergency Performance Specification (ASTM ES 13-89).
3. Any pool within the jurisdiction of any political subdivision that adopts an ordinance for swimming pool safety that includes requirements that are at least as stringent as this division.
4. An apartment complex or any residential setting other than a single-family home.

ANTI-ENTRAPMENT REQUIREMENTS

Construction requirements for building a pool or spa. Whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet all the following requirements:

1. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraph 2.
2. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more 'T' fittings, and that are separated by a distance of at least three feet in any dimension between the drains. Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, that cannot be removed except with the use of tools. Slots of openings in the grates or similar protective devices shall be of a shape, area and arrangement that would prevent physical entrapment and would pose any suction hazard to bathers.
3. Any back up safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivision (1) and (2) shall meet the standards as published in the document, 'Guidelines for Entrapment Hazards: Making Pools and Spas Safer,' Publication Number 363, March 2005, United States Consumer Products Safety Commission.
4. Whenever a building permit is for the remodel or modification of any existing swimming pool, toddler, pool or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool or spa be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

DRAWINGS TO PROVIDE/FORMS TO COMPLETE

Pool and/or spa permits may be applied for electronically and obtained through the City's [Customer Self-Service](#) portal.

Submittal Requirements: Plans must be drawn to scale and must be of sufficient clarity to indicate the location, size, nature, and extent of the work proposed. Be sure to clearly label all existing and proposed construction on the site plan and elevations.

Plans must show, in detail that the proposed work will conform to the provisions of the 2022 California Building Code, Zoning Ordinances, and all other relevant laws, ordinances, rules, and regulations. Zoning information is available at the Development Services Department, 505 S. Vulcan Avenue, call (760) 633-2710, or visit the [website](#).

Site Plan. Plans are required and must include a site plan. Before drawing the site plan, contact the Planning division at (760) 633-2710 for additional requirements regarding yard setbacks, and specific zoning overlay requirements.

Please contact Fire Prevention at (760) 633-2820 for additional requirements regarding VERY High Fire Hazard Severity Zone, City of Encinitas Brush Management Zones, and other requirements.

You must include information on each of the following items on the site plan:

1. Name of owner.
2. Address and Assessor's Parcel Number where the pool and/or spa is proposed to be built.
3. Legal description of property.
4. North arrow and scale. (Suggested scale: 1-inch equals 20 feet).
5. Boundaries and dimensions of property.
6. Required and proposed setbacks shown and dimensioned.
7. Names of bordering streets and alleys (if applicable).
8. Location and width of all easements. Private easements should be shown on the property's deed.
9. Location and dimensions of existing buildings, structures, retaining walls, paved parking, and driveways in relationship to the proposed pool and/or spa.