

POOL SAFETY DISCLOSURE RECEIPT

The Arizona Legislature has passed a law which requires you to receive the attached important notice about pool safety. Please review it so that we can all prevent the tragedies that otherwise may occur.

Property Address: _____

SELLER DATE

SELLER DATE

BUYER DATE

BUYER DATE



[Administrative Rules Home](#)

Office of Administrative Rules

Residential Pool Safety Notice

AN IMPORTANT NOTICE ABOUT POOL SAFETY

The purpose of this notice is to educate residential pool* owners on proper pool safety and the legal requirements of pool ownership. Each year in Arizona, too many young children are victims of drownings or near drownings. The Arizona State Legislature recognized this threat to the health and safety of children and passed [A.R.S. § 36-1681](#) to prevent children from gaining unsupervised access to residential swimming pools. In [A.R.S. § 36-1681\(E\)](#), the Legislature requires that all pool owners receive a safety notice explaining the Arizona Department of Health Services' recommendations on pool safety and the legal requirements of pool ownership.

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ARIZONA DEPARTMENT OF HEALTH SERVICES POOL SAFETY RECOMMENDATIONS

- A child should never be left unattended in the pool or pool area.
- A child should always be watched when in or around the pool area. Floatation devices and swimming lessons are not substitutes for supervision.
- CPR instructions and the 911 emergency number should be posted in the pool area.
- All residential pool owners should attend water rescue and CPR classes.
- Lifesaving equipment should be easily accessible and stored in the pool area.
- A phone should be located in the pool area or easily accessible in case of an emergency.
- All gate locks and latches should be checked regularly to insure they are working properly.
- A gate should never be left propped open.
- All items that could be used to climb a pool barrier should be removed from around the barrier.

POOL ENCLOSURE REQUIREMENTS

[A.R.S. § 36-1681](#) requires that all residential swimming pools are enclosed by a barrier. Unless a local code** provides otherwise, the barrier must:

- Entirely enclose the pool area,
- Be at least 5 feet high,
- Not have openings, handholds, or footholds that can be used to climb the barrier,
- Have no openings through which an object 4 inches in diameter can pass,
- Be at least 20 inches from the water's edge, and
- Prevent direct access from the house to the pool.

If the wall of the residence forms part of the pool enclosure, there must be:

- A barrier at least 4 feet high between the residence and the pool, or
- A motorized safety pool cover that requires a key switch and meets the American Society of Testing and Materials (ASTM) standards in F1346-91 (www.astm.org), or
- Self-latching devices on all doors with direct access to the pool, and
- Self-latching devices at least 54 inches above the floor on all emergency or rescue windows with direct access to the pool or pool area, and
- For all other openable windows with access to the pool or pool area, screwed in place wire more than 4 inches, or self-latching devices at least 54 inches above the floor.

GATE REQUIREMENTS

[A.R.S. § 36-1681\(B\)\(3\)](#) requires that all gates for the pool enclosure be self-closing, self-latching, and open outward from the pool. The latches must be:

- Located at least 54 inches above the ground; or
- If on the pool side, with a release mechanism, located at least 5 inches below the top of the gate, and so that no opening greater than 1/2 inch is within 24 inches of the release mechanism; or
- Secured at any height if secured by a padlock or similar devices that requires a key, electronic opener, or integral combination.

ABOVE GROUND POOL

[A.R.S. § 36-1681\(C\)\(4\)](#) requires that the exterior sides of an aboveground pool are nonclimbable and a minimum of 4 feet high. Any access ladder or steps must be secured and locked or removed when the pool is not in use.

REMEMBER

1. Supervision is the only way to prevent drownings.
2. Never leave a child unattended in the water or pool area.
3. And always watch a child when in the water or pool area.

IN AN EMERGENCY

1. Shout for help.
2. Pull the child from the water.
3. Call 911 (or the local emergency number) for help.
4. Check airway and breathing. If needed, start CPR immediately.

* "Pool" means an in-ground or aboveground swimming pool or other contained body of water 18 or more inches in depth, wider than 8 feet at any point, and intend for swimming, pursuant to A.R.S. § 36-1681(A).

** Phoenix, Peoria, Tucson, and some other cities and unincorporated areas of Maricopa, Pima, and Pinal counties have different pool barrier requirements. Check with your local city and county governments to see if they have adopted different pool barrier requirements.

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36-1681. Pool enclosures; requirements; exceptions; enforcement

A. A swimming pool, or other contained body of water that contains water eighteen inches or more in depth at any point and that is wider than eight feet at any point and is intended for swimming, shall be protected by an enclosure surrounding the pool area, as provided in this section.

B. A swimming pool or other contained body of water required to be enclosed by subsection A whether a belowground or aboveground pool shall meet the following requirements:

1. Be entirely enclosed by at least a five foot wall, fence or other barrier as measured on the exterior side of the wall, fence or barrier.
2. Have no openings in the wall, fence or barrier through which a spherical object four inches in diameter can pass. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five inches apart measured vertically or shall be placed on the pool side of a wall, fence or barrier which shall not have any opening greater than one and three-quarter inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally.
3. Gates for the enclosure shall:
 - (a) Be self-closing and self-latching with the latch located at least fifty-four inches above the underlying ground or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four inches of the release mechanism or be secured by a padlock or similar device which requires a key, electric opener or integral combination which can have the latch at any height.
 - (b) Open outward from the pool.
4. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.
5. The wall, fence or barrier shall be at least twenty inches from the water's edge.

C. If a residence or living area constitutes part of the enclosure required by subsection B for a swimming pool or other contained body of water in lieu of the requirements of subsection B, there shall be one of the following:

1. Between the swimming pool or other contained body of water and the residence or living area, a minimum four foot wall, fence or barrier to the pool area which meets all of the requirements of subsection B, paragraphs 2 through 5.
2. The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which meets the American society of testing and materials emergency standards 13-89 and which does not require manual operation other than the use of the key switch.

3. All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of subsection B, paragraph 3, subdivision (a). Emergency escape or rescue windows from sleeping rooms with access to the swimming pool or other contained body of water shall be equipped with a latching device not less than fifty-four inches above the floor. All other openable dwelling unit or guest room windows with similar access shall be equipped with a screwed in place wire mesh screen, or a keyed lock that prevents opening the window more than four inches, or a latching device located not less than fifty-four inches above the floor.

4. The swimming pool shall be an aboveground swimming pool which has non-climbable exterior sides which are a minimum height of four feet. Any access ladder or steps shall be removable without tools and secured in an inaccessible position with a latching device not less than fifty-four inches above the ground when the pool is not in use.

D. This section does not apply to:

1. A system of sumps, irrigation canals, irrigation, flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

2. Stock ponds, storage tanks, livestock operations, livestock watering troughs or other structures used in normal agricultural practices.

3. Public or semi-public swimming pools.

4. A swimming pool or contained body of water or barrier constructed prior to the effective date of this article.

5. Political subdivisions which enact a swimming pool barrier ordinance before the effective date of this article.

6. Political subdivisions which adopt ordinances after the effective date of this article provided that the ordinance is equal to or more stringent than the provisions of this article.

7. A residence in which all residents are at least six years of age.

E. A person on entering into an agreement to build a swimming pool or contained body of water or sell, rent or lease a dwelling with a swimming pool or contained body of water shall give the buyer, lessee or renter a notice explaining safety education and responsibilities of pool ownership as approved by the department of health services.

F. A person who violates this section is guilty of a petty offense except that no fine may be imposed if a sufficient showing is made that the person has subsequently equipped the swimming pool or contained body of water with a barrier pursuant to the standards adopted in subsection B within forty-five days of citation and has attended an approved swimming pool safety course.

MARICOPA COUNTY

506-3301

PERIMETER BARRIER

5 feet above grade measured from outside of barrier

SAFETY COVERS

Power Safety Covers as primary interior barrier

BARRIER SPECIFICS

Interior fence – 5 feet; Gates – Self Closing & Latching, Open Outward, Latch at 54” above grade. Doors – Self Closing & Latching; Windows – Latching device or mesh screens; Alarms – Secondary barrier only.

RETROACTIVE/OTHER PROVISIONS COMMENTS

Not retroactive to pool built prior to April 16, 1993. Any climbable structure must be located a minimum horizontal distance of 54” from the enclosure.

SUN CITIES

974-2321

PERIMETER BARRIER

5 feet above grade measured from outside of barrier

SAFETY COVERS

Power Safety Covers as primary interior barrier

BARRIER SPECIFICS

Interior fence – 5 feet; Gates – Self Closing & Latching, Open Outward, Latch 54” above grade. Doors – Self Closing & Latching; Windows – Latching device or mesh screens; Alarms – Secondary barrier only.

RETROACTIVE/OTHER PROVISIONS COMMENTS

Not retroactive to pool built prior to April 16, 1993. Any climbable structure must be located a minimum horizontal distance of 54” from the enclosure.

Falls under Maricopa County jurisdiction.



International Residential Code, 2003 Edition
Appendix G as Amended

SECTION AG105 BARRIER REQUIREMENTS (as amended per City of Surprise Resolutions 04-109)

AG105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219mm) 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 2 inches (51 mm) 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. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, or other fixed or movable, attached or unattached objects within twenty-four inches of the pool barrier, which render the barrier easily climbable are prohibited. The wall fence or barrier shall be at least 20 inches from the water's edge. 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 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) 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 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Chain link fence shall not be used as barrier.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, 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 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 5 inches (125 mm) below the top of the gate.

8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

8.3. All pedestrian access gates and other access gates shall have a sign attached to both sides of the gate stating the following: "*Protect Your Children, Keep Gates Closed.*" Details of minimum sign size, letter type and color and other specifications of sign shall be provided by the Building and Safety Department."

9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:

9.1. The pool will be protected by a motorized safety cover which requires the operation of a key switch which meets the American Society of Testing Materials standard 13-89 and which does not require manual operation other than the use of a key switch; or

9.2. Openings in the wall of the residence or living area which constitute part of the barrier will be protected in the following ways;"

9.2.1. Doors will be protected in one of the following ways:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool area, with the release mechanism located a minimum of fifty-four inches above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds within seven seconds after the door is opened, and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372mm) above the threshold of the door.

9.2.2 Pet doors which provide direct access to the pool area are prohibited.

9.3 Windows with access to the pool areas will be protected in the following ways:

1. Emergency escape or rescue windows from sleeping areas with access to the swimming pool will be equipped with a latching device not less than fifty-four inches above the floor.
2. All other openable windows with similar access will also be equipped with a latching device not less than fifty-four inches above the floor or shall be equipped with key lock device that prevents opening the window more than four inches.

9.4 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Sections AG 105.2, 9.1 to 105.2, 9.3

10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AG105.3 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

AG105.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

AG105.5 Barrier exceptions. Spas or hot tubs with a safety cover, which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

AG105.6 Retroactivity. The owner of every dwelling with an existing swimming pool or spa which was constructed prior to the effective date of this Appendix G (amended) and to which this Appendix would otherwise apply, must comply with this Appendix not later than one year after the effective date of this Appendix.

AG105.7 Duty to comply. Every who owns, rents, occupies or controls a dwelling with a swimming pool or spa, to which this appendix G (amended) applies, shall comply with all provisions of this Appendix at all times.

AG105.7.1 No person shall construct or install a swimming pool or spa to which this Appendix applies in a manner which is not in compliance with this Appendix. No person shall remove, alter, disable, render inoperable, or change, either temporarily or permanently, any device or structure installed or constructed in accordance with this Appendix, in such a manner that the device or structure or the barrier to which it is attached or of which it is a part, is no longer in compliance with this Appendix.

AG105.7.2 Every person who contracts to build a swimming pool or spa to which this Appendix applies, or who contracts to sell, lease, or rent a dwelling with a swimming pool or spa to which this Appendix applies, shall, at the time of executing the contract give to the buyer, lessee, or renter, a copy of this Appendix.

AG105.8 Violation and Penalties. Every person who violates any provision of this Appendix G (amended) is guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for six months, or by a fine of not more than two thousand five hundred dollars, or by both such fine and imprisonment.

[SWIMMING POOL BARRIER HANDOUT ON REQUIREMENTS](#) (in Adobe PDF)

RESIDENTIAL SWIMMING POOLS

Definitions:

Swimming pool – any structure intended for swimming or recreational bathing that contains water over 18” deep at any point and that is wider than 8’ at any point. This includes in-ground, above ground, and on-ground swimming pools and fixed-in-place wading pools.

Pool barrier – a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

Approved plans – Pertaining to swimming pools, construction plans designed by an Arizona registered engineer, and reviewed and approved by the Building Safety Division. Approved plans must be available on the job for the inspector’s reference.

To Obtain a Permit:

1. Apply in person at the Community Development Department at the City of Surprise City Hall Square, 12425 W. Bell Road, Suite B-205.
Hours: 8:00am to 5:00pm, Monday through Friday (exclude holidays)
Telephone: 623-583-1088
Fax: 623-583-6108
Website: www.surpriseaz.com

2. Submittal requirements:
 - a. A completed building permit application with two (2) sets (no pencil drawings) of all required submittal documents.
 - b. A site plan, drawn to scale, indicating all property lines, public right-of-way, utility easements. Show all structures (existing and proposed), and building setbacks to property lines and other structures.
 - c. Indicate pool dimensions [(w) x (l)] and (max) depth, adjacent paved areas, easements, and buildings. Show pool equipment locations and add a note to the site plan: "Will comply with City of Surprise Pool Barrier Ordinance # 98-18."
 - d. Provide construction plans with an original seal/signature of an Arizona-registered engineer, including calculations for standard and surcharge conditions. *Note:* Standard plans can be maintained on file – contact the Building Safety Division for details.