



Swimming Pool Requirements

Chapter 8.52 SWIMMING POOLS

Sections:

Article I. Public Swimming Pool Plans

- [8.52.010](#) Review of plans for public swimming pools – Fee.
- [8.52.020](#) Permit – Required.
- [8.52.030](#) Permit – Not transferable.
- [8.52.040](#) Enforcement.

Article II. Swimming Pool Fencing

- [8.52.050](#) Adoption of swimming pool, spa and hot tub fencing regulations.
- [8.52.060](#) Definitions.
- [8.52.070](#) Outdoor swimming pool requirements.
- [8.52.080](#) Indoor swimming pool requirements.
- [8.52.090](#) Final plaster coat placement.
- [8.52.100](#) Enforcement responsibility.
- [8.52.110](#) Violation – Penalty.

Article I. Public Swimming Pool Plans

[8.52.010 Review of plans for public swimming pools – Fee.](#)

Any person desiring the review and approval of plans and specifications for a public swimming pool by the Director of Public Health pursuant to Section 7780 of Title 17 of the California Administrative Code shall submit said plans to the Director accompanied by a fee as set forth in PMC [8.20.080\(J\)](#), to cover the cost of said review. As soon after the plans and specifications are submitted as is practical, the Director shall review or cause to be reviewed said plans and specifications and shall determine whether they are in accordance with the requirements of Sections 7780, et seq. of Title 17 of the California Administrative Code. In the event that the plans and specifications do not comply with said Administrative Code provisions, amended plans and specifications may be submitted to the Director for re-review and approval, and the fee for each such re-review shall as set forth in PMC [8.20.080\(J\)](#), payable to the Director in advance. (Ord. 67 § 1, 1982; CC Ord. 6378 § 19, 1982; Ord. 29 § 1, 1981; CC § 67.301)

[8.52.020 Permit – Required.](#)

A. No person shall maintain or operate any pool except a private pool unless an annual operating permit is issued therefor by the Health Officer. A pool shall be considered a private pool if it is maintained by an

individual for the use of his family and friends and for swimming instruction programs of short duration which are conducted by or sponsored by the American Red Cross.

B. An annual operating permit issued by the Health Officer is required for operation of any public pool including, but not limited to, all commercial pools, real estate and community pools, pools at hotels, motels, resorts, auto and trailer parks, auto courts, apartment houses, clubs, public or private schools and gymnasias, and health establishments.

C. Every person applying for a permit as required by this section shall, at the time of making application for such permit, pay an annual inspection fee for the first pool under one ownership and on the same property as set forth in PMC [8.20.080\(J\)](#), and a fee for each additional pool on the same property and under the same ownership as set forth in PMC [8.20.080\(J\)](#).

D. The annual operating permit shall be effective for a 12-month period from the date of issuance. The required permit shall be applied for and issued as prescribed in Chapter [8.20](#) PMC. (Ord. 67 § 1, 1982; CC Ord. 6378 § 20, 1982; Ord. 29 § 1, 1981; CC § 67.302)

[8.52.030 Permit – Not transferable.](#)

A permit is not transferable from one person or one place to another, and shall be deemed voided if removed from the place or location specified in the written application and in the permit. (Ord. 29 § 1, 1981; CC § 67.304)

[8.52.040 Enforcement.](#)

The provisions of this article shall be enforced by the Director of Health Services. (Ord. 29 § 1, 1981; CC § 67.307)

Article II. Swimming Pool Fencing

[8.52.050 Adoption of swimming pool, spa and hot tub fencing regulations.](#)

There is adopted as the City swimming pool, spa and hot tub fencing code for the purpose of prescribing regulations in the City for the construction, alteration, moving, demolition, repair and use of all swimming pool, spa and hot tub fencing the following regulations as set forth in PMC [8.52.060](#), [8.52.070](#), [8.52.080](#), [8.52.090](#), [8.52.100](#) and [8.52.110](#). (Ord. 526 § 2(B), 2000)

[8.52.060 Definitions.](#)

For the purpose of this section, certain terms, words and phrases are defined as follows:

Above-Ground/On-Ground Pool. See definition of a “swimming pool.”

“Approved safety pool cover” means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

“Barrier” means a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

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

“Exit alarms” means devices that make audible, continuous alarm sounds when any door or window, that permits access from a residence to a 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.

“Grade” means the underlying surface such as earth or a walking surface.

Hot Tub. See definition of “swimming pool.”

“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.

Spa. See definition of “swimming pool.”

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

Swimming Pool, Indoor. “Indoor swimming pool” means a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

Swimming Pool, Outdoor. “Outdoor swimming pool” means any swimming pool which is not an indoor pool. (Ord. 526 § 2(B), 2000)

[8.52.070 Outdoor swimming pool requirements.](#)

A. Outdoor Swimming Pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, portable spa and nonportable wading pool shall be provided with a barrier and an enclosure which shall comply with the following:

1. The top of the barrier or enclosure shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool and shall be constructed to withstand the forces outlined in the Uniform Building Code. The maximum vertical clearance between grade and

the bottom of the barrier or enclosure shall be four inches measured to a hard surface, such as concrete, or two inches to earth. This measurement shall be taken on the side of the barrier or enclosure 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 or enclosure may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier or enclosure is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and bottom of the barrier or enclosure shall be four inches.

2. Openings in the barrier or enclosure shall not allow passage of a four-inch diameter sphere.
3. Solid barriers or enclosures 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 or enclosure is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the barrier or enclosure. Spacing between vertical members shall not exceed two inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed two inches in width.
5. Where the barrier or enclosure is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 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 two inches in width.
6. Maximum mesh size for chain link fences shall be a two-inch square. The wire shall not be less than 11-1/2 gauge. The two-inch square is a nominal dimension and is intended to include standard chain link fencing fabric within construction tolerances.
7. Where the barrier or enclosure is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than two inches square.
8. Access gates shall comply with the requirements of items (A)(1) through (7) of this section and shall be equipped to accommodate a locking device no less than 54 inches above grade. 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 comply with the requirements of items (A)(1) through (7) of this section and shall be equipped with a locking device.
9. The required enclosure isolating a swimming pool from a house may be a barrier or enclosure complying with items (A)(1) through (8) of this section or may consist of at least one of the following safety features:

- a. The pool shall be equipped with an approved safety pool cover.
- b. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.
- c. 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.
- d. 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 subsections (A)(9)(a) through (A)(9)(c) of this section, as determined by the Director of Development Services. The safety features listed in subsections (A)(9)(a) through (A)(9)(d) of this section may not substitute for the required barrier around the perimeter of the pool but only for the enclosure required between the house and the swimming pool.

10. Where an above-ground pool structure is used as a barrier or enclosure or where the barrier or enclosure is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access or (2) the ladder or steps shall be surrounded with a barrier which meets the requirements of subsections (A)(1) through (A)(8) of this section. 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. Hot tubs and spas located outdoors and not exceeding 64 square feet may have locking rigid pool covers that comply with the American Society for Testing Materials-Emergency Performance Specification (ASTM-ES 13-89) in lieu of the barriers and enclosures required by this section.

12. Where unusual circumstances exist that make strict enforcement of this section impractical, the Director of Development Services may grant modifications for individual cases as allowed for in Section 106 of the Uniform Administrative Code, 1997 Edition, as adopted by Chapter [15.02](#) PMC. (Ord. 526 § 2(B), 2000)

[8.52.080 Indoor swimming pool requirements.](#)

Indoor Swimming Pool. An indoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, portable spa and nonportable wading pool which is completely contained within the walls of a building shall comply with the enclosure safety requirements found in PMC [8.52.070](#)(A)(9).

EXCEPTION: Hot tubs and spas located indoors and not exceeding 64 square feet may have locking rigid pool covers that comply with the American Society for Testing Materials-Emergency Performance

Specification (ASTM-ES 13-89) in lieu of the enclosure safety requirements specified above. (Ord. 526 § 2(B), 2000)

8.52.090 Final plaster coat placement.

Placement of the final plaster coat in any swimming pool shall not be permitted until all fencing, barriers, enclosures and related safety features are installed and inspected. (Ord. 526 § 2(B), 2000)

8.52.100 Enforcement responsibility.

The provisions of this article shall be enforced by the Director of Development Services or his/her designated representative. (Ord. 526 § 2(B), 2000)

8.52.110 Violation – Penalty.

A. Any swimming pool, as defined herein, erected, constructed, or altered after the effective date of the ordinance codified in this chapter that is not in conformance with these regulations shall be considered unlawful and a public nuisance, and any failure, refusal or neglect to install the required fencing, barriers, enclosures and related safety features shall be prima facie evidence of the fact that a nuisance has been committed in connection with the erection, construction, or alteration of any swimming pool erected, constructed or altered contrary to the provisions of this chapter. The City Attorney may immediately commence necessary proceedings for the abatement, removal and/or enjoinder thereof in the manner provided by law.

B. All of the remedies provided for in this chapter shall be cumulative and not inclusive.

C. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided for in this chapter, and any use or occupation of building or structure maintained contrary to the provisions of this chapter shall constitute a public nuisance. (Ord. 526 § 2(B), 2000)

Building Division Counter is open between the hours of 7:30 a.m. and 5:30 p.m. (closed for lunch 11:30 a.m. - 12:30 p.m.) Monday through Thursday. City Hall and the Building Division counter are closed on alternating Fridays ([see calendar](#)). Our Friday hours are 8:00 a.m. – 5:00 p.m. (closed for lunch 11:30 a.m. - 12:30 p.m.).

*****Please contact the Poway Building Division if you have any questions or concerns at (858) 668-4645 or building@poway.org*****