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PRIVATE SWIMMING POOL/FENCING BARRIER REQUIREMENTS: 2019 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 inches 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.

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

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.

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.

CONTRACTOR'S RESPONSIBILITY:

Any person entering into an agreement to build a swimming pool or spa 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 a permanent, non-removable 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.

PART B

In addition to Part A above, at least one additional drowning prevention feature of the six listed below shall be incorporated.

Note, however, that where a wall of a group R, Division 3 occupancy (including attached garage) serves as part of the barrier, items 3 or 4 shall be required as part of the barrier.

- #1. The pool shall incorporate removable mesh pool fencing enclosure that meets ASTM F2286 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 F1346-91.
- #3. The residence shall be equipped with exit alarms on those doors providing direct access to the pool or spa. The exit alarms may cause either an alarm noise or a verbal warning, such as a repeating notification that "the door to the pool is open."
- #4. All doors providing direct access from the home to the swimming pool or spa shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54" above the floor.
- #5. An alarm that, when placed in a 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.
- #6. 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 Testing Mechanical Engineers (ASME).

Above Ground Spas and Hot Tubs

Hot tubs and spas that have a locking safety cover that complies with the American Society for Testing Materials-Emergency Performance Specifications (ASTM-ES 13-89) are exempt from the above barrier requirements.