



CONSUMER NOTICE
Residential Swimming Pools, Spas, and Hot Tubs
2022 California Residential Code Appendix AX Swimming Pools.

Definitions. For the purpose of this article, the terms noted shall be deemed to have the meaning ascribed to them as follows:

"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 nonportable wading pools.

"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.

"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.

"ANSI/APSP performance standard" means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).

"Suction outlet" means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.

Sec. 115922 Construction Permit; Safety Features Required. Whenever a construction permit is issued for construction of a new swimming pool, or remodeling of an existing swimming pool at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:

1. An enclosure that meets the requirements of **Section 115923** and isolates the swimming pool or spa from the private single-family home.
2. 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.
3. An approved safety pool cover, as defined in subdivision (d) of Section 115921.
4. 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."
5. A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on the private single-family home's doors providing direct access to the swimming pool or spa.
6. 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.
7. 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).

Section 115923 Enclosure; Required Characteristics. A swimming pool enclosure shall have **all** of 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. Devices shall be designed and capable of keeping such gate (or door) securely closed and latched at all times, when not in actual use.
2. A minimum height of 60 inches is required of all enclosures.
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 four 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.

Any single-family dwelling or other building on the premises may be incorporated in and considered as constituting a portion of the required enclosure provided all doors providing direct access from the dwelling or other building to the swimming pool are equipped with exit alarms installed at least 54 inches above the finished floor.

Glazing in walls and fences used as the barrier shall be approved safety glazing when the bottom edge is less than 60 inches above the walking surface on the pool side of the glazing, and within 60 inches horizontally from the water's edge of the swimming pool or spa.

A lake or other private body of water that provides a degree of protection that would prohibit smaller children from accessing the swimming pool may be incorporated in and considered a portion of the required enclosure provided all of the following criteria are met:

- No public access to said body of water is permitted through private property, except as private guests of such persons in possession.
- Access to the rear yard of such lot from the neighboring properties is completely blocked by a non-climbable fence, wall, or structure in accordance with the enclosure characteristics of section 3109.4.4.3, or other barrier approved by the governing authority that provides the same degree of protection afforded by this code.
- Where docks or other occupied spaces are existing or constructed beyond the edge of the contiguous body of water and are within three feet (3') of a neighboring property line the fence must extend to the farthest extent of the dock or other occupied space.

Prior to the pool being plastered or filled with water an enclosure barrier, enclosure fencing, self-closing devices, exit alarms, safety glazing, and safety hardware for gates or doors and any other protected openings or safety devices shall be in place, inspected and approved.

AGREEMENTS TO BUILD; NOTICE OF PROVISIONS:

Any person entering into an agreement to build a swimming pool or spa shall give the consumer notice of the requirements of this article.

**Reference: Health and Safety Code Section 115924
Authority: Health and Safety Code Section 18942(b)
AB 3305, Statutes 1996, c.925
AB 2977, Statutes 2006, c.478
AB 382, Statutes 2007, c.596**

Job
Address: _____
No. Street City State Zip

Pool
Contractor: _____
Company

Permit
Applicant: _____ **Date:** _____
Signature Mo. Day Yr.

NOTICE

The Contractor acknowledges by his/her signature receipt of this Notice and further acknowledges that they shall provide a copy of such Notice to the property owner for whom the work is being performed.