

SWIMMING POOL REGULATIONS AND DISCLOSURE STATEMENT

The premises located at _____
DOES _____ **DOES NOT** _____ contain an above or below ground swimming pool, or contained body of water.

If these premises contain an above or below ground swimming pool, or contained body of water, the **BUYER** acknowledges and accepts receipt of the Arizona Department of Health Services approved pool safety notice as required **by A.R.S. 36-1681 (E) and A.D.H.S. Rule R-3-101**. Buyer further acknowledges that the premise is located in the municipality of _____ and that _____ may have different pool barrier requirements than the State of Arizona requirements. By signing below, Buyer acknowledges receipt of a copy or has knowledge of the pool barrier requirements for the municipality named above. Further, Buyer agrees that the swimming pool, or contained body of water, located on the premises will comply with the acceptable state, county, or municipal pool barrier requirements prior to possession by the Buyer.

Buyer expressly relieves and indemnifies Scottsdale Luxury Properties, and any other brokers involved in this transaction, from any and all liability and responsibility for compliance with the applicable pool or contained body of water requirements.

BUYER

DATE

BUYER

DATE

AGENT

DATE

AMENDMENTS TO THE CITY OF PHOENIX CONSTRUCTION CODE
SWIMMING POOL ENCLOSURE REQUIREMENTS
March 26, 1990

SECTION 610 SWIMMING POOLS

****610.01 ENCLOSURES REQUIRED.** Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier intended to restrict access to the swimming pool from public property, from adjacent private property, and directly from all dwelling units or guest rooms located on the same premises as the swimming pool. For purposes of this section, the term "swimming pool" shall mean any structure intended for swimming, diving or recreational bathing which contains water 18 inches or more in depth at any point, including temporary, portable or permanent swimming pools, hot tubs or spas, whether located indoors, outdoors, in-ground, on grade or above grade.

The swimming pool enclosure and barrier detail requirements of this section apply to all new swimming pools installed on or after May 4, 1990, and to all additions, alterations, repairs or replacements made to existing swimming pool enclosures. All swimming pools installed prior to May 4, 1990, shall be completely enclosed as required in this section on or before May 4, 1991.

Exceptions:

1. Existing swimming pools located on single family residential property on or before May 4, 1990, need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six years of age or older. All other portions of the swimming pool enclosure shall be installed and maintained as required in this section.
 - a) This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restriction visiting children's direct access from the dwelling to the swimming pool.
 - b) This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever one or more children under six years of age become occupants of the property.
2. Above ground swimming pools which have non-climbable sides not less than 48 inches high above the adjacent ground level may be located on single family residential property without requiring a fence or barrier between the pool and the dwelling provided any steps or ladder are either removable without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch located not less than 54 inches above the adjacent ground level.

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It is the responsibility of the property owner and any other person in responsible charge of a swimming pool to ensure that the required swimming pool enclosure including all gates, doors, locks, latches and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with the provisions of this section.

- A. **Barrier Details.** Swimming pool barriers shall be a permanent fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool. The pool side of the barrier shall be not less than 20 inches from the water's edge. The top of the barrier, including all gates and doors therein, shall be not less than 5 feet above the floor or underlying ground, measured on the exterior side of the enclosure.

Exception: Barrier fences or walls not less than 4 feet in height which existed on or before May 4, 1990, may be used for that portion of the required swimming pool enclosure which separates a swimming pool from dwellings located on the same premises as the pool, provided such barrier is kept in repair and is otherwise maintained in compliance with all other provisions of this section.

There shall be no openings, holes or gaps in a swimming pool barrier large enough for a sphere 4 inches in diameter to pass through. A barrier fence or wall shall have no handholds, footholds or horizontal members accessible from the exterior side of the enclosure. Horizontal members of fences shall be spaced not less than 45 inches apart measured vertically or shall be placed on the pool side of a fence which has no opening greater than 1 ¾ inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of 1 ¾ inches measured horizontally.

1. **Gates.** All gates in a swimming pool barrier shall be equipped to accommodate a locking device. All pedestrian access gates shall be self-closing and self-latching. All pedestrian access gates installed after May 4, 1990, shall open outwards away from the pool. Gates other than pedestrian access gates need not be self-closing or self-latching when they are kept secured by a padlock or similar locking device. Gate latches shall be located not less than 54 inches above the underlying ground or shall otherwise be made inaccessible from the outside to small children.
2. **Doors.** All doors leading from a dwelling unit or guest room directly into a swimming pool enclosure shall be self-closing and self-latching, and shall be equipped with a locking device. When a simple latch is used, the release mechanism for the latch, or a secondary locking device shall be located not less than 54 inches above the floor. A locking latch which uses a key, electronic opener, or integral combination lock may be

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located at any height on the door. Sliding doors shall not form part of a required barrier unless the self-closing and self-latching mechanism is specifically approved by the Building Official for this purpose.

3. **Windows.** Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located not less than 54 inches above the floor. All other open able dwelling unit or guest room windows facing within a swimming pool enclosure shall be equipped with a screwed in place wire mesh screen, a keyed-lock that prevents opening the window more than 4 inches, or a latching device located not less than 54 inches above the floor.
4. **Safety Covers.** A safety cover which complies with ASTM ES-13-89 shall be deemed to meet all barrier requirements of this section for any spa or hot tub which is not more than 8 feet in width at any point. A key-operated, motorized safety cover which complies with ASTM ES-13-89 may be used to meet the requirements of this section for a barrier between a single family dwelling and a swimming pool accessory to that dwelling provided all other portions of the swimming pool enclosure are installed and maintained as required herein. The keyed pool cover switch shall be located not less than 54 inches above the floor or adjacent ground level and where the entire pool can be visually inspected during cover operation.
- B. **Abatement.** Bodies of water described in Subsection 610.01 which are not enclosed as required in Subsection 610.01A are hereby declared to be unsafe and a nuisance, and shall be abated under the procedure outlined in Subsection 611.02 within 6 months after the effective date of this Section.