

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

623



SUBMITTAL DATE:
January 20, 2006

FROM: Building and Safety, TLMA

SUBJECT: Ordinance No. 421.6 (Swimming pool barrier safety)

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt Ordinance No. 421.6, an ordinance of the County of Riverside amending Ordinance No. 421.5 which requires certain excavations to be covered and providing for swimming pool safety.

BACKGROUND: To ensure public safety around swimming pools, spas, and other similar structures, this amendment clarifies the requirements for pool barriers and/or fencing consistent with the California Building Code. It defines various terms related to swimming pool and spa barrier. In addition, this amendment also specifies requirements relating to outlets and drains for new swimming pools and spas as required in State law.

James Miller,
Director for Building and Safety

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

FEB 07 2006

BY

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: | District: | Agenda Number:

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2 **ORDINANCE NO. 421.6**

3 **AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE**
4 **421.5 REQUIRING CERTAIN EXCAVATIONS TO BE COVERED AND**
5 **PROVIDING FOR SWIMMING POOL SAFETY**

6 The Board of Supervisors of the County of Riverside, State of California, does ordain that
7 Ordinance 421.5 is amended in its entirety as follows:

8 **Section 1. Purpose**

9 The purpose of this ordinance is to protect the public health, safety and welfare by requiring: (1)
10 swimming pools, or spas and similar structures eighteen inches or more in depth designed for
11 wading, swimming or other recreational purposes located on any premise within the County of
12 Riverside to be enclosed in the manner prescribed herein; and (2) any cesspool, seepage pit,
well or similar type of shaft, having a diameter in excess of eight inches to be securely covered
at all times when the same is unattended.

13 **Section 2. Definitions**

14 For the purpose of this ordinance, the following definitions are applicable:

- 15 A. "ABOVE GROUND or ON-GROUND POOL" - See definition of "swimming pool."
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17 B. "APPROVED SAFETY SWIMMING POOL COVER" means a power-operated
18 safety pool cover that meets all of the performance standards of the American
19 Society for Testing and Materials International (ASTM), in compliance with
20 Underwriters Laboratories Inc. (UL) Standard F 1346-91, Standard Performance
21 Specification Covers and Labeling Requirements.
22
23 C. "BARRIER" is a permanent fence, enclosure, wall, building wall or combination thereof
that completely surrounds the swimming pool and obstructs access to the swimming
pool.
24
25 D. "COUNTY" means the County of Riverside.
26
27 E. "GRADE" is the underlying surface, such as earth or a walking surface.
28
29 F. "GROUP R, DIVISION 3 OCCUPANCY" means dwellings and lodging houses not
including hotels or apartment houses.
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31 G. "HOT TUB" - See definition of "spa, nonself-contained" and "spa, self-contained."

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- 1 H. "PERMANENT FENCE OR ENCLOSURE" is a wall, building wall or combination thereof
2 that is fixed firmly, firm, established, safe, secure, constant and even, long lasting.
- 3 I. "PERMANENT SWIMMING POOL or SPA COVER" is a cover that is equipped with
4 manual or electrical source or system and is approved from a recognized testing agency.
- 5 J. "SEPARATION FENCE" is a barrier that separates all doors of a dwelling unit with direct
6 access to a swimming pool from the swimming pool.
- 7 K. "SPA, NONSELF-CONTAINED" is a hydromassage pool or tub for recreational or
8 therapeutic use, not located in health-care facilities, designed for immersion of users and
9 usually having a filter, heater and motor-driven blower. It may be installed indoors or out
10 doors, on the ground or on a supporting structure, or in the ground or in a supporting
11 structure. A nonself-contained spa is intended for recreational bathing and is eighteen
12 (18) inches or more in depth.
- 13 L. "SPA, SELF-CONTAINED" is a continuous-duty appliance in which all control, water-
14 heating and water-circulating equipment is an integral part of the product, located entirely
15 under the spa skirt. A self-contained spa is intended for recreational bathing and is
16 eighteen (18) inches or more in depth.
- 17 M. "SWIMMING POOL" is any constructed or prefabricated structure intended for swimming
18 or bathing, eighteen (18) inches or more in depth. Such structure includes in-ground,
19 aboveground and on-ground swimming pools, and fixed-in-place wading pools,
20 regardless of the presence of any water.
- 21 N. "SWIMMING POOL, INDOOR" is a swimming pool that is totally contained within a
22 structure and surrounded on all four sides by walls of said structure.
- 23 O. "SWIMMING POOL, OUTDOOR" is any swimming pool that is not an indoor pool.

24 **Section 3. Barrier Requirements** – Every person in possession of land within the County,
25 either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a
26 swimming pool, spa or similar facility, shall meet the following requirements:

27 **3.1 Outdoor Swimming Pool** – An outdoor swimming pool shall be provided with a barrier
28 that shall comply with all of the followings:

3.1.1 The top of the barrier shall be at least sixty (60) inches above grade measured on the
side of the barrier that faces away from the swimming pool. The maximum vertical clearance
between grade and the bottom of the barrier shall be 2 inches measured on the side of the
barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom
of the barrier may be increased to 4 inches when grade is a solid surface such as a concrete
deck, or when the barrier is mounted on the top of the aboveground pool structure. When
barriers have horizontal members spaced less than 45 inches apart, the horizontal members
shall be placed on the pool side of the barrier.

1 **3.1.2** On the side away from the swimming pool, the barrier shall be free of protrusions,
2 indentations, cavities, cutouts, or other physical characteristics which render the barrier easily
3 climbable.

4 **3.1.3** Openings in the barrier shall not allow passage of a one and three quarter (1 $\frac{3}{4}$) inch
5 diameter sphere.

6 Exceptions:

7 A. When vertical spacing between such openings is 45 inches or more, the opening size
8 may be increased such that the passage of a 4-inch-diameter sphere is not allowed.

9 B. For fencing composed of vertical and horizontal members, the spacing between
10 vertical members may be increased up to 4 inches when the distance between the tops
11 of horizontal members is 45 inches or more.

12 **3.1.4** Chain link fences used as the barrier. Maximum mesh size for chain link fences shall be
13 a one and one-fourth inch square unless the fence is provided with slats fastened at the top or
14 the bottom, which reduce the openings to no more than one and three-fourths inches. All chain
15 link fence wires shall not be less than eleven (11) gauge.

16 **3.1.5** Access gates shall comply with the requirements of Items 3.1.1 through 3.1.4. Pedestrian
17 access gates shall be self-closing and have a self-latching device. Where the release
18 mechanism of the self-latching device is located less than 54 inches from the bottom of the
19 gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches
20 below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2
21 inch within 18 inches of the release mechanism. Pedestrian gates shall swing away from the
22 pool. Any gates other than pedestrian access gates shall be equipped with either (1) a
23 permanent automatic closing device or system with electrical power source; or (2) lockable
24 hardware or padlocks. These gates shall remain locked at all times when not in use.

25 **3.1.6** Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the
26 barrier and contains door openings between the dwelling unit and the outdoor swimming pool
27 that provide direct access to the pool, a separation fence meeting the requirements of Sub-
28 Sections 3.1.1 through 3.1.5 shall be provided.

Exceptions: When approved by the Building Official or his designees performing the
inspection, one or both of the followings may be used:

A. Self-closing and self-latching devices installed on all doors (except sliding glass
doors) with direct access to the pool with the release mechanism located a minimum of
fifty-four (54) inches above the floor.

B. An alarm installed on all doors, including sliding glass doors, with direct access to the
pool. The alarm shall sound continuously for a minimum of thirty (30) seconds within
seven seconds after the door and its screen, if present, are opened, and be capable of
providing a sound pressure level of not less than 85 decibels (dBA) when measured

1 indoors at 10 feet. The alarm shall automatically reset under all conditions. The alarm
2 system shall be equipped with a manual means, such as a touchpad or switch, to
3 temporarily deactivate the alarm for a single opening. Such deactivation shall last no
4 longer than fifteen (15) seconds. The deactivation switch shall be located at least fifty-

4 **3.1.7** Where an aboveground pool structure is used as a barrier or where the barrier is
5 mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the
6 ladder or steps shall be capable of being secured, locked or removed to prevent access or (2)
7 the ladder or steps shall be surrounded by a barrier that meets all the requirements of Sub-
8 Sections 3.1.1 through 3.1.6. When the ladder or steps are secured, locked or removed, any
9 opening created shall be protected by a barrier complying with Sub-Sections 3.1.1 through

9 **Section 4.** For an indoor swimming pool, protection shall comply with the requirements of
10 Sub-Section 3.1.6.

11 **Section 5.** For a nonself-contained and self-contained spa or hot tub, protection shall comply
12 with the requirements of Section 3.

12 **Exception:** A self-contained spa or hot tub equipped with a listed safety cover which
13 complies with the American Society for Testing and Material-Emergency Performance
14 Specification (ASTM F1346-91) shall be exempt from the requirements of Section 3.

15 **Section 6. Pool Inspection Approval**

16 All plans hereafter submitted to the Building and Safety Division for pools to be constructed shall
17 clearly indicate compliance with codes, ordinances and regulations then in effect where health,
18 safety and welfare are involved. Pre-plaster inspection shall be required, at which time all
19 requirements of Section 3 of this ordinance shall be installed to the satisfaction of the building
20 inspector before permission is granted for the plastering and filling of said pool.

21 **Section 7. Outlets and Drains**

22 Whenever a construction permit is issued for the construction of a new swimming pool or spa,
23 the pool or spa shall meet all of the following requirements:

- 23 A. The suction outlet of the pool or spa for which the permit is issued shall be
24 equipped to provide circulation throughout the pool or spa as prescribed in
25 paragraph (2).
26 B. The swimming pool or spa shall have at least two circulation drains per pump that
27 shall be hydraulically balanced and symmetrically plumbed through one or more
28 "T" fittings, and that are separated by a distance of at least three feet in any
dimension between the drains.
C. Suction outlets that are less than 12 inches across shall be covered with anti-

1 entrapment grates that cannot be removed except with the use of tools. Slots or
2 openings in the grates or similar protective devices shall be of a shape, area, and
3 arrangement that would prevent physical entrapment and would not pose any
suction hazard to bathers.

4 **Section 8. Excavations**

5 Every person who digs or excavates any cesspool, seepage pit, trench for geotechnical testing,
6 well or similar type of shaft, having a diameter in excess of 8 inches and intended upon
7 completion to be covered or otherwise protected in such a manner as will prevent persons from
8 falling into the same, shall, during the digging or excavation thereof and until the same, shall
9 have been completed and permanently covered or otherwise protected, keep said excavation
securely covered, at all times when the same is unattended with a cover consisting of at least
two thicknesses of 3/4 inch exterior plyboard, or its equivalent in strength, with at least one foot
of earth completely covering the same.

10 **Section 9. Regulation of Agricultural-Use Sumps, Ponds and Detention Basins**

11 No person, shall use, maintain or cause to be created, as a part of the processing for market of
12 potatoes or any other agricultural product, any water sump, pond or detention basin unless such
13 water sump, pond or detention basin is completely surrounded by an enclosure not less than
14 five (5) feet in height with a locked gate. The gate may be unlocked only when employees are
15 on duty and require uninterrupted access. The enclosure shall be constructed of chain link
fencing of not less than 14-gauge and 2-inch mesh, or of concrete, masonry, wood or other solid
material constructed to withstand 15 pounds per square foot of uniform horizontal load, and
shall be constructed so as to discourage climbing by small children.

16 **Section 10. Enforcement**

17 The procedures, remedies and penalties for violation of this ordinance and for recovery of costs
18 related to enforcement are provided for in Riverside County Ordinance No. 725, which is
incorporated herein by this reference.

19 **Section 11. CONFLICT BETWEEN ORDINANCE REQUIREMENTS**

20 If there is any conflict in the requirements of this ordinance or between the requirements of this
21 and any other ordinance, the more stringent requirements shall apply.

22 **Section 12. SEVERABILITY**

23 If any provision of this ordinance or the application thereof to any person or circumstance is held
24 invalid, the remainder of the ordinance and application of such provision(s) to other persons or
25 circumstances shall not be affected.

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1 **Section 13. SAVINGS CLAUSE**

2 Neither the adoption of this ordinance nor the repeal of any other ordinance in which violations
3 were committed prior to the effective date hereof, shall be construed as a waiver of any license
4 or penalty or the penal provisions application to any violation thereof. The provisions of the
5 ordinance, insofar as they are substantially the same as ordinance provisions previously
6 adopted by the County relating to the same subject matter, shall be construed as restatements
and continuations, and shall not be construed as a new enactment unless substantial revisions
or provisions are required by the ordinance.

7 **Section 14. SECTION HEADINGS**

8 The section headings herein are for convenience only, and shall not be deemed to govern, limit,
9 modify or in any manner affect the scope, meaning or intent of the provisions or language of this
ordinance.

10 **Section 15. EFFECTIVE DATE**

11 This ordinance shall take effect 30 days after the date of adoption.
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