



SWIMMING POOL INSPECTION PROGRAM
1997 UNIFORM BUILDING CODE
Appendix Chapter 4
SPECIAL USE AND OCCUPANCY
Division I - BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS

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SECTION 419 - GENERAL

419.1 Scope. The provisions of this section apply to the design and construction of barriers for swimming pools located on the premises of Group R, Division 3 Occupancies.

419.2 Standards of Quality. In addition to the other requirements of this code, safety covers for pools and spas shall meet the requirements for pool and spa safety covers as listed below. The standard listed below is a recognized standard. (See Section 3504)

1. ASTM F 1346, Standard Performance Specification for Safety Covers and Labeling Requirement for All Covers for Swimming Pools, Spas and Hot Tubs

SECTION 420 -- DEFINITIONS

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

ABOVE GROUND/ON-GROUND POOL, See definition of "swimming pool."

BARRIER is a fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

GRADE is the underlying surface, such as earth or a walking surface.

HOT TUB, See definition of "spa, nonself-contained" and "spa, self-contained."

IN-GROUND POOL, See definition of "swimming pool."

SEPARATION FENCE is a barrier that separates all doors of a dwelling unit with direct access to a swimming pool from the swimming pool.

SPA, NONSELF-CONTAINED, is a hydromassage pool or tub for recreational or therapeutic use, not located in health-care facilities, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed indoors or outdoors, on the ground or on a supporting structure, or in the ground or in a supporting structure. A nonself-contained spa is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

SPA, SELF-CONTAINED, is a continuous-duty appliance in which all control, water-heating and water-circulating equipment is an integral part of the product, located entirely under the spa skirt. A self-contained spa is intended for recreational bathing and contains water over 24 inches (610 mm) deep.

SWIMMING POOL is any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, and fixed-in-place wading pools.

SWIMMING POOL, INDOOR, is a swimming pool that is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

SWIMMING POOL, OUTDOOR, is any swimming pool that is not an indoor pool.

SECTION 421 - REQUIREMENTS

421.1 Outdoor Swimming Pool. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) 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 (51 mm) 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 (102 mm) 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 (1143 mm) apart, the horizontal members shall be placed on the pool side of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

2. Openings in the barrier shall not allow passage of a 1 3/4-inch-diameter (44.5 mm) sphere.

EXCEPTIONS:

1. When vertical spacing between such openings is 45 inches (1143 mm) or more, the opening size may be increased such that the passage of a 4-inch-diameter (102 mm) sphere is not allowed.
2. For fencing composed of vertical and horizontal members, the spacing between vertical members may be increased up to 4 inches (102 mm) when the distance between the tops of horizontal members is 45 inches (1143 mm) or more.
3. Chain link fences used as the barrier shall not be less than 11 gage.
4. Access gates shall comply with the requirements of Items 1 through 3. Pedestrian access gates shall be self-closing and have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, (1) the release mechanism shall be located on the pool side of the barrier at least 3 inches (76 mm) below the top of the gate, and (2) the gate and barrier shall have no opening greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism. Pedestrian gates shall swing away from the 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.
5. Where a wall of a Group R, Division 3 Occupancy dwelling unit serves as part of the barrier and contains door openings between the dwelling unit and the outdoor swimming pool that provide direct access to the pool, a separation fence meeting the requirements of Items 1, 2, 3 and 4 of Section 421.1 shall be provided.

EXCEPTION: When approved by the building official, one of the following may be used:

1. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 54 inches (1372 mm) above the floor.
2. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 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 dBA when measured indoors at 10 feet (3048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last

no longer than 15 seconds. The deactivation switch shall be located at least 54 inches (1372 mm) above the threshold of the door.

3. Other means of protection may be acceptable so long as the degree of protection afforded is not less than that afforded by any of the devices described above.
4. Where an aboveground pool structure is used as a barrier or where the barrier 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 by a barrier that meets the requirements of Items 1 through 5. When the ladder or steps are secured, locked or removed, any opening created shall be protected by a barrier complying with Items 1 through 5.

421.2 Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Section 421.1, Item 5.

421.3 Spas and Hot Tubs. For a nonself-contained and self-contained spa or hot tub, protection shall comply with the requirements of Section 421.1.

EXCEPTION: A self-contained spa or hot tub equipped with a listed safety cover shall be exempt from the requirements of Sec 421.1.

CONSTRUCTION CHAPTER, ARTICLE IX - FENCES

Section 9.02 Enclosure of Swimming Pools, Spas and Hot Tubs

A. The following are required to comply with the most current edition of the Pool Yard Enclosure Requirements, Texas Health and Safety Code:

1. A pool owned, controlled, or maintained by the owner of a multi-unit rental complex or by a property owners association; and
2. Doors and windows of rental dwellings opening into the pool of a multi-unit rental complex or condominium, cooperative, or a townhome project.

B. Construction Requirements For Existing Swimming Pools

1. Every outdoor swimming pool, spa and hot tub shall be completely enclosed by a fence or wall at least forty-eight inches (48") above grade measured on the side of the fence or wall which faces away from the swimming pool.
2. Every fence or wall required by this Section shall be constructed so that it contains no openings, holes or gaps, except doors or gates, which will allow the passage of a sphere four inches (4") in diameter.

3. Every door or gate that forms a part of a fence or wall required by this Section shall be constructed so that it contains no openings, holes or gaps which will allow the passage of a sphere four inches (4") in diameter.
4. A building may be used as part of a fence or wall required by this Section. No **door** of such building shall open directly into the enclosed area except as herein provided.
5. It is an exception to Subsection (A)(4) that the door:
 - a. Provides the only access into a nonhabitable storage or equipment room or building;
or
 - b. Is to a single-family dwelling and is in compliance with Subsection (B).

C. Self-closing and Self-latching Devices on Existing Swimming Pools

1. All gates or doors opening into the enclosed area shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.
2. The application of this subsection shall not include sliding glass doors.
3. It is an exception to this subsection that the door or gate provides the only access into a non-habitable storage or equipment room or building.

D. Application of Requirements

1. The requirements of Subsections (B) or (C) shall be applicable to all outdoor swimming pools, spas and hot tubs constructed or installed prior to the adoption of the 1991 U.B.C. in Article I of this Chapter and which have a depth capacity of eighteen inches (18") or more of fluid at any point, whether actually containing a fluid or empty.
2. Outdoor swimming pools, spas and hot tubs, whose construction or installation was completed prior to May 1, 1990, and which are located at occupancies other than hotels, motels, lodges and apartment houses, shall not be subject to the provisions of this ordinance requiring doors to a building that forms part of an enclosure to be equipped with self-closing and self-latching devices.

E. Modifications

The Building Code Board of Appeals may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature of location of the fence, wall, gates or latches, or the necessity therefor, provided the protection as sought hereunder or by Appendix G of the 2000 I.R.C. is not reduced thereby. Said Board may permit other protection devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the substitute fence, gates and latch described herein, or in Appendix G of the 2000 I.R.C. as applicable. (Amend Ord 02-020, 2/5/02)

F. Definition

The terms "swimming pool", "spa" and "hot tub" as used herein, shall mean an artificial or semi-artificial receptacle or container designed to contain fluid, whether actually containing a fluid or not, which is either temporarily or permanently located outdoors, and is used or intended to be used for public, semi-public or private human use involving submersion of all or part of the body, whether or not a fee is paid for such use. Such use may include, but is not limited to, swimming, wading, soaking, floating or recreational bathing by any number of persons. These terms do not apply to a receptacle or container that is located outdoors and is not used or intended to be used for public, semi-public or private human use involving submersion of all or part of the body, such as fountains and reflections pools.

G. Offense

1. It is an offense if a person owns, occupies, maintains or is in charge of premises that are in violation of this Section.
2. There shall be no requirement of a culpable mental state for a violation of this Section or Appendix G, 2000 I.R.C. (Amend Ord 02-020, 2/5/02)

(Amend Ord 96-93, 7/2/96)

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