



Swimming Pools & Spas - Enclosure Requirements

I. SINGLE-FAMILY RESIDENTIAL POOL/SPA ENCLOSURE REQUIREMENTS

IMPACTED PERMITS

Commencing January 1, 1998 every residence for which a construction permit is issued for a swimming pool, (in-ground or above ground), hot tub or spa (portable or non-portable) and non-portable wading pools, shall comply if the depth of the pool is greater than 18". (Note - Applicable Plumbing and Electrical permits are not exempt due to depth of water).

REQUIREMENTS of AB 3305 – The pool must be isolated from the residence by one of the following:

1. The pool shall be isolated from access from a home by an enclosure that meets the following requirements:
 - a. Any access gate through the enclosure must open away from the swimming pool, and be self-closing with a self-latching device placed no lower than 60 inches above the ground.
 - b. A minimum enclosure height is 60 inches.
 - c. A maximum vertical clearance from the ground to the bottom of the enclosure is two inches.
 - d. Gaps or voids, if any, are not to allow passage of a sphere equal to or greater than four inches in diameter.
 - e. The outside enclosure surface is to be 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 to climb over.
 - f. The enclosure shall be located a minimum of four feet (48") from the nearest edge of the pool.
 - g. If the house walls are used as part of the enclosure, doors must comply with one of the following:
 - 1) The residence shall be equipped with exit alarms on those doors providing direct access to the pool. The alarm must be listed and labeled as a "Residential Water Hazard Entrance Alarm" per UL 2017, be mounted at least 54" above threshold, may be battery powered, and must detect either the door or the screen door, or;
 - 2) All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.
2. Pools, hot tubs and spas equipped with locking covers that comply with ASTM – F 1346-91 are determined to be in compliance.
3. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above, as determined by the Building Official.

II. MULTI-FAMILY AND PUBLIC POOL/SPA ENCLOSURE REQUIREMENTS

IMPACTED PERMITS

All pool/spa permits for installations other than on single family occupancies. Consult the San Jose Municipal Code for previous requirements and enforcement dates. (Note - State Building Code does not exempt any pools or spas due to depth).

ENCLOSURE REQUIREMENTS

1. Each outdoor swimming pool, wading pool, hot tub or spa shall be completely enclosed by a fence, wall or other durable enclosure. The fence or enclosure shall not be less than five feet (60") in height at all points and shall be located a minimum of four feet (48") from the nearest edge of the pool. (Note - the County Department of Environmental Health (CDEH) also regulates multi-family and public pools. The San Jose Municipal Code lists the fence height at 48", but the State Building Code, which is enforced by CDEH stipulates 60").
2. The enclosure shall be constructed so that no openings, gaps or holes allow the passage of a sphere equal to or greater than 4 inches in diameter. This enclosure may consist of a house, building or other permanent construction.
3. Any gate or door in the surrounding fence, wall or enclosure, including those which open from a garage into the enclosed pool area, but excepting doors in any surrounding building or enclosure other than a fence, shall be equipped with a self-closing and self-latching device designed to keep the gate or door securely closed at all times when not in use. Such device shall be located at least three and one-half feet (42") above the deck or walkway.

III. DEFINITIONS

Approved safety pool cover – means a manually or powered-operated safety pool cover that meets all of the performance specifications of the American Society of Testing and Materials (ASTM-F1346-91).

Exit alarms – means devices that make audible, continuous alarm sounds when any door, 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. Approved alarms are listed and labeled as “Residential Water Hazard Entrance Alarms” per UL 2017.

Additional information can be obtained by visiting our website at www.sanjoseca.gov/building/ or by calling our information inspector's voice mail at (408) 535-3555 and leaving a detailed message. In addition you may visit the Building Division in City Hall at 200 East Santa Clara St.

Our hours are 9 a.m. to 4 p.m. with limited service between 12:00 and 1:00 p.m.