

Below is local area contact information for governmental departments in Arizona with information on swimming pool barrier law requirements affecting your property. If your area isn't listed, contact your local governmental offices to find out if a swimming pool barrier law has been enacted; if not, current state laws are in effect.

FOR MORE INFORMATION, CONTACT:

ARIZONA STATE LAW (A.R.S. §36-1681)	Arizona Maricopa County Law Library (602) 506-3461
AVONDALE	Building Safety (623) 333-4000
BUCKEYE	Building Safety (623) 349-6200
BULLHEAD CITY	Community Development Dept (928) 763-0124
CAREFREE	Building Department (480) 488-3686
CASA GRANDE	Building Department (520) 421-8651
CAVE CREEK	Building Department (480) 488-1414
CHANDLER	Development Services (480) 782-3000
COCONINO COUNTY	Community Development (928) 679-8850
COCHISE COUNTY	Planning & Zoning (520) 432-9240
EL MIRAGE	Building Safety (623) 933-8318
FLAGSTAFF	Building Division (928) 779-7631
FOUNTAIN HILLS	Building Safety (480) 816-5177
GILBERT	Building Department (480) 503-6700
GLENDALE	Development Services (623) 930-2800
GOODYEAR	Building Safety (623) 932-3004
GUADALUPE	Code Enforcement (480) 505-5380
KINGMAN	Development Services Dept (928) 753-8123
LAKE HAVASU	Development Services Dept (928) 453-4149
LITCHFIELD PARK	Building Safety (623) 935-1066
MARANA	Building Services Dept (520) 382-2600
MARICOPA COUNTY	Planning Department (602) 506-3201
MESA	Office of City Clerk (480) 644-4273
ORO VALLEY	Building Safety (520) 229-4830
PARADISE VALLEY	Town of Paradise Valley (480) 348-3692
PEORIA	Building Safety Division (623) 773-7225
PHOENIX	Development Services Dept (602) 262-7811
PIMA COUNTY	Building Codes (520) 740-6490
PINAL COUNTY	Building Safety Department (520) 866-6405
PRESCOTT	Community Development Dept/ Building Inspection (928) 777-1356
SANTA CRUZ COUNTY	Zoning & Development (520) 375-7930
SCOTTSDALE	Planning & Development (480) 312-2500
SURPRISE	Building Safety (623) 583-1088
TEMPE	Building Safety Dept (480) 350-8341
TUCSON	Development Services Dept (520) 791-5550
YAVAPAI COUNTY	Development Services (928) 771-3214
YUMA	Development Services (928) 817-5000

Phone numbers are subject to change without notice.

UNDERSTANDING THE POOL BARRIER LAWS

Because of the number of drownings and near-drownings in Arizona, most of which involve small children, the State of Arizona and most counties and cities within the state have enacted swimming pool barrier laws. Generally, these laws require that all affected swimming pools (or certain other contained bodies of water) be protected by an enclosure surrounding the pool area, or by another barrier, that meets specific requirements.

In general, pool barrier laws require that a swimming pool be completely enclosed by a fence to restrict access to the swimming pool from adjoining property. These pool barrier laws also generally require that certain barriers be installed to restrict easy access from the home to the swimming pool. Therefore, pool barrier laws contain specific requirements regarding the height and type of fences, gates and doors from the home leading directly to the swimming pool and regarding windows that face the swimming pool.



The Arizona Association of REALTORS® has developed this flier to assist you in obtaining the information to determine which pool barrier law applies to your property and the specific requirements of the applicable law. You should obtain and read the entire current applicable pool barrier law prior to purchasing a home with an existing pool; prior to erecting pool barriers; prior to altering, repairing or replacing pool barriers; or prior to building a pool.

COMMONLY ASKED QUESTIONS

QUESTION

The house I want to buy has a fence around the pool, but it doesn't meet code. Who is responsible for bringing it up to code and how long do we have?

ANSWER

The AAR Purchase Contract states: "During the Inspection Period, Buyer agrees to investigate all applicable state, county, and municipal swimming pool barrier regulations and, unless reasonably disapproved within the Inspection Period, agrees to comply with and pay all costs of compliance with said regulations prior to possession of the Premises." Check city and county ordinances for their specific requirements.

QUESTION

We have an above-ground pool in our backyard, so we don't have to worry about pool barrier laws, do we?

ANSWER

Above-ground pools are covered by the same state legal requirements for an enclosure around the pool. The pool must be at least four feet high with a wall that is not climbable and steps or ladders that are locking or removable. Again, check city or county ordinances for different requirements.

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QUESTION

I'm ready to make an offer on a house with a pool. What information should I receive?

ANSWER

The Arizona Association of REALTORS® (AAR) Residential Resale Purchase Contract, used in most resale home transactions, includes a "Notice to Buyer of Swimming Pool Barrier Regulations," in which the buyer and seller acknowledge the existence of state laws as well as possible county and municipal laws, and the buyer agrees to investigate and comply with these laws. The seller is required by law to give the buyer a copy of the pool safety notice from the Arizona Department of Health Services. The contract also requires the buyer be given a Seller's Property Disclosure Statement, which discloses any known code violations on the property.



Pool Barriers Save Lives.

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Toll-free in AZ: 800.426.7274

AAR on the Web:
www.aaronline.com • blog.aaronline.com • www.facebook.com/azrealtors
twitter.com/aarsuccess • www.youtube.com/azrealtors • www.flickr.com/photos/aa_eventrewind





The purpose of this notice is to educate residential pool* owners on the legal requirements of pool ownership and proper pool safety. Each year in Arizona, too many young children are victims of drowning or near drowning. The Arizona State Legislature recognized this threat to the health and safety of children and passed [A.R.S. § 36-1681](#) to prevent children from gaining unsupervised access to residential swimming pools. In A.R.S. § 36-1681(E), the Legislature requires that all pool owners receive the legal requirements of pool ownership and a safety notice explaining the Arizona Department of Health Services' recommendations on pool safety.

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Pool Enclosure Requirements

At a residence with a swimming pool where one or more children under six years of age live in the residence:

A.R.S. § 36-1681 requires that a swimming pool be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area. Unless a local code provides otherwise, the enclosure of a belowground or aboveground pool must:

- Entirely enclose the pool area;
- Be at least 5 feet high;
- Have no openings other than doors or gates, through which an object 4 inches in diameter can pass;
- Have no openings, handholds, or footholds accessible from the exterior side that can be used to climb the barrier; and
- Be at least 20 inches from the water's edge.

If, however, a residence or living area makes up part of the enclosure required by A.R.S. § 36-1681(B), there must be:

- A wall, fence, or barrier located between the swimming pool or other contained body of water and the residence or living area that:
 - Has a height of at least four feet;
 - Has no openings through which a spherical object four inches in diameter can pass;
 - Has a gate that opens outward from the pool and is self-closing and self-latching;
 - Has no openings, handholds, or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence, or barrier; and
 - Is at a distance of at least twenty inches from the water's edge;
- A motorized safety pool cover that requires a key switch and meets the American Society of Testing and Materials (ASTM) standards in F1346-91 (www.astm.org);
- For each door or window in the residence or living area that has direct access to the pool:
 - A self-latching device that is located not less than fifty-four inches above the floor; and
 - Either a screwed in wire mesh screen covering a dwelling or guest room window or a keyed lock that prevents a dwelling or guest room window from opening more than four inches; or
- For an aboveground swimming pool, non-climbable exterior sides which are a minimum height of four feet and access ladders or steps that are removable and able to be secured when the pool is not in use.

Buyer/
Tenant
Initials

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Initials

Gate Requirements

According to A.R.S. § 36-1681(B)(3), any gate in either the five-foot-tall wall, fence, or barrier enclosing a pool or the four-foot-tall wall, fence, or barrier between the residence or other living area and a pool must:

- Open outward from the pool
- Be self-closing and self-latching; and
- Have a latch:
 - Located at least fifty-four inches above the underlying ground;
 - Located on the pool side of the gate with the latch's release mechanism located at least five inches below the top of the gate and no opening greater than one-half inch with twenty-four inches of the release mechanism; or
 - Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

Arizona Department of Health Services Pool Safety Recommendations

- Never leave a child unattended in the pool or pool area.
- Because flotation devices and swimming lessons are not substitutes for supervision, a child should always be watched when in or around the pool area.
- CPR/CCR instructions and the 911 emergency number (or local emergency number) should be posted in the pool area.
- A phone should be located in the pool area or easily accessible in case of an emergency.
- All residential pool owners should attend water rescue and CPR/CCR classes. Lifesaving equipment should be easily accessible and stored in the pool area.
- All gate locks and latches should be checked regularly to insure they are working properly.
- A gate should never be left propped open.
- All items that could be used to climb a pool barrier should be removed from around the barrier.
- In an emergency:
 - Shout for help;
 - Pull the child from the water;
 - Call 911 (or local emergency number) for help; and
 - After checking the child's airway and breathing, immediately begin CPR/CCR if necessary.

Note: The state requirements contained in A.R.S. § 36-1681 may be superseded by local requirements that are equal to or more restrictive than the state requirements. Check with your local city and county governments to see if they have adopted different pool barrier requirements.

* "Pool" means an in-ground or aboveground swimming pool or other contained body of water 18 or more inches in depth, wider than 8 feet at any point, and intended for swimming, pursuant to A.R.S. § 36-1681(A).

September 2012

Buyer / Tenant Signature

Date

Buyer / Tenant Signature

Date