

# 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 brochure 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.

To the right are answers to some commonly asked questions regarding swimming pool barrier laws.

**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.

**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.

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:

**APACHE JUNCTION**  
Development Services Dept: (480) 671-5156

**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

**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

**SCOTTSDALE**  
Planning & Development: (480) 312-2500

**SURPRISE**  
Building Safety: (623) 583-1088

**TEMPE**  
Building Safety Dept: (480) 350-8341

**TOLLESON**  
Building Inspector: (623) 936-7111

**YAVAPAI COUNTY**  
Development Services: (928) 771-3214

**YUMA**  
Development Services: (928) 817-5000

*Phone numbers are subject to change without notice.*



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# Residential Pool Safety Notice

## AN IMPORTANT NOTICE ABOUT POOL SAFETY

The purpose of this notice is to educate residential pool\* owners on proper pool safety and the legal requirements of pool ownership. Each year in Arizona, too many young children are victims of drownings or near drownings. 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 a safety notice explaining the Arizona Department of Health Services' recommendations on pool safety and the legal requirements of pool ownership.

## ARIZONA DEPARTMENT OF HEALTH SERVICES POOL SAFETY RECOMMENDATIONS

- A child should never be left unattended in the pool or pool area.
- A child should always be watched when in or around the pool area. Floatation devices and swimming lessons are not substitutes for supervision.
- CPR instructions and the 911 emergency number should be posted in the pool area.
- All residential pool owners should attend water rescue and CPR classes.
- Lifesaving equipment should be easily accessible and stored in the pool area.
- A phone should be located in the pool area or easily accessible in case of an emergency.
- 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.

## POOL ENCLOSURE REQUIREMENTS

[A.R.S. § 36-1681](#) requires that all residential swimming pools are enclosed by a barrier. Unless a local code\*\* provides otherwise, the barrier must:

- Entirely enclose the pool area,
- Be at least 5 feet high,
- Not have openings, handholds, or footholds that can be used to climb the barrier,
- Have no openings through which an object 4 inches in diameter can pass,
- Be at least 20 inches from the water's edge, and
- Prevent direct access from the house to the pool.

If the wall of the residence forms part of the pool enclosure, there must be:

- A barrier at least 4 feet high between the residence and the pool, or
- 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](http://www.astm.org)), or
- Self-latching devices on all doors with direct access to the pool, and
- Self-latching devices at least 54 inches above the floor on all emergency or rescue windows with direct access to the pool or pool area, and

